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CALIFORNIA GAMBLING
CONTROL COMMISSION

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10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
12 **STATE OF CALIFORNIA**

13
14 **In the Matter of the Application for a Key**
15 **Employee License Regarding:**

CGGC Case No. 2013-0321-1

16 **CRAIG TERUO OGASAWARA, aka:**
17 **CRAIG TURVO OGASAWARA and**
18 **CRAIG OGASAWARA**

STATEMENT OF PARTICULARS



19
20 **Applicant.**

21
22 **PARTIES**

- 23 1. Wayne J. Quint, Jr., submits this Statement of Particulars solely in his official capacity
24 as the Chief of the California Department of Justice, Bureau of Gambling Control (Bureau).
- 25 2. On or about July 12, 2011, Craig Teruo Ogasawara (Applicant) filed an Application
26 for Gambling Establishment Key Employee License, CGCC-031 (Rev. 08/09), with the California
27 Gambling Control Commission (Commission) for a key employee portable personal license.

1 this chapter, including, without limitation, the power to do all of the
2 following:

3 * * *

4 (b) For any cause deemed reasonable by the commission, deny
5 any application for a license, permit, or approval provided for in this
6 chapter or regulations adopted pursuant to this chapter, limit, condition,
7 or restrict any license, permit, or approval, or impose any fine upon any
8 person licensed or approved. The commission may condition, restrict,
9 discipline, or take action against the license of an individual owner
10 endorsed on the license certificate of the gambling enterprise whether
11 or not the commission takes action against the license of the gambling
12 enterprise.

13 * * *

14 (d) Take actions deemed to be reasonable to ensure that no
15 ineligible, unqualified, disqualified, or unsuitable persons are
16 associated with controlled gambling activities.

17 8. Business and Professions Code section 19854, subdivision (a), provides:

18 Every key employee shall apply for and obtain a key employee
19 license.

20 9. Business and Professions Code section 19870 provides:

21 (a) The commission, after considering the recommendation of the
22 [Bureau] chief and any other testimony and written comments as may be
23 presented at the meeting, or as may have been submitted in writing to
24 the commission prior to the meeting, may either deny the application or
25 grant a license to an applicant who it determines to be qualified to hold
26 the license.

27 (b) When the commission grants an application for a license or
28 approval, the commission may limit or place restrictions thereon as it
may deem necessary in the public interest, consistent with the policies
described in this chapter.

(c) When an application is denied, the commission shall prepare
and file a detailed statement of its reasons for the denial.

(d) All proceedings at a meeting of the commission relating to a
license application shall be recorded stenographically or by audio or
video recording.

1 (e) A decision of the commission denying a license or approval,
2 or imposing any condition or restriction on the grant of a license or
3 approval may be reviewed by petition pursuant to Section 1085 of the
4 Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure
5 shall not apply to any judicial proceeding described in the foregoing
6 sentence, and the court may grant the petition only if the court finds that
7 the action of the commission was arbitrary and capricious, or that the
8 action exceeded the commission's jurisdiction.

9
10 10. Business and Professions Code section 19871 provides:

11 (a) The commission meeting described in Section 19870 shall be
12 conducted in accordance with regulations of the commission and as
13 follows:

14 (1) Oral evidence shall be taken only upon oath or affirmation.

15 (2) Each party shall have all of the following rights:

16 (A) To call and examine witnesses.

17 (B) To introduce exhibits relevant to the issues of the case.

18 (C) To cross-examine opposing witnesses on any matters
19 relevant to the issues, even though the matter was not covered
20 on direct examination.

21 (D) To impeach any witness, regardless of which party
22 first called the witness to testify.

23 (E) To offer rebuttal evidence.

24 (3) If the applicant does not testify in his or her own behalf, he
25 or she may be called and examined as if under cross-examination.

26 (4) The meeting need not be conducted according to technical
27 rules relating to evidence and witnesses. Any relevant evidence
28 may be considered, and is sufficient in itself to support a finding, if
it is the sort of evidence on which responsible persons are
accustomed to rely in the conduct of serious affairs, regardless of
the existence of any common law or statutory rule that might make
improper the admission of that evidence over objection in a civil
action.

1 (b) Nothing in this section confers upon an applicant a right to
2 discovery of the department's^[1] investigative reports or to require
3 disclosure of any document or information the disclosure of which is
4 otherwise prohibited by any other provision of this chapter.

4 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

5 11. Business and Professions Code section 19856, subdivision (a) provides in part:

6 The burden of proving his or her qualifications to receive any license
7 is on the applicant.

8 12. Business and Professions Code section 19854, subdivision (b) provides:

9 No person may be issued a key employee license unless the person
10 would qualify for a state gambling license.

11 13. Business and Professions Code section 19857 provides in part:

12 No gambling license shall be issued unless, based on all the
13 information and documents submitted, the commission is satisfied that
14 the applicant is all of the following:

15 (a) A person of good character, honesty and integrity.

16 (b) A person whose prior activities, criminal record, if any,
17 reputation, habits, and associations do not pose a threat to the public
18 interest of this state, or to the effective regulation and control of
19 controlled gambling, or create or enhance the dangers of unsuitable,
20 unfair, or illegal practices, methods, and activities in the conduct of
21 controlled gambling or in the carrying on of the business and financial
22 arrangements incidental thereto.

20 **LICENSURE CONSIDERATIONS**

21 **(Misdemeanor Criminal Convictions)**

22 14. Applicant has a history of misdemeanor criminal convictions that presents a question
23 whether Applicant is qualified for licensure pursuant to the criteria set forth in Business and
24 Professions Code section 19857. The circumstances are as follows:

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27 ¹ "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. &
28 Prof. Code, § 19805, subd. (h).)

1 a. On or about September 22, 2005, Applicant was convicted of violating Vehicle Code
2 section 40508, subdivision (a), failure to appear, a misdemeanor, in the case of *People of the State*
3 *of California v. Craig Ogasawara* (Super. Ct. Santa Clara County, 2005, No. H3007161). The
4 conviction resulted from Applicant's failure to appear on time in Santa Clara County Traffic Court
5 on citations for speeding (Veh. Code, § 40508(A)) and disobeying traffic lane signs (Veh. Code, §
6 21655.5). The citations were dismissed upon Applicant's plea of guilty to the failure to appear.

7 b. On or about September 4, 2001, Applicant was convicted of violating Penal Code
8 section 273.6, subdivision (a), violation of a protective order, a misdemeanor; section 415,
9 subdivision (1), fighting or challenging to fight in a public place, a misdemeanor; and section 243,
10 subdivision (e), battery, a misdemeanor; in the case of *People of the State of California v. Craig*
11 *Teruo Ogasawara* (Super. Ct. Santa Clara County, 2001, No. CC057502). These misdemeanor
12 convictions arose out of a custody dispute with Applicant's son's mother and his concern for his
13 son's welfare. There was no physical violence involved. Applicant ultimately obtained sole
14 custody of his son and the mother has no visitation rights.

15 c. On or about September 29, 1995, Applicant was convicted in the State of Nevada of
16 violating Douglas County Code 9.454.351,² possession of a drug which may not be introduced into
17 interstate commerce, a misdemeanor, in the case of *People of Nevada v. Craig Ogasawara* (Justice
18 Ct., Tahoe Township, Douglas County, 1995, No. 95-0745). Applicant was in possession of
19 marijuana.

20 **BUREAU RECOMMENDATION**

21 15. On or about January 7, 2013, the Bureau recommended to the Commission that
22 Applicant's Application for Gambling Establishment Key Employee License, CGCC-031 (Rev.
23 08/09) be granted. That recommendation took into account the following factors:

24 a. Applicant has been employed in various capacities in the licensed gambling industry
25 in California and Nevada since August 2000. Such employment includes being employed as a key
26

27 ² Douglas County Code, section 9.454.351 (DCC 9.454.351), mirrors Nevada Public
28 Health and Safety Code, section 454.351(N.R.S. 454.351).

1 employee (floor manager) with Bankers Casino, a licensed gambling establishment located in
2 Salinas, California, from May 2011 through March 2013.³ There is no history of any employment
3 problems during the nearly 13 years Applicant has been employed in the licensed gambling
4 industry; or any evidence that, as a result of Applicant's employment, he posed a threat to the
5 public's interest, or to the effective regulation and control of controlled gambling, or created or
6 enhanced the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
7 conduct of controlled gambling or in the carrying on of the business and financial arrangements
8 incidental thereto.

9 b. It has been nearly eight years since Applicant's misdemeanor conviction of violating
10 Vehicle Code section 40508, subdivision (a), failure to appear; approximately 12 years since
11 Applicant's misdemeanor convictions for violating Penal Code section 273.6, subdivision (a),
12 section 415, subdivision (f), and section 243, subdivision (e); and approximately 18 years since
13 Applicant's misdemeanor conviction for violation of Douglas County Code 9.454.351.

14 c. There is no evidence of Applicant having a history of repeated violations of the same
15 or similar criminal offenses.

16 d. There is no evidence of Applicant having a history of violating any of the provisions
17 of the Gambling Control Act (Bus. & Prof. Code, § 19800, et seq.).

18 e. Applicant has been cooperative and honest during the Bureau's investigation of
19 Applicant's suitability for licensure.

20 f. Applicant does not appear to pose a threat to the health, safety or welfare of the public.

21 CONCLUSION

22 WHEREFORE, Bureau Chief Wayne J. Quint, Jr., consistent with the recommendation
23 made by letter dated January 7, 2013, recommends that following the hearing to be held on the
24 matters herein alleged the Commission issue a decision granting the Application for Gambling
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26 ³ Individuals, such as Applicant, who meet certain requirements, may work in a key
27 employee position for a licensed gambling establishment pending the California Gambling
28 Commission taking a final action on that person's application for licensure. (Cal. Code. Regs., tit.
4, § 12354)

1 Establishment Key Employee License, CGCC-031 (Rev. 08/09), submitted by Craig Teruo
2 Ogasawara and issue him a key employee portable personal license.

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5 Dated: May 30, 2013



Wayne J. Quint, Jr., Chief
Bureau of Gambling Control
California Department of Justice

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