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8
9 **BEFORE THE**
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Statement of Reasons for
14 Denial of Application for a Key Employee
License:

BGC Case No. BGC-HQ2018-00011SL

CGCC Case No: CGCC-2018-0125-6A

15
16 **TOM WILLIS BOWLING, JR.**

STATEMENT OF REASONS



17
18 **Respondent.**

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20 Complainant alleges as follows:

21 **PARTIES**

22 1. Stephanie Shimazu (Complainant) brings this Statement of Reasons for a denial of an
23 application for an interim key employee license solely in her official capacity as the Director of the
24 California Department of Justice, Bureau of Gambling Control (Bureau).

25 2. On January 4, 2016, the Bureau received an interim key employee license application
26 from Tom Willis Bowling, Jr. (Respondent). On January 7, 2016, the California Gambling
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1 Control Commission (Commission) issued an interim key employee license, number GEKE-
2 002159, to Respondent with an expiration date of January 31, 2018.¹

3 3. On or about January 21, 2016, the Bureau received from Respondent his Key
4 Employee Supplemental Background Investigation Information, with attached schedules, dated
5 January 14, 2016, and on February 3, 2016, the Bureau received Respondent's Application for
6 Gambling Establishment Key Employee License (collectively, Application).

7 4. On or about December 21, 2017, the Bureau submitted a Cardroom Key Employee
8 Background Investigation Report to the Commission recommending Respondent's Application be
9 denied.

10 5. On or about January 10, 2017, Respondent's interim key employee license was
11 cancelled by the Commission pursuant to California Code of Regulations, title 4, section 12354,
12 subdivision (e)(5),² because, as alleged above, the Bureau recommends denial of Respondent's
13 Application.³

14 6. On January 25, 2018, pursuant to California Code of Regulations, title 4, section
15 12054, subdivision (a)(2), the Commission referred consideration of Respondent's Application to
16 an evidentiary hearing to be held under the provisions of California Code of Regulations, title 4,
17 section 12060.

18 7. On February 12, 2018, the Commission received Respondent's Notice of Defense,
19 dated February 9, 2018.

21 _____
22 ¹ This interim key employee license application allowed for Respondent's employment as
23 a key employee at Seven Mile Casino, a licensed gambling establishment in Chula Vista,
24 California, while his application for an initial key employee license was being processed. Starting
in October of 2017, Respondent was employed by Lucky Lady Card Room, a licensed gambling
establishment in San Diego, California, as an independent manager.

25 ² The statutes and regulations applicable to this Statement of Reasons are quoted in
pertinent part in Appendix A.

26 ³ In its letter to Respondent dated January 10, 2017, the Commission notified Respondent
27 that "[n]otwithstanding the cancellation of your Interim Key Employee License, the Commission
28 will consider your application for an Initial Key Employee License at a future Commission
meeting."

1 **BURDEN OF PROOF**

2 8. Respondent has the burden of proving he is qualified to receive a key employee
3 license. (Bus. & Prof. Code, § 19856, subd. (a).)

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 **(Disqualified – Pattern of Making Unsuitable Decisions as Key Employee)**

6 9. Respondent’s Application is subject to denial⁴ because he has exhibited a pattern and
7 practice of making unsuitable decisions while acting in a key employee capacity or in relation to
8 gambling activities, therefore, granting his Application would be inimical to public health, safety
9 and welfare. Respondent’s unsuitable decision making history includes, but is not limited to, the
10 following:

11 a. Between November of 2004 and May of 2005, Respondent, in his capacity as the
12 general manager of Club Caribe Casino, allowed Ruolon “Jenny” Huang, a person he recognized
13 to have a gambling problem, to cash multiple cashiers and third-party personnel checks,
14 collectively, totaling \$532,000, for purposes of gambling at Club Caribe Casino.

15 b. On or about March 9, 2005, Respondent, as the general manager of Club Caribe
16 Casino, entered into a “Location Agreement” with Golden State Amusement Company for the
17 purpose of allowing the casino to offer cash prizes⁵ to its customers for playing unauthorized
18 “coin-operated” devices in violation of Penal Code sections 337J, 330b, and/or 330.

19 c. At various times between April of 1997 through December of 1999, while employed
20 as vice president and general manager of Hollywood Park Casino, Respondent engaged in
21 action(s) or omission(s) that resulted, in part, in a jury finding that discriminatory employment
22 practices existed at the Hollywood Park Casino, in the case of *Bill Vanderberg v. Hollywood Park,*
23 *Inc., et al.* (Super. Ct. L.A. County, 2000, No. BC222811).

24 ⁴ Respondent’s application is subject to mandatory denial if Respondent is found to be
25 unqualified or disqualified for licensure under any of the criteria found in Business and
26 Professions Code sections 19857, subdivisions (a) or (b), or 19859. (Cal. Code. Regs., tit. 4, §
12355, subd. (a)(1); see also, Bus. & Prof. Code, § 19823, Cal. Code. Regs., tit. 4, § 12568, subds.
(c)(3) & (c)(4).)

27 ⁵ The exception for amusement devices found in Penal Code section 330b, subdivision (f),
28 does not apply to devices that afford players the chance to win cash prizes.

1 (Bus. & Prof. Code, §§ 19856, 19857; Cal. Code Regs, tit. 4, § 12355, subd. (a) & 12568, subds.
2 (c)(3) & (c)(4).)

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Disqualified – Made Misleading Statements to the Bureau)**

5 10. Respondent’s Application is subject to denial because he made misleading statements
6 to the Bureau as to facts material to his qualification for licensure.⁶ Respondent made misleading
7 statements to the Bureau, related to Ruolon “Jenny” Huang’s check casing activities at Club
8 Caribe Casino, including, but not limited to, the following:

9 a. Respondent was the general manager at Club Caribe Casino when multiple
10 cashiers and personnel checks totaling \$532,000 were cashed by Ruolon “Jenny” Huang, yet
11 Respondent stated to the Bureau that the checks totaled only \$200,000.

12 b. Respondent stated that he contacted David Tom, the maker of the checks cashed
13 by Ruolon “Jenny” Huang at Club Caribe Casino prior to allowing at least one or more of the
14 checks to be cashed, in order to confirm that Mr. Tom wanted Respondent to give the money to
15 Ms. Huang. However, Respondent had no direct communications with Mr. Tom regarding this
16 matter.

17 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subds. (a) & (b), & 19866; Cal. Code Regs, tit. 4, §
18 12355, subd. (a) & 12568, subds. (c)(3) & (c)(4).)

19 **THIRD CAUSE FOR DENIAL OF APPLICATION**

20 **(Failure to Disclose Material Prior Employment and Consultancy)**

21 11. Respondent’s Application is subject to denial⁷ because Respondent, under penalty of
22 perjury, failed to disclose his employment with S & S Gaming, Inc., d.b.a. Club Caribe Casino
23 (Club Caribe) on his Application. He was employed with Club Caribe as a general manager from
24 February of 2003 to February of 2006, which was within the required 10-year reporting period.

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27 ⁶ See footnote 4, *supra*.

28 ⁷ See footnote 4, *supra*.

1 12. Respondent also failed to disclose he was a consultant at Club Caribe from March
2 2006 to November 2006 in response to a direct inquiry by the Bureau.
3 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subs. (a) & (b), & 19866; Cal. Code Regs, tit. 4, §
4 12355, subd. (a) & 12568, subs. (c)(3) & (c)(4).)

5 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Material Misrepresentation Regarding Prior Ownership of Entities)**

7 13. Respondent's Application is subject to denial⁸ in that he misrepresented to the Bureau
8 the ownership structure of Casino Services, Inc. (Casino Services) and Cudahy Gaming, Inc.
9 (Cudahy Gaming). In his 2003 Application For Key Employee License (to be a key employee at
10 Club Caribe Casino) and his 2004 Application For State Gambling License (to be a shareholder of
11 Club Caribe Casino), under penalty of perjury, Respondent stated that he owned 20 percent of the
12 shares of Casino Services and Cudahy Gaming, and identified John Schipani⁹ as his business
13 partner and 80 percent shareholder of both entities. However, on or about February 15, 2017,
14 Respondent stated to the Bureau that Gaming Source, LLP was the owner of 80 percent of the
15 shares of both Cudahy and Casino Services, and that John Schipani never had an ownership
16 interest in Cudahy or Casino Services.

17 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subs. (a), (b) & 19866; Cal. Code Regs, tit. 4, §
18 12355, subd. (a) & 12568, subs. (c)(3) & (c)(4).)

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26 ⁸ See footnote 4, *supra*.

27 ⁹ In his 2004 Application For State Gambling License, Respondent identified "John
28 Schapani" [sic] as his business partner.

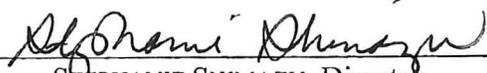
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PRAYER

WHEREFORE, Complainant requests that following the hearing to be held on the matters herein alleged, the Commission issue a decision:

1. Denying Respondent's Application for Gambling Establishment Key Employee License; and
2. Taking such other and further action as the Commission may deem appropriate.

Dated: August 29, 2018


STEPHANIE SHIMAZU, Director
Bureau of Gambling Control
California Department of Justice
Complainant

1 person licensed or approved. The commission may condition, restrict,
2 discipline, or take action against the license of an individual owner
3 endorsed on the license certificate of the gambling enterprise whether
4 or not the commission takes action against the license of the gambling
5 enterprise.

6 * * *

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

10 4. Business and Professions Code section 19854, subdivisions (a) and (b) provide:

11 (a) Every key employee shall apply for and obtain a key
12 employee license.

13 (b) No person may be issued a key employee license unless the
14 person would qualify for a state gambling license.

15 5. Business and Professions Code section 19870 provides:

16 (a) The commission, after considering the recommendation of
17 the chief and any other testimony and written comments as may be
18 presented at the meeting, or as may have been submitted in writing to
19 the commission prior to the meeting, may either deny the application or
20 grant a license to an applicant who it determines to be qualified to hold
21 the license.

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

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

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

(e) A decision of the commission denying a license or approval,
or imposing any condition or restriction on the grant of a license or
approval may be reviewed by petition pursuant to Section 1085 of the
Code of Civil Procedure. Section 1094.5 of the Code of Civil
Procedure shall not apply to any judicial proceeding described in the
foregoing sentence, and the court may grant the petition only if the

1 court finds that the action of the commission was arbitrary and
2 capricious, or that the action exceeded the commission's jurisdiction.

3 6. Business and Professions Code section 19871 provides:

4 (a) The commission meeting described in Section 19870 shall
5 be conducted in accordance with regulations of the commission and as
6 follows:

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

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

10 (A) To call and examine witnesses.

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

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

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

18 (E) To offer rebuttal evidence.

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

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

(b) Nothing in this section confers upon an applicant a right to
discovery of the department's^[10] investigative reports or to require

¹⁰ Hereinafter, "department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 disclosure of any document or information the disclosure of which is
2 otherwise prohibited by any other provision of this chapter.

3 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

- 4 7. Business and Professions Code section 19856, subdivision (a) provides in part:

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

- 7 8. Business and Professions Code section 19857 provides in part:

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

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

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

- 19 9. Business and Professions Code section 19859 provides in part:

20 The commission shall deny a license to any applicant who is
21 disqualified for any of the following reasons:

22 (a) Failure of the applicant to clearly establish eligibility and
23 qualification in accordance with this chapter.

24 (b) Failure of the applicant to provide information,
25 documentation, and assurances required by the chapter or requested by
26 the chief, or failure of the applicant to reveal any fact material to
27 qualification, or the supplying of information that is untrue or
28 misleading to a material fact pertaining to the qualification criteria.

10. California Code of Regulations, title 4, section 12054, subdivision (a), provides:

(a) At a non-evidentiary hearing meeting, the Commission may
take, but is not limited to taking, one of the following actions:

(1) Issue a license, temporary license, interim license,
registration, permit, finding of suitability, renewal or other
approval.

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(2) Elect to hold an evidentiary hearing in accordance with Section 12056 and, when for a renewal application, issue an interim renewal license pursuant to Section 12035. The Commission shall identify those issues for which it requires additional information or consideration related to the applicant's suitability.

(3) Table or continue an item for consideration at a subsequent meeting, for any purpose, including obtaining new or additional information from the applicant, Bureau or Commission staff, provided however in the case of renewals, the Commission must act on the application before the license expires.

(4) Extend a license for up to 180 calendar days as necessary, as provided in Business and Professions Code section 19876, subdivision (c).

(5) Approve or deny a request for withdrawal pursuant to Section 12015.

(6) Make a finding of abandonment pursuant to subsection (c) of Section 12017.

(7) If the Bureau has filed an accusatory pleading with the Commission pursuant to Business and Professions Code section 19930 prior to Commission action on a renewal application, the Commission shall issue an interim renewal license pursuant to Section 12035.

11. California Code of Regulations, title 4, section 12060, provides:

(a) If the Executive Director determines it is appropriate, he or she may set an application for consideration at a GCA hearing in advance of a meeting pursuant to Section 12054. The Executive Director shall give notice to the applicant, pursuant to paragraph (2) subsection (c) of Section 12052, to the Office of the Attorney General, and to the Bureau no later than 90 calendar days in advance of the GCA hearing. The Executive Director's determination will be based on information contained in the Bureau's report or other appropriate sources including, without limitation, a request from the Bureau or applicant as well as the Commission's operational considerations. The Commission retains the authority to refer the matter to an APA hearing pursuant to subsection (a) of Section 12056 or hear the matter at a Section 12054 meeting if the Commission deems it appropriate.

(b) When the Commission has elected to hold a GCA hearing, the Executive Director shall give notice to the applicant, pursuant to

1 paragraph (2) subsection (c) of Section 12052, to the Office of the
2 Attorney General, and to the Bureau no later than 60 calendar days in
3 advance of the GCA hearing.

4 (c) The presiding officer shall have no communication with the
5 Commission or Commission staff upon the merits, or upon information
6 or documents related to the application prior to the evidentiary hearing.
7 The Executive Director shall designate a presiding officer which shall
8 be:

- 9 (1) A member of the Commission's legal staff; or,
- 10 (2) An Administrative Law Judge.

11 (d) The applicant or the complainant, or the applicant and the
12 complainant, may request a continuance in writing to the Executive
13 Director stating the reason for the continuance and any proposed future
14 hearing dates. The Executive Director or Commission may approve the
15 request.

16 (e) The complainant shall provide to the applicant, at least 45
17 calendar days prior to the GCA hearing, and the applicant shall provide
18 to the complainant, at least 30 calendar days prior to the GCA hearing,
19 the following items:

- 20 (1) A list of potential witnesses with the general subject
21 of the testimony of each witness;
- 22 (2) Copies of all documentary evidence intended to be
23 introduced at the hearing and not previously provided;
- 24 (3) Reports or statements of parties and witnesses, if
25 available; and
- 26 (4) All other written comments or writings containing
27 relevant evidence.

28 (f) A presiding officer shall rule on the admissibility of
evidence and on any objections raised except for objections raised
under subsection (g). A ruling by the presiding officer shall be final.

(1) In advance of the GCA hearing, upon a motion of a
party or by order of the presiding officer, the presiding officer
may conduct a pre-hearing conference, either in person, via
teleconference, or by email exchange, subject to the presiding
officer's availability and shall issue a prehearing order if
appropriate or requested by either party. The prehearing
conference and order may address the following:

- (A) Evidentiary issues;

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(B) Witness and exhibit lists;

(C) Alterations in the Bureau recommendation;

(D) Stipulation for undisputed facts including the admission of the Bureau's report; and

(E) Other issues that may be deemed appropriate to promote the orderly and prompt conduct of the hearing.

(2) The GCA hearing need not be conducted according to technical rules of evidence. Any relevant evidence may be considered, and is sufficient in itself to support findings if it is the sort of evidence on which reasonable 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.

(g) The Commission may, at any time upon a showing of prejudice by the objecting party:

(1) Prohibit the testimony of any witness or the introduction of any documentary evidence that has not been disclosed pursuant to subsection (e); or

(2) Continue any meeting or hearing as necessary to mitigate any prejudice.

(h) The complainant shall present all facts and information in the Bureau report, if any, and the results of the Bureau's background investigation, and the basis for any recommendation, if the Bureau filed one with the Commission according to Business and Professions Code section 19868, to enable the Commission to make an informed decision on whether the applicant has met his, her, or its burden of proof. The complainant may but is not required to recommend or seek any particular outcome during the evidentiary hearing, unless it so chooses.

(i) The burden of proof is on the applicant at all times to prove his, her, or its qualifications to receive any license or other approval under the Act.

(j) The applicant may choose to represent himself, herself, or itself, or may retain an attorney or lay representative.

(k) Except as otherwise provided in subsection (g), the complainant and applicant shall have the right to call and examine witnesses under oath; to introduce relevant exhibits and documentary evidence; to cross-examine opposing witnesses on any relevant matter, even if the matter was not covered in direct examination; to impeach

1 any witness, regardless of which party first called the witness to testify;
2 and to offer rebuttal evidence. If the applicant does not testify on his,
3 her or its own behalf, the applicant may be called and examined, under
oath, as if under cross-examination.

4 (l) Oral evidence shall be taken upon oath or affirmation,
5 which may be administered by the Executive Director, a member of the
Commission, or the presiding officer, if an Administrative Law Judge.

6 (m) At the conclusion of the evidentiary hearing, the members
7 of the Commission shall take the matter under submission, may discuss
8 the matter in a closed session meeting, and may schedule future closed
session meetings for deliberation.

9 12. California Code of Regulations, title 4, section 12354, subdivision (e)(5), provides:

10 (e) With ten day's advance written notice to the interim key
11 employee and to the gambling enterprise, the Executive Director shall
cancel the interim key employee license based upon the following.

12 * * *

13 (5) A Bureau recommendation of denial of the
14 applicant's key employee application.

15 13. California Code of Regulations, title 4, section 12355, subs. (a)(1), (b)(2)(A), and (c),
16 provide:

17 (a) An application for a portable personal key employee license
18 shall be denied by the Commission if any of the following applies.

19 (1) The Commission finds that the applicant is ineligible,
20 unqualified, disqualified, or unsuitable pursuant to the criteria set
21 forth in the Act or other applicable law or that granting the license
22 would be inimical to public health, safety, welfare, or would
undermine the public trust that gambling operations are free from
23 criminal or dishonest elements.

(b) An application for a key employee license may be denied if:

24 (2) The Commission finds that the applicant's past
25 behavior calls into question the applicant's qualification
26 requirements and considerations outlined in Business and
Professions Code section 19856. Examples of past behavior that
27 may be considered include, but are not limited to:

(A) Convictions which demonstrate a pattern of
28 disregard for the law.

1 (c) The grounds for denial set forth in this section apply in
2 addition to any grounds prescribed by statute or any grounds that would
3 support revocation under chapter 10 of these regulations.

4 14. California Code of Regulations, title 4, section 12568, subs. (c)(3) and (c)(4),
5 provide:

6 (c) A state gambling license, finding of suitability, or approval
7 granted by the Commission, other than a work permit, and an owner
8 license for a gambling establishment if the owner licensee has
9 committed a separate violation from any violations committed by the
10 gambling establishment shall be subject to revocation by the
11 Commission on any of the following grounds:

12 * * *

13 (3) If the Commission finds the holder no longer meets
14 any criterion for eligibility, qualification, suitability or continued
15 operation, including those set forth in Business and Professions
16 Code sections 19857, 19858, or 19880, as applicable, or

17 (4) If the Commission finds the holder currently meets
18 any of the criteria for mandatory denial of an application set forth
19 in Business and Professions Code sections 19859 or 19860.

20 15. Penal Code section 337j provides in part:

21 (a) It is unlawful for any person, as owner, lessee, or employee,
22 whether for hire or not, either solely or in conjunction with others, to do
23 any of the following without having first procured and thereafter
24 maintained in effect all federal, state, and local licenses required by
25 law:

26 (1) To deal, operate, carry on, conduct, maintain, or
27 expose for play in this state any controlled game.

28 (2) To receive, directly or indirectly, any compensation
or reward or any percentage or share of the revenue, for keeping,
running, or carrying on any controlled game.

(3) To manufacture, distribute, or repair any gambling
equipment within the boundaries of this state, or to receive,
directly or indirectly, any compensation or reward for the
manufacture, distribution, or repair of any gambling equipment
within the boundaries of this state.

1 (b) It is unlawful for any person to knowingly permit any
2 controlled game to be conducted, operated, dealt, or carried on in any
3 house or building or other premises that he or she owns or leases, in
4 whole or in part, if that activity is undertaken by a person who is not
5 licensed as required by state law, or by an employee of that person.

6 (c) It is unlawful for any person to knowingly permit any
7 gambling equipment to be manufactured, stored, or repaired in any
8 house or building or other premises that the person owns or leases, in
9 whole or in part, if that activity is undertaken by a person who is not
10 licensed as required by state law, or by an employee of that person.

11 (d) Any person who violates, attempts to violate, or conspires to
12 violate this section shall be punished by imprisonment in a county jail
13 for not more than one year or by a fine of not more than ten thousand
14 dollars (\$10,000), or by both imprisonment and fine. A second offense
15 of this section is punishable by imprisonment in a county jail for a
16 period of not more than one year or in the state prison or by a fine of
17 not more than ten thousand dollars (\$10,000), or by both imprisonment
18 and fine.

19 (e)(1) As used in this section, "controlled game" means any poker
20 or Pai Gow game, and any other game played with cards or tiles, or
21 both, and approved by the Department of Justice, and any game of
22 chance, including any gambling device, played for currency, check,
23 credit, or any other thing of value that is not prohibited and made
24 unlawful by statute or local ordinance.

25 (2) As used in this section, "controlled game" does not
26 include any of the following:

27 (A) The game of bingo conducted pursuant to
28 Section 326.3 or 326.5.

(B) Parimutuel racing on horse races regulated by
the California Horse Racing Board.

(C) Any lottery game conducted by the California
State Lottery.

(D) Games played with cards in private homes or
residences, in which no person makes money for operating
the game, except as a player.

16. Penal Code section 330 provides:

Every person who deals, plays, or carries on, opens, or causes to
be opened, or who conducts, either as owner or employee, whether for
hire or not, any game of faro, monte, roulette, lansquenet, rouge et

1 noire, rondo, tan, fan-tan, seven-and a-half, twenty-one, hokey-pokey,
2 or any banking or percentage game played with cards, dice, or any
3 device, for money, checks, credit, or other representative of value, and
4 every person who plays or bets at or against any of those prohibited
5 games, is guilty of a misdemeanor, and shall be punishable by a fine
6 not less than one hundred dollars (\$100) nor more than one thousand
7 dollars (\$1,000), or by imprisonment in the county jail not exceeding
8 six months, or by both the fine and imprisonment.

6 17. Penal Code section 330b provides in part:

7 (a) It is unlawful for any person to manufacture, repair, own,
8 store, possess, sell, rent, lease, let on shares, lend or give away,
9 transport, or expose for sale or lease, or to offer to repair, sell, rent,
10 lease, let on shares, lend or give away, or permit the operation,
11 placement, maintenance, or keeping of, in any place, room, space, or
12 building owned, leased, or occupied, managed, or controlled by that
13 person, any slot machine or device, as defined in this section. It is
14 unlawful for any person to make or to permit the making of an
15 agreement with another person regarding any slot machine or device,
16 by which the user of the slot machine or device, as a result of the
17 element of hazard or chance or other unpredictable outcome, may
18 become entitled to receive money, credit, allowance, or other thing of
19 value or additional chance or right to use the slot machine or device, or
20 to receive any check, slug, token, or memorandum entitling the holder
21 to receive money, credit, allowance, or other thing of value.

16 (d) For purposes of this section, "slot machine or device" means
17 a machine, apparatus, or device that is adapted, or may readily be
18 converted, for use in a way that, as a result of the insertion of any piece
19 of money or coin or other object, or by any other means, the machine or
20 device is caused to operate or may be operated, and by reason of any
21 element of hazard or chance or of other outcome of operation
22 unpredictable by him or her, the user may receive or become entitled to
23 receive any piece of money, credit, allowance, or thing of value, or
24 additional chance or right to use the slot machine or device, or any
25 check, slug, token, or memorandum, whether of value or otherwise,
26 which may be exchanged for any money, credit, allowance, or thing of
27 value, or which may be given in trade, irrespective of whether it may,
28 apart from any element of hazard or chance or unpredictable outcome
of operation, also sell, deliver, or present some merchandise, indication
of weight, entertainment, or other thing of value.

25 (f) Pinball and other amusement machines or devices, which are
26 predominantly games of skill, whether affording the opportunity of
27 additional chances or free plays or not, are not included within the term
28 slot machine or device, as defined in this section.