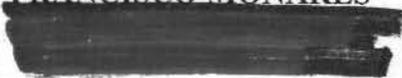


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9 BEFORE THE
10 CALIFORNIA GAMBLING CONTROL COMMISSION
11 STATE OF CALIFORNIA

12
13 In the Matter of the Initial Work Permit
Application of:

14 FRANCISCO MONARES
15 

16
17 GEWP # 001812

18 Applicant.

BGC Case No. BGC-HQ2014-00007SL

CGCC Case No.: CGCC-2013-1010-8A

19 STATEMENT OF PARTICULARS

20 PARTIES

21 1. Wayne J. Quint, Jr., submits this Statement of Particulars solely in his official
22 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control
(Bureau).

23 2. On January 21, 2012, the California Gambling Control Commission (Commission)
24 received from Francisco Monares (Applicant) an application for an Initial Work Permit at the
25 Empire Sportsmen's Association in Modesto, California.

26 3. At its October 10, 2013, meeting, the Commission referred the question of
27 Applicant's suitability for licensure to an evidentiary hearing.
28

1 that his employer told him that he could have his job back after one year because that would be
2 when the time for the other employee to file a sexual harassment claim would expire. There is no
3 evidence that any sexual harassment or other claim was filed in relation to the above matter.

4 JURISDICTION

5 6. Business and Professions Code section 19811, subdivision (b), provides:

6 Jurisdiction, including jurisdiction over operation and
7 concentration, and supervision over gambling establishments in this
8 state and over all persons or things having to do with the operation of
9 gambling establishments is vested in the commission.

10 7. Business and Professions Code section 19823 provides:

11 (a) The responsibilities of the commission include, without
12 limitation, all of the following:

13 (1) Assuring that licenses, approvals, and permits are
14 not issued to, or held by, unqualified or disqualified
15 persons, or by persons whose operations are conducted in
16 a manner that is inimical to the public health, safety, or
17 welfare.

18 (2) Assuring that there is no material involvement,
19 directly or indirectly, with a licensed gambling operation,
20 or the ownership or management thereof, by unqualified
21 or disqualified persons, or by persons whose operations
22 are conducted in a manner that is inimical to the public
23 health, safety, or welfare.

24 (b) For the purposes of this section, "unqualified person"
25 means a person who is found to be unqualified pursuant to the
26 criteria set forth in Section 19857, and "disqualified person" means
27 a person who is found to be disqualified pursuant to the criteria set
28 forth in Section 19859.

8. Business and Professions Code section 19824 provides in part:

The commission shall have all powers necessary and proper to
enable it fully and effectually to carry out the policies and purposes of
this chapter, including, without limitation, the power to do all of the
following:

* * *

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

7 * * *

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

10 9. Business and Professions Code section 19854, subdivision (a), provides:

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

13 10. Business and Professions section 19912, subdivisions (d) and (e) state:

14 (d) Application for a work permit for use in any jurisdiction
15 where a locally issued work permit is not required by the licensing
16 authority of a city, county, or city and county shall be made to the
17 department, and may be granted or denied for any cause deemed
18 reasonable by the commission. If the commission denies the
19 application, it shall include in its notice of denial a statement of facts
20 upon which it relied in denying the application. Upon receipt of an
21 application for a work permit, the commission may issue a temporary
22 work permit for a period not to exceed 120 days, pending completion
23 of the background investigation by the department and official action
24 by the commission with respect to the work permit application.

25 (e) An order of the commission denying an application for, or
26 placing restrictions or conditions on, a work permit, including an order
27 declining to issue a work permit following review pursuant to
28 paragraph (3) of subdivision (c), may be reviewed in accordance with
subdivision (e) of Section 19870.

11. Business and Professions Code section 19870 provides:

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

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

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

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

10 (e) A decision of the commission denying a license or approval,
11 or imposing any condition or restriction on the grant of a license or
12 approval may be reviewed by petition pursuant to Section 1085 of the
13 Code of Civil Procedure. Section 1094.5 of the Code of Civil
14 Procedure shall not apply to any judicial proceeding described in the
15 foregoing sentence, and the court may grant the petition only if the
16 court finds that the action of the commission was arbitrary and
17 capricious, or that the action exceeded the commission's jurisdiction.

18 12. Business and Professions Code section 19871 provides:

19 (a) The commission meeting described in Section 19870 shall be
20 conducted in accordance with regulations of the commission and as
21 follows:

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

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

24 (A) To call and examine witnesses.

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

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

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

(E) To offer rebuttal evidence.

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

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

9 (b) Nothing in this section confers upon an applicant a right to
10 discovery of the department's² investigative reports or to require
11 disclosure of any document or information the disclosure of which is
12 otherwise prohibited by any other provision of this chapter.

13 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

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

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

17 14. Business and Professions Code section 19854, subdivision (b) provides:

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

20 15. Business and Professions Code section 19857 provides in part:

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

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

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

16. California Code of Regulations, title 4, section 12105, subdivision (a) provides:

² "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 An application for a work permit shall be denied by the Commission if either of
2 the following applies:

3 (1) The applicant meets any of the criteria for mandatory
4 disqualification under Business and Professions Code sections 19859.

5 (2) The applicant is found unqualified pursuant to the criteria set
6 forth in subdivisions (a) and (b) of Business and Professions Code
7 sections 19857.

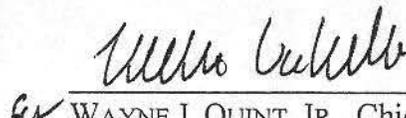
8 **BUREAU RECOMMENDATION**

9 17. On August 30, 2013, the Bureau issued an Investigation Summary Report, and based
10 on its investigation, the Bureau recommended to the Commission that Applicant's Application for
11 a work permit be granted because it believed that Mr. Monares' conduct in relation to his
12 termination from the Turlock Poker Room, standing alone, was an insufficient ground for denial
13 of his work permit.

14 **CONCLUSION**

15 WHEREFORE, Bureau Chief Wayne J. Quint, Jr., consistent with the Bureau's
16 recommendation regarding the Applicant, recommends that the he be granted a work permit.

17 Dated: June 4, 2015

18 
19 _____
20 WAYNE J. QUINT, JR., Chief
21 Bureau of Gambling Control
22 California Department of Justice
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