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8 *Bureau of Gambling Control*

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

13
14 **In the Matter of the Statement of Reasons:**

BGC Case No. BGC-HQ2014-00017SL

15 **CHRISTOPHER AARON TUCK**
16 

CGCC Case No.: CGCC-2014-1120-7C

17 **STATEMENT OF REASONS**

18 **Respondent.**

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20
21 Complainant alleges as follows:

22 **PARTIES**

23 1. Wayne J. Quint Jr. (Complainant) brings this Statement of Reasons solely in his
24 official capacity as the Chief of the California Department of Justice, Bureau of Gambling
25 Control (Bureau).

26 2. On October 28, 2013, Christopher Aaron Tuck (Respondent) submitted an
27 Application for Initial Regular Work Permit/Temporary Work Permit (Application) to the
28 Bureau. On October 30, 2013, the California Gambling Control Commission (Commission)

1 issued Respondent a Temporary Work Permit. On June 11, 2014, the Commission cancelled
2 Respondent's Temporary Work Permit.

3 3. On November 20, 2014, the Commission considered Respondent's Application, and
4 referred the matter to an evidentiary hearing. On or about November 21, 2014, the Commission's
5 Executive Director referred the matter to hearing pursuant to former California Code of
6 Regulations (CCR), Title 4, Division 18, Chapter 1, section 12050, subdivisions (b)(2).

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 **(Unqualified for Licensure – Good Character, Honesty, and Integrity;
9 Conviction of Crime of Moral Turpitude)**

10 4. Respondent's application for licensure is subject to denial pursuant to Business and
11 Professions Code section 19857, subdivisions (a) and (b), and California Code of Regulations,
12 title 4, section 12105, subdivisions (a)(2), in that Respondent lacks the requisite good character,
13 honesty and integrity and/or poses a threat to the public interest of this state, or to the effective
14 regulation and control of controlled gambling, or creates or enhances the dangers of unsuitable,
15 unfair, or illegal practices, methods, and activities in the conduct of controlled gambling. On or
16 about April 20, 2009, in the case of *People v. Christopher A. Tuck* (Super. Ct. Contra Costa
17 County, 2009, No. 04-160685-4), Respondent was convicted upon a plea of no contest of a
18 misdemeanor violation of Penal Code section 484 – theft. This conviction involved Respondent's
19 theft of clothing from stores at a mall in Antioch, California, on October 13, 2008.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Unqualified for Licensure – Good Character, Honesty, and Integrity;
22 Supplying Untrue or Misleading Information)**

23 5. Respondent's application for licensure is subject to denial pursuant to Business and
24 Professions Code sections 19857, subdivisions (a) and (b), and section 19859, subdivision (b),
25 and California Code of Regulations, title 4, section 12105, subdivisions (a)(1) and (a)(2), in that
26 Respondent lacks the requisite good character, honesty and integrity and/or poses a threat to the
27 public interest of this state, or to the effective regulation and control of controlled gambling, or
28 creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities

1 in the conduct of controlled gambling, and because Respondent supplied information that was
2 untrue or misleading as to a material fact pertaining to his qualification for a license.

3 6. In support of the Second Cause for Denial of Application, Complainant re-alleges and
4 incorporates by reference all the allegations raised in paragraphs four and five.

5 7. On or about April 8, 2014, Bureau staff mailed a letter to Respondent asking him to
6 provide a written statement about several matters, including the circumstances that led to his
7 arrest and conviction on April 20, 2009, of a misdemeanor violation of Penal Code section 484 –
8 theft. On or about April 30, 2014, Bureau staff again mailed a letter to Respondent asking him to
9 provide this information by May 10, 2014. In response, Respondent provided a written statement
10 to the Bureau on June 5, 2014. Respondent advised as follows:

11 "I took my younger cousin to lunch then we went by the mall afterwards a coat
12 was stolen and since I was the one over 18 and brought him there I was hit with
13 the charge. Didn't want my cousin to get into trouble and I didn't think it would
14 have any effect on me later (obviously that isn't the case)."

15 8. Respondent's statement to the Bureau in paragraph eight was untrue and/or
16 misleading in the following ways:

17 (i) Respondent did not go to the mall with an accomplice who was a minor. In
18 fact, Respondent's accomplice in the theft was 29 years old.

19 (ii) Respondent was not merely present at the scene of the crime on October 13,
20 2008, when "a coat was stolen," and Respondent was not charged merely because he "was the
21 one over 18" In fact, Respondent confessed to the investigating officers from the Antioch
22 Police Department that he stole while at the mall. Further, the stolen items were found by the
23 police in a car that was owned by Respondent's mother, and Respondent drove this car to the mall
24 on October 13, 2008.

25 (iii) Respondent did not, at the scene of the crime on October 13, 2008, merely steal
26 "a coat" In fact, Respondent confessed to the investigating polices officers from the Antioch
27 Police Department to stealing several items while at the mall.
28

1 ordered to pay a fine. Because Respondent failed to timely pay the fine, a FTP hold was placed
2 on his driver's license. Over three years after Respondent received these infractions, he still owed
3 an outstanding balance for this fine.

4 (iii) On October 21, 2010, Respondent was cited for violating Vehicle Code section
5 14601.1, driving while driver's license suspended or revoked, an infraction. Respondent was also
6 cited for two additional infractions—Vehicle Code section 16028, subdivision (a), failure to
7 provide evidence of financial responsibility, and Vehicle Code section 5200, failure to properly
8 display a license. Respondent was convicted of all three infractions in the Contra Costa County
9 Superior Court, Docket No. 3703089, and was ordered to pay a fine. Because Respondent failed
10 to timely pay the fine, a FTP hold was placed on his driver's license. Over three years after
11 Respondent received these infractions, he still owed an outstanding balance for this fine.

12 (iv) On October 8, 2012, Respondent was cited for violating Vehicle Code section
13 14601.1, driving while driver's license suspended or revoked, an infraction, and Vehicle Code
14 section 4000, subdivision (a), failure to register a vehicle, an infraction. Respondent was
15 convicted of both infractions in the Contra Costa County Superior Court, Docket No. 1901594,
16 and was ordered to pay a fine. Because Respondent failed to timely pay the fine, a FTP hold was
17 placed on his driver's license. Over one year after receiving Respondent received these
18 infractions, he still owed an outstanding balance for this fine.

19 12. In further support of the Second Cause for Denial of Application, Complainant
20 alleges that on or about July 18, 2014, Bureau staff emailed Respondent asking him to explain the
21 circumstances that led to his citations for driving on a suspended/revoked license on multiple
22 occasions. Respondent failed to respond to this request.

23 JURISDICTION

24 13. Business and Professions Code section 19811, subdivision (b), provides:

25 Jurisdiction, including jurisdiction over operation and
26 concentration, and supervision over gambling establishments in this
27 state and over all persons or things having to do with the operation of
28 gambling establishments is vested in the commission.

1 14. Business and Professions Code section 19823 provides:

2 (a) The responsibilities of the commission include, without
3 limitation, all of the following:

4 (1) Assuring that licenses, approvals, and permits are not
5 issued to, or held by, unqualified or disqualified persons, or by
6 persons whose operations are conducted in a manner that is
7 inimical to the public health, safety, or welfare.

8 (2) Assuring that there is no material involvement,
9 directly or indirectly, with a licensed gambling operation, or the
10 ownership or management thereof, by unqualified or disqualified
11 persons, or by persons whose operations are conducted in a
12 manner that is inimical to the public health, safety, or welfare.

13 (b) For the purposes of this section, "unqualified person" means
14 a person who is found to be unqualified pursuant to the criteria set
15 forth in Section 19857, and "disqualified person" means a person who
16 is found to be disqualified pursuant to the criteria set forth in Section
17 19859.

18 15. Business and Professions Code section 19984, subdivision (b) provides in part:

19 (b) The commission shall establish reasonable criteria for, and
20 require the licensure and registration of, any person or entity that
21 provides proposition player services to a gambling establishment
22 pursuant to this section, including owners, supervisors, and players.
23 ... The commission may impose licensing requirements, disclosures,
24 approvals, conditions, or limitations as it deems necessary to protect
25 the integrity of controlled gambling in this state,

26 16. Business and Professions Code section 19824 provides in part:

27 The commission shall have all powers necessary and proper to
28 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:

(b) For any cause deemed reasonable by the commission, deny
any application for a license, permit, or approval provided for in this
chapter or regulations adopted pursuant to this chapter, limit,
condition, or restrict any license, permit, or approval, or impose any
fine upon any person licensed or approved. The commission may
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.

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

4 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

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

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

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

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

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

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

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

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

23 (a) Failure of the applicant to clearly establish eligibility
24 and qualifications in accordance with this chapter.^[1]

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

(d) Conviction of the applicant for any misdemeanor
involving dishonesty or moral turpitude within the 10-year
period immediately preceding the submission of the application.

¹ Hereinafter, "chapter" refers to Business and Professions Code, division 8, chapter 5,
(commencing with section 19800), also known as the Gambling Control Act.

1 unless the applicant has been granted relief pursuant to Section
2 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided,
3 however, that the granting of relief pursuant to Section 1203.4,
4 1203.4a, or 1203.45 of the Penal Code shall not constitute a
5 limitation on the discretion of the commission under Section
6 19856 or affect the applicant's burden under Section 19857.

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

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

17 (1) The applicant meets any of the criteria for mandatory
18 disqualification under Business and Professions Code sections
19 19859.

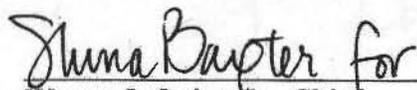
20 (2) The applicant is found unqualified pursuant to the
21 criteria set forth in subdivisions (a) or (b) of Business and
22 Professions Code sections 19857.

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PRAYER

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

1. Denying Respondent's Application; and
2. Taking such other and further action as the Commission may deem appropriate.

Dated: May 27, 2015


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