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2015 APR 30 PM 3:11

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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**
14 **for Denial of License Application:**

BGC Case No. BGC-HQ2015-00006SL

CGCC Case No: CGCC-2015-DSWP002169

15 **MARIO REYES**



16
17 **STATEMENT OF REASONS**

18 **Respondent.**

19
20 Complainant alleges as follows:

21 **PARTIES**

22 1. Wayne J. Quint, Jr. (Complainant) brings this Statement of Reasons for denial of
23 an Application for Initial Regular Work Permit solely in his official capacity as the Chief of the
24 California Department of Justice, Bureau of Gambling Control (Bureau).

25 2. On or about June 27, 2014, Mario Reyes (Respondent) submitted an Application
26 for an Initial Regular Work Permit/Temporary Work Permit CGCC-021 (Rev. 06/12), and Work
27 Permit Questionnaire (BGC-LIC. 049 (Rev. 11/07)) (collectively: Application) to the
28 California Gambling Control Commission (Commission).

1 license, permit, or approval, or impose any fine upon any person licensed or
2 approved. The commission may condition, restrict, discipline, or take action
3 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.

4 * * *

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

7 8. California Code of Regulations section 12060, provides, in part:

8 (a) If the Executive Director determines it is appropriate, he or she
9 may set an application for consideration at a GCA hearing in advance of a
meeting pursuant to Section 12054. . . .

10 * * *

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

13 9. California Code of Regulations section 12120, subdivision (b), provides:

14 (b) Upon issuance or denial of a regular work permit by the
15 Commission, the temporary work permit previously issued shall become void
and shall not be used thereafter.

16 10. California Code of Regulations section 12124, provides:

17 Denial of an application for a temporary work permit or cancellation of a
18 temporary work permit shall not suspend the processing and review of the related
19 application for a regular work permit.

20 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

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

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

24 12. Business and Professions Code section 19857 provides:

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

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

1 (b) A person whose prior activities, criminal record, if
2 any, reputation, habits, and associations do not pose a threat to the
3 public interest of this state, or to the effective regulation and control
4 of 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.

5 13. Business and Professions Code section 19859 provides:

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

8 * * *

9 (d) Conviction of the applicant for any misdemeanor
10 involving dishonesty or moral turpitude within the 10-year period
11 immediately preceding the submission of the application, unless the
applicant has been granted relief pursuant to Section 1203.4,
1203.4a, or 1203.45 of the Penal Code; . . .

12 14. Business and Professions Code section 19912 provides, in part:

13 (a)(1) A person shall not be employed as a gambling enterprise
14 employee, or serve as an independent agent, except as provided in paragraph (2),
unless he or she is the holder of one of the following:

15 * * *

16 (B) A work permit issued by the commission
17 pursuant to regulations adopted by the commission for the
issuance and renewal of work permits. . . .

18 * * *

19 (d) Application for a work permit for use in any jurisdiction where a
20 locally issued work permit is not required by the licensing authority of a city,
21 county, or city and county shall be made to the department, and may be granted
or denied for any cause deemed reasonable by the commission. . . .

22 15. California Code of Regulations, title 4, section 12105 provides:

23 (a) An application for a work permit shall be denied by the
24 Commission if either of the following applies:

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

26 (2) The applicant is found unqualified pursuant to the
27 criteria set forth in subdivisions (a) or (b) of Business and
28 Professions Code section 19857.

1 (b) Any application for a work permit may be denied by the
2 Commission if it finds any of the following:

3 * * *

4 (2) Within ten years immediately preceding the
5 submission of the application, the applicant was convicted of any
6 of the following offenses:

7 * * *

8 (E) A misdemeanor involving dishonesty or
9 moral turpitude . . .

10 * * *

11 (c) The grounds for denial set forth in this section apply in
12 addition to any grounds prescribed by statute.

13 **FIRST CAUSE FOR DENIAL OF LICENSE APPLICATION**
14 **(Disqualification – Criminal Conviction)**

15 16. Respondent's Application is subject to denial pursuant to Business and Professions
16 Code, section 19859, subdivision (d), and California Code of Regulations, title 4, section 12105,
17 subdivisions (a)(1) and (b)(2)(E), in that, on or about October 13, 2009, Respondent was
18 convicted of violating Penal Code section 273.5, subdivision (a), infliction of injury on present or
19 former dating partner, a misdemeanor and crime of moral turpitude in the case of *People v. Reyes*
20 (Super. Ct. Santa Barbara County, 2009, No. 1312812). Respondent's criminal conviction
21 occurred less than ten years prior to the submission of his Application, and he has not been
22 provided relief from that criminal conviction pursuant to Penal Code sections 1203.4, 1203.4a or
23 1203.45.
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