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CALIFORNIA GAMBLING  
CONTROL COMMISSION

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

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

15 **Jennifer R. Domingos-Vital, a.k.a:**  
16 **Jennifer Raquel Domingos**  
17 

18 **Respondent.**

CGCC No.: GCADS-GEWP-002436

BGC No.: BGC-HQ2017-00002SL

STATEMENT OF REASONS

2017 FEB 10 PM 12: 10

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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 or about February 23, 2016, Jennifer R. Domingos-Vital, also know as Jennifer  
27 Raquel Domingos, (Respondent) submitted an Application for an Initial Regular Work  
28 Permit/Temporary Work Permit, as well as a Work Permit Questionnaire, both dated February 8,

1 2016, (collectively Application), to allow for her employment at Outlaws Card Parlor, a licensed  
2 gambling establishment located in Atascadero, California.

3 3. On or about February 26, 2016, the California Gambling Control Commission  
4 (Commission) issued Respondent a temporary work permit, number GEWP-002436.

5 4. On or about October 26, 2016, the Bureau sent a Work Permit Employee  
6 Background Investigation Report to the Commission in which it recommended that Respondent's  
7 Application be denied.

8 5. On or about November 10, 2016, as a result of the Bureau's recommendation that  
9 Respondent's Application be denied, the Commission's Executive Director cancelled  
10 Respondent's temporary work permit pursuant to California Code of Regulations, title 4, section  
11 12128, subdivision (b)(2).<sup>12</sup>

12 6. On or about November 29, 2016, the Commission's Executive Director referred  
13 consideration of Respondent's Application to an evidentiary hearing, pursuant to California Code  
14 of Regulations, title 4, section 12060, subdivision (a).

15 7. On or about December 13, 2016, Respondent submitted a Notice of Defense, dated  
16 December 5, 2016.

### 17 **BURDEN OF PROOF**

18 8. Respondent has the burden of proving she is qualified to receive a work permit.  
19 (Bus. & Prof. Code, § 19856, subd. (a).)

### 20 **FIRST CAUSE OF ACTION FOR DENIAL**

#### 21 **(Conviction of a Crime of Dishonest or Moral Turpitude)**

22 9. Respondent's Application is subject to denial in that on or about June 27, 2006,  
23 respondent was convicted of violating Vehicle Code, section 31, providing false information to a  
24 police officer, a misdemeanor, and a crime of moral turpitude or dishonesty, in the case of *People*

25 \_\_\_\_\_  
26 <sup>1</sup> The statutes and regulations applicable to this Statement of Reasons are quoted in  
pertinent part in Appendix A.

27 <sup>2</sup> The cancellation of Respondent's temporary work permit does not suspend the  
28 processing and review of her Application. (Cal. Code. Regs., tit. 4, § 12124.)

1 v. *Jennifer Raquel Domingos* (Mun. Ct. San Luis Obispo County, 2004, M000362163.)

2 Respondent's conviction occurred within the 10-year period immediately preceding the  
3 submission of her Application, and relief has not been granted pursuant to Penal Code sections  
4 1203.4, 1203.4a, or 1203.45.

5 (Bus. & Prof. Code, §§ 19850, 19856, subds. (a) & (b), 19857, subds. (a) & (b), 19859, subds. (a)  
6 & (d), 19866; Cal. Code. Regs., tit. 4, § 12105, subd. (a).)

7 **SECOND CAUSE OF ACTION FOR DENIAL**

8 **(Dishonest or Misleading Statements)**

9 10. Respondent's Application is subject to denial in that Respondent failed to reveal  
10 facts material to her qualification for licensure and/or supplied untrue or misleading information  
11 regarding facts pertaining to her qualification for licensure as follows:

12 a. In response to question 4, Part II, of her Application for Initial Regular Work  
13 Permit/Temporary Work, Respondent, under penalty of perjury, denied having been convicted  
14 within the prior 10 years of a misdemeanor involving dishonesty or moral turpitude. As alleged  
15 in paragraph 9 above, Respondent suffered such a conviction within that time period.

16 b. In response to question B, section 4, Criminal History, of her Work Permit  
17 Questionnaire, Respondent, under penalty of perjury, denied having been convicted within the  
18 prior 10 years of a misdemeanor. As alleged in paragraph 9 above, Respondent suffered a  
19 misdemeanor conviction within that time period.

20 c. When asked by the Bureau to explain why she failed to disclose in her Application  
21 the criminal conviction alleged in paragraph 9 above, Respondent denied ever having suffered  
22 that conviction.

23 (Bus. & Prof. Code, §§ 19850, 19856, subds. (a) & (b), 19857, subds. (a) & (b), 19859, subds. (a)  
24 & (b), 19866; Cal. Code. Regs., tit. 4, § 12105, subd. (a).)

25 **PRAYER**

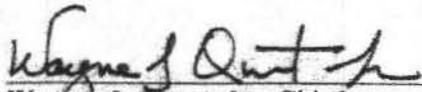
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Commission issue a decision to:

28 1. Deny Jennifer R. Domingos-Vital's application for a work permit; and,

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2. Take such other and further action as the Commission may deem appropriate.

Dated: February 8<sup>TH</sup>, 2017

  
WAYNE J. QUINT, JR., Chief  
California Department of Justice  
Bureau of Gambling Control  
Complainant



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 4. Business and Professions Code, section 19870 provides:

5 (a) The commission, after considering the recommendation of the  
6 chief<sup>4</sup> and any other testimony and written comments as may be  
7 presented at the meeting, or as may have been submitted in writing to the  
8 commission prior to the meeting, may either deny the application or grant  
9 a license to an applicant who it determines to be qualified to hold the  
10 license.

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

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

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

20 (e) A decision of the commission denying a license or approval, or  
21 imposing any condition or restriction on the grant of a license or  
22 approval may be reviewed by petition pursuant to Section 1085 of the  
23 Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure  
24 shall not apply to any judicial proceeding described in the foregoing  
25 sentence, and the court may grant the petition only if the court finds that  
26 the action of the commission was arbitrary and capricious, or that the  
27 action exceeded the commission's jurisdiction.

28 5. Business and Professions Code, section 19871 provides:

(a) The commission meeting described in Section 19870 shall be  
conducted in accordance with regulations of the commission and as  
follows:<sup>5</sup>

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

<sup>4</sup> "Chief" refers to the Chief, Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (d).)

<sup>5</sup> See California Code of Regulations, title 4, section 12060.

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

(A) To call and examine witnesses.

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

(C) To cross-examine opposing witnesses on any matters 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.

(4) The meeting need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence 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.

(b) Nothing in this section confers upon an applicant a right to discovery of the department's<sup>[6]</sup> investigative reports or to require disclosure of any document or information the disclosure of which is otherwise prohibited by any other provision of this chapter.

6. California Code of Regulations, title 4, section 12060, subdivision (a), provides, in part:

(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's determination will be based upon information in the Bureau's report or other appropriate sources, . . .

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<sup>6</sup> "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 7. California Code of Regulations, title 4, section 12124, provides:

2 Denial of an application for a temporary work permit or  
3 cancellation of a temporary work permit shall not suspend the  
4 processing and review of the related application for a regular work  
5 permit.

6 8. California Code of Regulations, title 4, section 12128, subdivision (b)(2), provides, in  
7 part:

8 (a) A temporary work permit shall be cancelled by the Executive  
9 Director at any time if any of the following applies:

10 \* \* \*

11 (2) Pursuant to Business and Professions Code section  
12 19826, the Bureau recommends denial of a regular work permit to  
13 the applicant.

14 **Specific Statutory and Regulatory Provisions**

15 9. Business and Professions Code section 19856, subdivisions (a) and (b)  
16 provide, in part:

17 (a) . . . The burden of proving his or her qualifications to receive any  
18 license is on the applicant.

19 (b) An application to receive a license constitutes a request for a  
20 determination of the applicant's general character, integrity, and ability to  
21 participate in, engage in, or be associated with, controlled gambling.

22 10. Business and Professions Code section 19850 provides, in part:

23 Every person who, either as owner, lessee, or employee, whether for  
24 hire or not, either solely or in junction with others, deals, operates,  
25 carries on, conducts, maintains, or exposes for play any controlled game  
26 in this state, or who receives, directly or indirectly, any compensation or  
27 reward, or any percentage or share of the money or property played , for  
28 keeping, running, or carrying on any controlled gamin in this state, shall  
apply for and obtain from the commission, and shall thereafter maintain,  
a valid state gambling license, key employee license, or work permit , as  
specified in this chapter.

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

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

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

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

9 12. Business and Professions Code section 19859 provides, in part:

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

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

14 (b) Failure of the applicant to provide information,  
15 documentation, and assurances required by the chief, or failure of the  
16 applicant to reveal any fact material to qualification, or the supplying  
17 of information that is untrue or misleading as to a material fact  
18 pertaining to the qualification criteria.

19 \* \* \*

20 (d) Conviction of the applicant for any misdemeanor involving  
21 dishonesty or moral turpitude within the 10-year period immediately  
22 preceding the submission of the application, unless the applicant has  
23 been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45  
24 of the Penal Code; provided, however, that the granting of relief  
25 pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code  
26 shall not constitute a limitation on the discretion of the commission  
27 under Section 19856 of affect the applicant's burden under Section  
28 19857.

13. Business and Professions Code section 19866 provides:

14 An applicant for licensing or for any approval or consent required  
15 by this chapter, shall make full and true disclosure of all information  
16 to the department and the commission as necessary to carry out the  
17 policies of this state relating to licensing, registration, and control of  
18 gambling.

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

15 (a) 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

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disqualification under Business and Professions Code section 19859.

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