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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 Approval of Work**
15 **Permit for**

BGC Case No. BGC-HQ2017-00010SL

CGCC Case No: CGCC-2017-0608-7B

16 **DANIEL MATHEW THOMAS**

STATEMENT OF REASONS

17 [REDACTED],
18 **Respondent.**

19
20 Complainant alleges as follows:

21 **PARTIES**

22 1. Wayne J. Quint, Jr. (Complainant) brings this Statement of Reasons for a denial of a
23 work permit application in his official capacity as the Director of the California Department of
24 Justice, Bureau of Gambling Control (Bureau).

25 2. On June 13, 2016, Daniel Mathew Thomas (Respondent) submitted an Application for
26 an Initial Regular Work Permit/Temporary Work Permit (Application), as well as a Work Permit
27 Questionnaire (Questionnaire), to allow employment at the Towers Casino and Card Room in
28 Grass Valley.

1 assaulted a gaming establishment dealer, while he was dealing, by punching the dealer in the back.
2 This physical assault injured the dealer.

3 10. As a result of Respondent's assault on another employee at the gaming establishment,
4 on October 5, 2015, he was convicted in the State of Colorado of violating CRS 18-3-204, subd.
5 (1)(a), assault in the third degree causing injury, a misdemeanor, in the case of *People of Colorado*
6 *v. Daniel M. Thomas* (Combined Ct. Teller County Colo, 2015, 2015M000092.)

7 11. Due to his criminal conviction, Respondent received a 12-month unsupervised
8 deferred sentence and was required to complete a mental health evaluation, 48 hours of
9 community service, and ordered to pay a fine. Further, Respondent had a restraining order issued
10 against him.

11 (See Bus. & Prof. Code, §§ 19850, 19856, subds. (a) & (b), 19857, subds. (a) & (b), 19859, subds.
12 (a) & (b); Cal. Code. Regs., tit. 4, § 12105, subd. (a).)

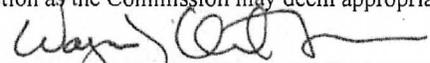
13 **PRAYER**

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

16 1. Denying Respondent's Application for an Initial Regular Work Permit/Temporary
17 Work Permit; and

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

19 Dated: September 20, 2017.



WAYNE J. QUINT, JR., Director
Bureau of Gambling Control
California Department of Justice
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^{5]} 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 may
13 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 and
16 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 video
19 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 approval
22 may be reviewed by petition pursuant to Section 1085 of the Code of
23 Civil Procedure. Section 1094.5 of the Code of Civil Procedure shall not
24 apply to any judicial proceeding described in the foregoing sentence, and
25 the court may grant the petition only if the court finds that the action of
26 the commission was arbitrary and capricious, or that the action exceeded
27 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 commission⁶ and as
follows:

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

⁵ "Chief" refers to the Chief, Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (d).)

⁶ 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^[7] 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 . . .

⁷ "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, provides, in part:

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

9 * * *

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

13 **Specific Statutory and Regulatory Provisions**

14 9. Business and Professions Code section 19856 provides, in part:

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

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

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

21 Every person who, either as owner, lessee, or employee, whether for
22 hire or not, either solely or in conjunction with others, deals, operates,
23 carries on, conducts, maintains, or exposes for play any controlled game
24 in this state, or who receives, directly or indirectly, any compensation or
25 reward, or any percentage or share of the money or property played , for
26 keeping, running, or carrying on any controlled game in in this state, shall
27 apply for and obtain from the commission, and shall thereafter maintain,
28 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:

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

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

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

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

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

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

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

18 (1) The applicant meets any of the criteria for mandatory
19 disqualification under Business and Professions Code section
20 19859.

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