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CALIFORNIA GAMBLING
CONTROL COMMISSION

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

12
13 **In the Matter of the Statement of Reasons:**

14 **MIGUEL O. AGUILAR**



15
16 Respondent.

BGC Case No. BGC-HQ2013-0005SL

CGCC Case No.: CGCC-2013-0725-12

17 **STATEMENT OF REASONS**

18
19 Complainant alleges as follows:

20 **PARTIES**

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

24 2. Miguel Aguilar (Respondent) was issued a Third Party Proposition Player Services
25 registration in June, 2004. The California Gambling Control Commission (Commission)
26 subsequently approved the conversion of Respondent's registration to a license on July 9, 2009,
27 and renewed his license for two years on July 14, 2011. In March 2013, Respondent submitted an
28 application to renew his license.

1 6. On or about January 25, 2007, Respondent signed, under penalty of perjury, a Level I
2 Supplemental Information form. On this form Respondent answered "no" to the question that
3 asked him if he was currently on probation. This response was untrue. In fact, Respondent was
4 still serving a three year probation from his 2006 misdemeanor convictions for Vehicle Code
5 section 23103.5, and Penal Code section 242/243, subdivision (e), in the case of *People v. Miguel*
6 *Aguilar* (Super. Ct. Santa Clara County, No. CC616880).

7 7. Respondent supplied a written statement to the Bureau regarding his December 20,
8 2005 confrontation with his former fiancé (fiancé) that led to his 2006 misdemeanor convictions
9 of violating Vehicle Code section 23103.5, reckless driving, and Penal Code section 242/243,
10 subdivision (e), battery upon a fiancé. In this statement, Respondent stated that he had "only a
11 small amount of alcohol" in his "system" that day. Respondent's statement also indicated that at
12 the scene of the confrontation he "explained to the officers" what occurred. In this statement
13 Respondent further stated that he did not cause his fiancé "any bodily injury" or do "anything
14 violent." Respondent's above statements were untrue and/or misleading in the following ways:

15 (i) Respondent did not merely possess "a small amount of alcohol" in his system on
16 December 20, 2005. In fact, Respondent displayed the objective symptoms of someone under the
17 influence of a controlled substance/alcoholic beverage, and his blood alcohol level measured
18 .147.

19 (ii) Respondent did not, at the scene of the confrontation on December 20, 2005,
20 "explain to the officers" what occurred between him and his fiancé. In fact, after Respondent was
21 advised of his right to remain silent, Respondent chose not to speak to the police.

22 (iii) Respondent did not, at the scene of the confrontation on December 20, 2005,
23 avoid committing acts of violence against his fiancé. In fact, Respondent shoved his fiancé
24 around in an aggressive manner, grabbed her blazer to pull her closer to him, and pushed her
25 down on the kitchen floor. Further, Respondent held her on the floor and began placing his hands
26 around her neck. Respondent stopped his attack only after his fiancé's nine-year-old daughter
27 entered the kitchen. When this confrontation occurred, Respondent's fiancé was only five feet
28 tall, and she weighed only one hundred pounds.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Unqualified for Licensure – Disregard for the Law)**

3 8. Respondent's application for licensure is subject to denial pursuant to Business and
4 Professions Code sections 19857, subdivisions (a) and (b), 19859, subdivision (a), and California
5 Code of Regulations, title 4, section 12218.11, subdivisions (e) and (j), in that Respondent lacks
6 the requisite good character, honesty and integrity and/or poses a threat to the public interest of
7 this state, or to the effective regulation and control of controlled gambling, or creates or enhances
8 the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of
9 controlled gambling. Since 2005, Respondent has demonstrated a lack of good character,
10 honesty, and integrity, and has further demonstrated a pattern and practice of flagrant disregard
11 for the requirements of law and legal authority.

12 9. In support of the Third Cause for Denial of Application, Complainant re-alleges and
13 incorporates by reference all the allegations raised in paragraphs four through eight.

14 **JURISDICTION**

15 10. Business and Professions Code section 19811, subdivision (b), provides:

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

19 11. Business and Professions Code section 19823 provides:

20 (a) The responsibilities of the commission include, without
21 limitation, all of the following:

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

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

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

1 who is found to be disqualified pursuant to the criteria set forth in
2 Section 19859.

- 3 12. Business and Professions Code section 19984, subdivision (b) provides in part:

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

- 9 13. Business and Professions Code section 19824 provides in part:

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

13 * * *

14 (b) For any cause deemed reasonable by the commission, deny
15 any application for a license, permit, or approval provided for in
16 this chapter or regulations adopted pursuant to this chapter, limit,
17 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.

18 * * *

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

21 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

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

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

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

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

28 (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
7 financial arrangements incidental thereto.

8 16. Business and Professions Code section 19859 provides in part:

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

11 (a) Failure of the applicant to clearly establish eligibility and
12 qualifications in accordance with this chapter.^[2]

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

18 * * *

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

28 17. California Code of Regulations, title 4, section 12218.11 provides in part:

A requester [for conversion registrant to licensee] shall be
ineligible for licensing for any of the following causes:

* * *

(e) The requester [applicant] has failed to meet the
requirements of Business and Professions Code sections 19856 and
19857.

* * *

(j) The applicant [requester] is ineligible based on any other
provision of law.

² Hereinafter, "chapter" refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

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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 to renew his Third Party Proposition Player Services License; and
2. Taking such other and further action as the Commission may deem appropriate.

Dated: January 13, 2015

Wayne J. Quint Jr. for

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