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

14 **In the Matter of the Application for**
15 **Renewal of Third-Party Proposition Player**
16 **Services License Regarding:**

BGC Case No. BGC-HQ2013-00014SL
CGCC Case No. CGCC-2013-0627-9B

17 **REMAR JONAH MOSCARDON**

STATEMENT OF PARTICULARS

18 
19 **License No. TPPL-008622**

20
21 **Applicant.**

22
23
24 **PARTIES**

25 1. Wayne J. Quint, Jr., submits this Statement of Particulars solely in his official
26 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control
27 (Bureau).
28

1 10. Business and Professions Code section 19823 provides:

2 (a) The responsibilities of the commission include, without limitation,
3 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
6 by persons whose operations are conducted in a manner that
7 is 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
10 the ownership or management thereof, by unqualified or
11 disqualified persons, or by persons whose operations are
12 conducted in a manner that is inimical to the public health,
13 safety, or welfare.

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

18 11. Business and Professions Code section 19824 provides, in part:

19 The commission shall have all powers necessary and proper to enable
20 it fully and effectually to carry out the policies and purposes of this
21 chapter,^[1] including, without limitation, the power to do all of the
22 following:

23 * * *

24 (b) For any cause deemed reasonable by the commission, deny any
25 application for a license, permit, or approval provided for in this chapter
26 or regulations adopted pursuant to this chapter, limit, condition, or restrict
27 any license, permit, or approval, or impose any fine upon any person
28 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.

* * *

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

12. Business and Professions Code section 19853, subdivision (a), provides:

(a) The commission, by regulation or order, may require that the
following persons register with the commission, apply for a finding of

¹ "Chapter" refers to the "Gambling Control Act." (Bus. & Prof. Code, § 19800 et seq.)

1 suitability as defined in subdivision (i) of 19805, or apply for a gambling
2 license:

3 * * *

4 (3) Any person who does business on the premises of a
5 licensed gambling establishment.

6 13. Business and Professions Code section 19870 provides, in part:

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

13 14. Business and Professions Code section 19871 provides:

14 (a) The commission meeting described in Section 19870 shall be
15 conducted in accordance with regulations of the commission and as
16 follows:

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

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

20 (A) To call and examine witnesses.

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

23 (C) To cross-examine opposing witnesses on
24 any matters relevant to the issues, even though
25 the matter was not covered on direct examination.

26 (D) To impeach any witness, regardless of
27 which party first called the witness to testify.

28 (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

1 common law or statutory rule that might make improper the
2 admission of that evidence over objection in a civil action.

3 (b) Nothing in this section confers upon an applicant a right to
4 discovery of the department's² investigative reports or to require
5 disclosure of any document or information the disclosure of which is
6 otherwise prohibited by any other provision of this chapter.

7 **SPECIFIC STATUTORY PROVISIONS**

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

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

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

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

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

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

22 **THIRD-PARTY PROPOSITION PLAYER PROVISIONS**

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

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

18. California Code of Regulations, title 4, section 12200.3, subdivision (g), provides:

² "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 (g) Registrations, licenses, and badges are specific to the primary
2 owner. Third party proposition player services cannot be provided
3 without first applying for and obtaining a registration, license, or badge.

4 19. California Code of Regulations, title 4, section 12200.7, subdivisions (b)(8) and
5 (b)(9), provide:

6 (b) . . .

7 * * *

8 (8) That proposition player services shall be provided in the gambling
9 establishment only in compliance with laws and regulations pertaining to
10 controlled gambling.

11 (9) That proposition player services may be provided only by
12 authorized players with current registration or licensing under this
13 chapter.^[3]

14 20. California Code of Regulations, title 4, section 12200.18, subdivisions (a), (b), and
15 (f), provide:

16 The Commission may revoke a registration or license, upon any of the
17 following grounds, after a hearing conducted pursuant to the same
18 procedures applicable to the revocation of a gambling establishment
19 license:

20 (a) The registrant or licensee committed, attempted to commit, or
21 conspired to commit any acts prohibited by the Act^[4] or this chapter.

22 (b) Any act or omission by the registrant that would disqualify the
23 registrant from obtaining registration under this chapter. Any act or
24 omission by the licensee that would disqualify the licensee from
25 obtaining licensing under this chapter.

26 * * *

27 (f) The registrant or licensee concealed or refused to disclose any
28 material fact in any inquiry by the Bureau or the Commission.

29 21. California Code of Regulations, title 4, section 12218.11, provides, in part:

30 ³ "Chapter" refers to California Code of Regulations, title 4, division 18, chapter 2.1,
31 section 12200 et seq.

32 ⁴ "Act" refers to the "Gambling Control Act." (Bus. & Prof. Code, § 19800 et seq.)

1 A requester shall be ineligible for licensing for any of the following
2 causes:

3 * * *

4 (e) The requester has failed to meet the requirements of Business and
5 Professions Code sections 19856 or 19857.

6 (f) The requester would be ineligible for a state gambling license
7 under any of the criteria set forth in Business and Professions Code
8 section 19859, subdivisions (b), (e), or (f).

9 * * *

10 (i) The requester has failed to comply with one or more of the
11 requirements set forth in paragraphs (8), (9), (15), (16), (17), (18) or (21)
12 of subsection (b) of Section 12200.7 or in paragraph (2) of subsection (c)
13 of Section 12200.7.

14 (j) The applicant is ineligible based on any other provision of law.

15 **LICENSURE CONSIDERATIONS**

16 **(Misdemeanor Criminal Convictions)**

17 22. Since the time his license was issued, Applicant was convicted of two misdemeanors
18 that present a question whether Applicant is qualified for licensure pursuant to the criteria set
19 forth in Business and Professions Code section 19857. The circumstances are as follows:

20 a. On or about May 18, 2012, Applicant was convicted, upon a plea of nolo
21 contendere, of violating Vehicle Code section 23152, subdivision (b), driving with 0.08
22 percent or more, by weight, of alcohol in his blood, a misdemeanor, with a mandatory
23 statutory advisement per Vehicle Code section 23593, subdivision (a), in the case of *People*
24 *v. Remar Jonah Moscardon* (Super. Ct. Contra Costa County, 2012, No. 02-307912-6).

25 b. On or about December 4, 2012, Applicant pled guilty and was convicted
26 of violating Nevada Revised Statutes section 200.481, battery, defined as the willful and
27 unlawful use of force on another person that does not result in substantial bodily harm, a
28 misdemeanor, in the case of *People v. Remar Jonah Moscardon* (Justice. Ct. Reno
Township, Washoe County, Nev., 2012, No. RCR2012-068408).

1 **BUREAU RECOMMENDATION**

2 23. On or about May 30, 2013, the Bureau submitted to the Commission a Third Party
3 Provider of Proposition Player Services Level II Player Renewal Report. The Bureau made no
4 recommendation regarding Applicant's suitability for license renewal in the report. The Bureau
5 summarized the above-pled misdemeanor criminal convictions in the report. The Bureau's
6 position takes into account the following factors in aggravation and mitigation:

7 a. Applicant has suffered two recent misdemeanor criminal convictions,
8 both of which are less than four years old. Such recent conduct reflects poorly upon
9 Applicant's current character, reputation, and habits, as well as his ability in general to
10 comply with laws and regulations.

11 b. Applicant has no history of any criminal convictions or behavior prior to
12 February 13, 2011, the date of the Contra Costa County offense, and subsequent to
13 December 4, 2012, the date of the Nevada conviction. Both of Applicant's criminal
14 convictions are misdemeanors. His probation for the Contra Costa County offense ended
15 on May 18, 2015 and he has paid the fees and fines resulting from his Nevada conviction.

16 c. None of Applicant's criminal convictions were for conduct directly
17 related to controlled gambling or his employment as a third-party proposition player.

18 d. It appears that applicant had been employed by PT Gaming, LLC (PT
19 Gaming), a licensed provider of third-party proposition player services, since his
20 registration was issued on November 15, 2010.⁵ It also appears that he had a spotless
21 employment history with that licensed third-party provider. During his more than four
22 years of employment with PT Gaming, there does not appear to be any evidence that he
23 posed a threat to the public's interest, or to the effective regulation and control of controlled
24 gambling, or created or enhanced the dangers of unsuitable, unfair, or illegal practices,
25

26 ⁵ While this matter is proceeding to an evidentiary hearing at the Commission's direction,
27 it is the Bureau's understanding that Applicant recently resigned his position and is no longer
28 working at PT Gaming, or anywhere else in the gaming industry.

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methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto.

e. There is no evidence of Applicant having a history of violating any of the substantive provisions of the Gambling Control Act (Bus. & Prof. Code, § 19800 et seq.) or the regulations promulgated thereunder.

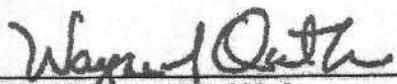
f. Applicant has been cooperative and fully disclosed both of his convictions in the course of the Bureau's investigation of Applicant's suitability for license renewal.

g. Employing Applicant in the licensed gambling industry does not appear to pose a current threat to the health, safety, or welfare of the public.

CONCLUSION

WHEREFORE, Bureau Chief Wayne J. Quint, Jr. requests that, following the hearing to be held on the matters herein alleged, the Commission take such action as it may deem appropriate regarding the Application submitted by Remar Jonah Moscardon for renewal of his third-party proposition player license.

Dated: August 10, 2015


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