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

14 **In the Matter of the Statement of Reasons**  
15 **Against:**  
16 **VANESSA ELISE GARCIA**  
17 **[REDACTED]**  
18 **[REDACTED]**  
19 **Respondent.**

BGC Case No. BGC-HQ2015-00015SL  
CGCC Case No. CGCC-2015-0429-8  
**STATEMENT OF REASONS**

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21 Complainant alleges as follows:

22 **PARTIES**

23 1. Wayne J. Quint, Jr. (Complainant) brings this Statement of Reasons for the  
24 denial of conversion of a third-party proposition player registration to a license solely in his  
25 official capacity as the Chief of the California Department of Justice, Bureau of Gambling  
26 Control (Bureau).  
27  
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1 12. Business and Professions Code, section 19870 provides:

2 (a) The commission, after considering the recommendation of  
3 the chief<sup>2</sup> and any other testimony and written comments as may be  
4 presented at the meeting, or as may have been submitted in writing to  
5 the commission prior to the meeting, may either deny the application  
6 or grant a license to an applicant who it determines to be qualified to  
7 hold the license.

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

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

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

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

25 13. Business and Professions Code, section 19871 provides:

26 (a) The commission meeting described in Section 19870 shall  
27 be conducted in accordance with regulations of the commission and  
28 as follows:

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

(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.

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<sup>2</sup> "Chief" refers to the Chief of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

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

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

6 (E) To offer rebuttal evidence.

7 (3) If the applicant does not testify in his or her own  
8 behalf, he or she may be called and examined as if under cross-  
9 examination.

10 (4) The meeting need not be conducted according to  
11 technical rules relating to evidence and witnesses. Any relevant  
12 evidence may be considered, and is sufficient in itself to support  
13 a finding, if it is the sort of evidence on which responsible  
14 persons are accustomed to rely in the conduct of serious affairs,  
15 regardless of the existence of any common law or statutory rule  
16 that might make improper the admission of that evidence over  
17 objection in a civil action.

18 (b) Nothing in this section confers upon an applicant a right to  
19 discovery of the department's<sup>[3]</sup> investigative reports or to require  
20 disclosure of any document or information the disclosure of which is  
21 otherwise prohibited by any other provision of this chapter.

### 22 SPECIFIC STATUTORY AND REGULATORY PROVISIONS

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

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

26 15. Business and Professions Code section 19857 provides:

27 No gambling license shall be issued unless, based on all the  
28 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.

(b) A person whose prior activities, criminal record, if  
any, reputation, habits, and associations do not pose a threat to

<sup>3</sup> "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 the public interest of this state, or to the effective regulation and  
2 control of controlled gambling, or create or enhance the dangers  
3 of unsuitable, unfair, or illegal practices, methods, and activities  
4 in the conduct of controlled gambling or in the carrying on of  
5 the business and financial arrangements incidental thereto.

(c) A person that is in all other respects qualified to be  
licensed as provided in this chapter.

6 16. Business and Professions Code section 19859 provides:

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

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

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

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

18 A requester [of a Third Party Proposition Player Services license]  
19 shall be ineligible for licensing for any of the following causes:

20 \* \* \*

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

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

26 \* \* \*

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

18. Business and Professions Code section 19866 provides:

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

1 19. California Code of Regulations, title 4, section 12204 provides, in part:

2 An applicant shall be ineligible for registration for any of the following  
3 causes:

4 \* \* \*

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

8 \* \* \*

9 (i) The applicant is ineligible based on any other provision of  
10 law.

11 20. California Code of Regulations, title 4, section 12205 provides:

12 (a) Any regular registration issued in accordance with this  
13 chapter shall be subject to cancellation pursuant to this section. A  
14 registration shall be cancelled if the Commission determines after a  
15 noticed hearing that the registrant is ineligible for registration, has  
16 failed in the application for registration to reveal any fact material to  
17 the holder's qualification for registration, or has supplied information  
18 in the registration application that is untrue or misleading as to a  
19 material fact pertaining to the criteria for issuance of registration.

20 (b) If the Commission finds that any of the circumstances set  
21 forth in subsection (a) apply, then the Executive Director shall  
22 immediately do all of the following:

23 (1) Provide written notice to the registrant and the Bureau  
24 of the cancellation of the registration and the grounds thereof, and  
25 provide written notice of the cancellation to the owner, if the  
26 registrant is a supervisor, player, or other employee and to any  
27 gambling establishment in which the registrant provides  
28 proposition player services.

(2) Notify the registrant, if an individual, that he or she is  
required to surrender the registrant's badge to the Commission not  
more than ten days following the date that the notice of the  
cancellation was mailed or such greater time as is authorized by  
the Executive Director.

23 **FIRST CAUSE FOR DENIAL OF LICENSE APPLICATION**  
24 **(Misdemeanor Conviction & Failure to Comply with Sentencing Requirements)**

25 21. Respondent's Application is subject to discretionary denial pursuant to Business  
26 and Professions Code, section 19857, and California Code of Regulations, title 4, section  
27 12218.11, subdivision (e), in that:

1 a. On or about October 4, 2013, Respondent was convicted of violating California  
2 Vehicle Code section 23152, subdivision (b), driving under the influence of alcohol/0.08 percent  
3 or more, a misdemeanor offense not considered to be a crime of moral turpitude or dishonesty;

4 b. As of at least April 21, 2015, Respondent had not completed the three-month  
5 First Offender Alcohol Program she was required to complete as part of her sentence; and

6 c. As of at least April 24, 2015, Respondent had not fully paid the fine and/or  
7 restitution required as part of her sentence.

8 **SECOND CAUSE FOR DENIAL OF LICENSE APPLICATION**  
9 **(Repeated Failure to Provide Required Information)**

10 22. Respondent's application is subject to mandatory denial pursuant to Business and  
11 Professions Code, section 19859; subdivisions (a) and/or (b); Business and Professions Code,  
12 section 19866; and California Code of Regulations, title 4, section 12218.11, subdivisions (e), (f)  
13 and/or (j), in that she has repeatedly failed to provide the following information, documentation  
14 or records related to registration, licensure and/or the provision of proposition player services  
15 despite multiple requests by both the Commission and the Bureau, and opportunities to comply  
16 over a period of one year or longer:

17 a. A copy of Respondent's valid work permit issued by the local jurisdiction;

18 b. A copy of Respondent's certificate of completion from the three-month First  
19 Offender Alcohol Program as ordered in connection with Respondent's driving under the  
20 influence conviction; and

21 c. A copy of a proof of payment of the fine and/or restitution ordered in  
22 connection with Respondent's driving under the influence conviction.

23 Respondent's repeated failures to provide the above information, documentation or records  
24 related to registration, licensure and/or the provision of proposition player services upon request  
25 also serves as a basis for discretionary denial pursuant to Business and Professions Code, section  
26 19857; Business and Professions Code, section 19866; California Code of Regulations, title 4,  
27  
28

1 section 12200.16, subdivision (a); and California Code of Regulations, title 4, section 12218.11,  
2 subdivision (e).

3 PRAYER

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

- 6 1. Denying Respondent's Application for a Third Party Proposition Player Services  
7 License;
- 8 2. Taking such other and further action as the Commission may deem appropriate,  
9 including requesting the Executive Director to cancel Respondent's Third Party Proposition  
10 Player Registration No. TPPL-010978 pursuant to California Code of Regulations, title 4,  
11 sections 12204 and 12205, subdivisions (a) and (b).

12 Dated: November 30, 2015

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

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