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8
9 **BEFORE THE**
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**
11 **STATE OF CALIFORNIA**

14 **In the Matter of the Statement of**
15 **Particulars for the Application for Approval**
16 **of Third-Party Proposition Player License**
for

BGC Case No. HQ2017-0023SL

CGCC Case No: CGCC-2017-1019-9A

17 v.

STATEMENT OF PARTICULARS

18 **GREGORY MICHAEL HILL**
19 [REDACTED]

20 **Respondent.**

21 The Bureau of Gambling Control (Bureau) alleges as follows:

22
23 **PARTIES**

- 24 1. Stephanie Shimazu brings this Statement of Particulars solely in her official capacity
25 as the Director of the Bureau.
- 26 2. On or about February 5, 2014, the Bureau received an Application for a Third-Party
27 Proposition Player Services License for Supervisor, Player or Other Employee (Prop Player
28 Services License) and a Level I Supplemental Information (collectively, Application) from

1 Gregory Hill (Applicant). Applicant has worked as a third-party proposition player for Acme
2 Player Service, LLC (Acme) from November, 2013 to the present. Applicant was issued a
3 registration, number TPPL-012955 for his position with Acme on or about December 20, 2013.
4 This registration was renewed on or about October 2, 2015 and on or about September 18, 2017,
5 and it is scheduled to expire on December 31, 2019.

6 3. In August 2017, the Bureau sent a Third-Party Player Background Investigation
7 Report to the California Gambling Control Commission (Commission) in which the Bureau
8 recommended that Applicant's Application for a license be approved.

9 4. At its October 19, 2017 meeting, the Commission referred consideration of
10 Applicant's Application to an evidentiary hearing to be conducted as a Gambling Control Act
11 hearing pursuant to California Code of Regulations Title 4, Division 18, Chapter 1, section
12 12060. This hearing shall be conducted to determine Applicant's qualifications and suitability for
13 licensure in accordance with Business and Professions Code sections 19856, 19857, and 19859.

14 5. On or about November 3, 2017, Applicant submitted a Notice of Defense, dated
15 October 25, 2017.

16 **BURDEN OF PROOF**

17 6. Applicant has the burden to prove that he is qualified and suitable to be issued a Prop
18 Player Services License. (Bus. & Prof. Code, § 19856, subd. (a).)

19 **LICENSURE CONSIDERATIONS**

20 **(Factors in Aggravation and Mitigation)**

21 7. On or about June 13, 2016, Applicant entered a plea of nolo contendere to a violation
22 of Penal Code section 243, subdivision (e)(1), former spousal battery, a misdemeanor, in the case
23 of *People of the State of California v. Gregory Hill* (Super. Ct. Los Angeles County, 2016, No.
24 6BL03259). The court found Applicant guilty, and sentenced him to three years of probation, and
25 25 days of community labor. Applicant was also ordered to complete a domestic violence
26 program, and to pay a fine.

* * *

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

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

The commission, by regulation or order, may require that the following persons register with the commission, apply for a finding of suitability as defined in subdivision (i) of 19805, or apply for a gambling license:

* * *

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

5. Business and Professions Code section 19870 provides:

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

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

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

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

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

6. 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:

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

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

4 (A) To call and examine witnesses.

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

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

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

12 (E) To offer rebuttal evidence.

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

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

24 (b) Nothing in this section confers upon an applicant a right
25 to discovery of the department's^[1] investigative reports or to
26 require disclosure of any document or information the disclosure of
27 which is otherwise prohibited by any other provision of this
28 chapter.

7. California Code of Regulations, title 4, section 12054, subdivision (a)(2) provides:

(a) At a non-evidentiary hearing meeting, the Commission
may take, but is not limited to taking, one of the following actions:

* * *

(2) Elect to hold an evidentiary hearing in accordance
with Section 12056 and, when for a renewal application, issue
an interim renewal license pursuant to Section 12035. The
Commission shall identify those issues for which it requires

¹ "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

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additional information or consideration related to the applicant's suitability.

8. California Code of Regulations, title 4, section 12056, subdivision (a) provides, in part:

If the Commission elects to hold an evidentiary hearing, the hearing will be conducted as a GCA hearing under Section 12060, unless the Executive Director or the Commission determines the hearing should be conducted as an APA hearing under Section 12058 . . .

9. California Code of Regulations, title 4, section 12060, provides:

(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 shall give notice to the applicant, pursuant to paragraph (2) subsection (c) of Section 12052, to the Office of the Attorney General, and to the Bureau no later than 90 calendar days in advance of the GCA hearing. The Executive Director's determination will be based on information contained in the Bureau's report or other appropriate sources including, without limitation, a request from the Bureau or applicant as well as the Commission's operational considerations. The Commission retains the authority to refer the matter to an APA hearing pursuant to subsection (a) of Section 12056 or hear the matter at a Section 12054 meeting if the Commission deems it appropriate.

(b) When the Commission has elected to hold a GCA hearing, the Executive Director shall give notice to the applicant, pursuant to paragraph (2) subsection (c) of Section 12052, to the Office of the Attorney General, and to the Bureau no later than 60 calendar days in advance of the GCA hearing.

(c) The presiding officer shall have no communication with the Commission or Commission staff upon the merits, or upon information or documents related to the application prior to the evidentiary hearing. The Executive Director shall designate a presiding officer which shall be:

- (1) A member of the Commission's legal staff; or,
- (2) An Administrative Law Judge.

(d) The applicant or the complainant, or the applicant and the complainant, may request a continuance in writing to the Executive Director stating the reason for the continuance and any proposed

1 future hearing dates. The Executive Director or Commission may
2 approve the request.

3 (e) The complainant shall provide to the applicant, at least 45
4 calendar days prior to the GCA hearing, and the applicant shall
5 provide to the complainant, at least 30 calendar days prior to the
6 GCA hearing, the following items:

7 (1) A list of potential witnesses with the general subject
8 of the testimony of each witness;

9 (2) Copies of all documentary evidence intended to be
10 introduced at the hearing and not previously provided;

11 (3) Reports or statements of parties and witnesses, if
12 available; and

13 (4) All other written comments or writings containing
14 relevant evidence.

15 (f) A presiding officer shall rule on the admissibility of
16 evidence and on any objections raised except for objections raised
17 under subsection (g). A ruling by the presiding officer shall be
18 final.

19 (1) In advance of the GCA hearing, upon a motion of a
20 party or by order of the presiding officer, the presiding officer
21 may conduct a pre-hearing conference, either in person, via
22 teleconference, or by email exchange, subject to the presiding
23 officer's availability and shall issue a pre-hearing order if
24 appropriate or requested by either party. The pre-hearing
25 conference and order may address the following:

26 (A) Evidentiary issues;

27 (B) Witness and exhibit lists;

28 (C) Alterations in the Bureau recommendation;

(D) Stipulation for undisputed facts including
the admission of the Bureau's report; and

(E) Other issues that may be deemed
appropriate to promote the orderly and prompt
conduct of the hearing.

(2) The GCA hearing need not be conducted according
to technical rules of evidence. Any relevant evidence may be

1 considered, and is sufficient in itself to support findings if it is
2 the sort of evidence on which reasonable persons are
3 accustomed to rely in the conduct of serious affairs, regardless
4 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.

5 (g) The Commission may, at any time upon a showing of
6 prejudice by the objecting party:

7 (1) Prohibit the testimony of any witness or the
8 introduction of any documentary evidence that has not been
disclosed pursuant to subsection (e); or

9 (2) Continue any meeting or hearing as necessary to
10 mitigate any prejudice.

11 (h) The complainant shall present all facts and information in
12 the Bureau report, if any, and the results of the Bureau's
13 background investigation, and the basis for any recommendation, if
14 the Bureau filed one with the Commission according to Business
15 and Professions Code section 19868, to enable the Commission to
16 make an informed decision on whether the applicant has met his,
her, or its burden of proof. The complainant may but is not
required to recommend or seek any particular outcome during the
evidentiary hearing, unless it so chooses.

17 (i) The burden of proof is on the applicant at all times to
18 prove his, her, or its qualifications to receive any license or other
approval under the Act.

19 (j) The applicant may choose to represent himself, herself,
20 or itself, or may retain an attorney or lay representative.

21 (k) Except as otherwise provided in subsection (g), the
22 complainant and applicant shall have the right to call and examine
23 witnesses under oath; to introduce relevant exhibits and
24 documentary evidence; to cross-examine opposing witnesses on any
25 relevant matter, even if the matter was not covered in direct
26 examination; to impeach any witness, regardless of which party
first called the witness to testify; and to offer rebuttal evidence. If
the applicant does not testify on his, her or its own behalf, the
applicant may be called and examined, under oath, as if under
cross-examination.

27 (l) Oral evidence shall be taken upon oath or affirmation,
28 which may be administered by the Executive Director, a member of

1 the Commission, or the presiding officer, if an Administrative Law
2 Judge.

3 (m) At the conclusion of the evidentiary hearing, the
4 members of the Commission shall take the matter under
5 submission, may discuss the matter in a closed session meeting, and
6 may schedule future closed session meetings for deliberation.

7 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

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

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

11 11. 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
14 that 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, habits,
17 and associations do not pose a threat to the public interest of this state, or to the
18 effective regulation and control of controlled gambling, or create or enhance the
19 dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
20 conduct of controlled gambling or in the carrying on of the business and
21 financial arrangements incidental thereto.

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

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

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

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

