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**BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION
STATE OF CALIFORNIA**

In the Matter of the Statement of Reasons for
Denial of Application for a TPPPS Worker
License for:
MARY LOCK

(TPWK-002177)
Respondent.

CGCC Case No.: CGCC-2022-0811-10A
BGC Case No.: BGC-HQ2022-00019SL
STATEMENT OF REASONS

Complainant alleges as follows:

PARTIES

1. Yolanda Morrow (Complainant) submits this Statement of Reasons for denial of a Third Party Provider of Proposition Services (TPPPS) worker license in her official capacity as Director of the California Department of Justice, Bureau of Gambling Control (Bureau).

1 2. Mary Lock (Respondent) seeks approval by the California Gambling Control
2 Commission (Commission) of her Application for Employee Category License to work as a
3 TPPPS worker.

4 **THE APPLICATION AND THIS PROCEEDING**

5 3. Respondent began working for Blackstone Gaming, LLC on September 3, 2021 in a
6 TPPPS worker position.

7 4. On September 7, 2021, the Bureau received Respondent's Application for Employee
8 Category License and her Commission Work Permit or TPPPS Worker: Supplemental
9 Information, with attached schedules (collectively Application). Thereafter, the Commission
10 issued a temporary worker license to Respondent, number TPWK-002177, which expires on
11 August 31, 2023.

12 5. On or about February 28, 2022, the Bureau issued its Third-Party Worker Initial
13 Background Investigation Report, Level III, in which it recommended that Respondent's request
14 for a license be denied.

15 6. On August 12, 2022, the Commission notified Respondent of its decision to refer
16 consideration of Respondent's Application to an evidentiary hearing to be held pursuant to
17 California Code of Regulations, title 4, section 12054, subdivision (a)(4), to determine
18 Respondent's qualifications and suitability for licensure in accordance with Business and
19 Professions Code sections 19856, 19857, and 19859 and applicable regulations found in title 4,
20 division 18, of the California Code of Regulations.¹ Included with that written notice was a
21 Notice of Defense form for Respondent to complete and return.

22 7. On or about September 9, 2022, the Commission received Respondent's completed
23 Notice of Defense form.

24 **JURISDICTION AND BURDEN OF PROOF**

25 8. The Commission has jurisdiction over the licensing of all persons and things
26 having to do with the operation of gambling establishments. (Bus. & Prof. Code, §§ 19811, subd.
27

28 _____
¹ The statutes and regulations applicable to this Statement of Reasons are quoted in
pertinent part in Appendix A.

1 (b), 19850.) The Commission’s responsibilities include assuring that licenses are not issued to
2 unqualified or disqualified persons and that no unqualified or disqualified person is materially
3 involved with a licensed gambling operation. (Bus. & Prof. Code, § 19823, subd. (a).) The
4 Commission has all powers necessary and proper to carry out the Gambling Control Act’s
5 policies and purposes, including the powers to take actions to ensure that no ineligible,
6 unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities.
7 (Bus. & Prof. Code, § 19824, subds. (b) & (d).)

8 9. Respondent has the burden of proving that she is suitable to hold a TPPPS worker
9 license. (Bus. & Prof. Code, § 19856, subd. (a).)

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(Misdemeanor Conviction – Unsuitable for Licensure)**

12 10. Respondent’s Application is subject to denial because Respondent has engaged in
13 illegal behavior and shown a lack of regard for the health, safety, and welfare of others, which
14 demonstrates that she may pose a threat to the effective regulation and control of gambling.

15 11. Respondent has been convicted of misdemeanor offenses. In July 2021,
16 Respondent was convicted of driving under the influence of alcohol, violating Vehicle Code
17 section 23152, subdivision (b), and vehicular hit and run, violating Vehicle Code section 20002,
18 subdivision (a), in *People of the State of California v. Mary Lock* (Super. Ct. Los Angeles, Case
19 No. 9LB03110).

20 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subds (a) & (b); Cal. Code. Regs., tit. 4, § 12040,
21 subds. (a)(1), (2).)

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 **(Providing Untrue or Misleading Information)**

24 12. Respondent’s Application is subject to denial because Respondent provided untrue
25 or misleading information material to her qualification for licensure.

26 13. When asked by the Bureau to provide information concerning her 2021 conviction
27 of driving under the influence and vehicular hit and run in *People of the State of California v.*
28

1 *Mary Lock* (Super. Ct. Los Angeles, Case No. 9LB03110), Respondent provided information in
2 conflict with the police report.

3 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subs. (a) & (b), 19866; Cal. Code Regs., tit. 4, §
4 12040, subs. (a)(1), (2).)

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged herein,
7 and that following the hearing, the Commission issue a decision:

- 8 1. Denying Respondent’s Application for Employee Category License;
- 9 2. Voiding Respondent’s temporary worker license, No. TPWK-002177; and
- 10 3. Taking such other and further action as the Commission may deem appropriate.

11
12 Dated: November 22, 2022

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14 _____
15 YOLANDA MORROW, Director
16 Bureau of Gambling Control
17 California Department of Justice
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1 **APPENDIX A – STATUTORY AND REGULATORY PROVISIONS**

2 **JURISDICTION**

- 3 1. Business and Professions Code section 19811, subdivision (b), provides:

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

- 7 2. Business and Professions Code section 19823 provides:

8 (a) The responsibilities of the commission include,
9 without limitation, all of the following:

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

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

18 (b) For the purposes of this section, “unqualified person”
19 means a person who is found to be unqualified
pursuant to the criteria set forth in Section 19857, and
20 “disqualified person” means a person who is found to
be disqualified pursuant to the criteria set forth in
Section 19859.

- 21 3. Business and Professions Code section 19824 provides, in part:

22 The commission shall have all powers necessary and proper to enable it
23 fully and effectually to carry out the policies and purposes of this
chapter,² including, without limitation, the power to do all of the
24 following:

25 * * *

26 (b) For any cause deemed reasonable by the commission,

27 ² “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing
28 with section 19800), also known as the Gambling Control Act.

1 deny any application for a license, permit, or approval
2 provided for in this chapter or regulations adopted
3 pursuant to this chapter, limit, condition, or restrict
4 any license, permit, or approval, or impose any fine
5 upon any person licensed or approved. The
6 commission may condition, restrict, discipline, or take
7 action against the license of an individual owner
8 endorsed on the license certificate of the gambling
9 enterprise whether or not the commission takes action
10 against the license of the gambling enterprise.

11 * * *

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

16 * * *

17 4. Business and Professions Code section 19850 provides:

18 Every person who, either as owner, lessee, or employee, whether for hire or
19 not, either solely or in conjunction with others, deals, operates, carries on,
20 conducts, maintains, or exposes for play any controlled game in this state,
21 or who receives, directly or indirectly, any compensation or reward, or any
22 percentage or share of the money or property played, for keeping, running,
23 or carrying on any controlled game in this state, shall apply for and obtain
24 from the commission, and shall thereafter maintain, a valid state gambling
25 license, key employee license, or work permit, as specified in this chapter.
26 In any criminal prosecution for violation of this section, the punishment
27 shall be as provided in Section 337j of the Penal Code.

28 5. Business and Professions Code section 19853, subdivision (a), provides, in part:

(a) 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.

* * *

1 6. Business and Professions Code section 19870 provides:

- 2 (a) The commission, after considering the recommendation
3 of the chief³] and any other testimony and written
4 comments as may be presented at the meeting, or as may
5 have been submitted in writing to the commission prior
6 to the meeting, may deny the application, grant a license
7 to an applicant who it determines to be qualified to hold
8 the license, or refer the application to an evidentiary
9 hearing.
- 10 (b) When the commission grants an application for a license
11 or approval, the commission may limit or place
12 restrictions on the license or approval as it may deem
13 necessary in the public interest, consistent with the
14 policies described in this chapter.
- 15 (c) If, during a meeting, the commission denies an
16 application, denies approval, or approves with limits,
17 restrictions, or conditions, the action shall be stayed for a
18 period of 30 days after the meeting, during which the
19 applicant may request an evidentiary hearing. If the
20 applicant does not file a request for an evidentiary
21 hearing within 30 days, the action of the commission
22 taken at the meeting is final. If the applicant waives the
23 right to hearing and assents to the action of the
24 commission in writing, upon receipt of the waiver by the
25 commission, the action shall no longer be stayed. If the
26 applicant files a timely request for an evidentiary
27 hearing, the action shall be vacated and the application
28 shall be reviewed de novo at the evidentiary hearing.
- (d) When an application is denied after an evidentiary
 hearing, the commission shall prepare and file a detailed
 statement of its reasons for the denial.
- (e) All proceedings relating to an application at a meeting of
 the commission or at an evidentiary hearing shall be
 recorded stenographically or by audio or video recording.
- (f) A decision of the commission after an evidentiary
 hearing, 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 does not apply to
 any judicial proceeding held to consider that petition, 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.

³ "Chief" refers to the Director of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

1 7. Business and Professions Code section 19871 provides:

2 (a) An evidentiary hearing described in Section 19870 shall
3 be conducted in accordance with regulations of the
4 commission and as follows:

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

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

8 (A) To call and examine witnesses.

9 (B) To introduce exhibits relevant to the
10 issues of the case.

11 (C) To cross-examine opposing witnesses on
12 any matters relevant to the issues, even if
13 the matter was not covered on direct
14 examination.

15 (D) To impeach any witness, regardless of
16 which party first called the witness to
17 testify.

18 (E) To offer rebuttal evidence.

19 (3) If the applicant does not testify on their own
20 behalf, the applicant may be called and
21 examined as if under cross-examination.

22 (4) The hearing need not be conducted according to
23 technical rules relating to evidence and
24 witnesses. Any relevant evidence may be
25 considered, and is sufficient in itself to support a
26 finding, if it is the sort of evidence on which
27 responsible persons are accustomed to rely in the
28 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) This section does not confer upon an applicant a right to
discovery of the department's⁴ 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.

27 ⁴ "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.
28 (h).)

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

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

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

8 (a) If the Executive Director determines it is appropriate, he
9 or she may set an application for consideration at a GCA
10 hearing in advance of a meeting pursuant to Section
11 12054. The Executive Director will give notice to the
12 applicant, pursuant to paragraph (2) subsection (c) of
13 Section 12052, to the Office of the Attorney General, and
14 to the Bureau no later than 90 calendar days in advance
15 of the GCA hearing. The Executive Director's
16 determination will be based on information contained in
17 the Bureau's report or other appropriate sources
18 including, without limitation, a request from the Bureau
19 or applicant as well as the Commission's operational
20 considerations.

21 (b) When a GCA hearing is elected pursuant to Section
22 12056, subsection (a), the Executive Director will give
23 notice to the applicant, pursuant to paragraph (2)
24 subsection (c) of Section 12052, to the Office of the
25 Attorney General, and to the Bureau no later than 60
26 calendar days in advance of the GCA hearing.

27 * * *

28 **SPECIFIC STATUTORY PROVISIONS**

10. Business and Professions Code section 19856 provides:

(a) Any person who the commission determines is qualified
to receive a state license, having due consideration for
the proper protection of the health, safety, and general
welfare of the residents of the State of California and the
declared policy of this state, may be issued a license.
The burden of proving his or her qualifications to receive
any license is on the applicant.

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

(c) In reviewing an application for any license, the
commission shall consider whether issuance of the
license is inimical to public health, safety, or welfare,

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and whether issuance of the license will undermine public trust that the gambling operations with respect to which the license would be issued are free from criminal and dishonest elements and would be conducted honestly.

11. Business and Professions Code section 19857 provides:

No gambling license shall be issued unless, based on all of 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.
- (b) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling, or in the carrying on of 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.

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

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

- (a) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.
- (b) Failure of the applicant to provide information, documentation, and 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.

* * *

13. 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 14. California Code of Regulations, title 4, section 12040, subdivisions (a)(1) and (2),
2 provide:

- 3 (a) An application for an initial or renewal license:
4 (1) Will be denied if the Commission finds that
5 the applicant has not satisfied the
6 requirements of Business and Professions
7 Code section 19857; or,
8 (2) Will be denied if the Commission finds that
9 any of the provisions of Business and
10 Professions Code section 19859 apply to the
11 applicant.

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

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

15 * * *

- 16 (4) Elect to hold or retract an evidentiary hearing
17 in accordance with Section 12056 and, for a
18 renewal application, issue an interim renewal
19 license pursuant to Section 12035. The
20 Commission will identify those issues for
21 which it requires additional information or
22 consideration related to the applicant's
23 suitability.

24 16. California Code of Regulations, title 4, section 12122, subdivision (d), provides:

- 25 (d) Upon issuance or denial of a license or Commission
26 work permit by the Commission, the temporary license
27 will become void and cannot be used thereafter.

28 17. California Code of Regulations, title 4, section 12124, subdivision (a)(2) provides:

- (a) The Executive Director will issue a temporary employee
category license if all of the following requirements are
met:

* * *

- (2) Neither the application in its entirety, nor the
results of the investigation of the applicant
reported by the Bureau to the Commission up
until the date of issuance of the temporary
license, discloses any of the mandatory

1 grounds for disqualification specified under
2 12040;

3 * * *

4 18. California Code of Regulations, title 4, section 12128, subdivisions (a)(1) & (2)
5 provide:

6 (a) Any temporary license issued in accordance with this
7 article will be cancelled or conditioned, as provided in
8 subsection (a) and (b), if at any time, any of the
9 following apply:

10 (1) The Commission determines that it has
11 received reliable information that the holder
12 of the temporary license is ineligible under
13 paragraphs (2) or (3) subsection (a) of
14 Section 12124, has failed to reveal any fact
15 material to the holder's qualification for a
16 temporary license, or has supplied
17 information to the Bureau or Commission
18 that is untrue or misleading as to a material
19 fact pertaining to the criteria for issuance of a
20 temporary license.

21 (2) The applicant's initial license application is
22 referred by a vote of the Commission to an
23 evidentiary hearing, and the Commission
24 directs the Executive Director to cancel or
25 condition a temporary license.

26 19. Vehicle Code section 23152, subdivision (b), provides, in part:

27 (b) It is unlawful for any person who has 0.08 percent or
28 more, by weight, of alcohol in his or her blood to drive a
vehicle.

* * *

20. Vehicle Code section 20002, subdivision (a) provides:

21 (a) The driver of any vehicle involved in an accident
22 resulting only in damage to any property, including
23 vehicles, shall immediately stop the vehicle at the nearest
24 location that will not impede traffic or otherwise
25 jeopardize the safety of other motorists. Moving the
26 vehicle in accordance with this subdivision does not
27 affect the question of fault. The driver shall also
28 immediately do either of the following:

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(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her driver's license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol. The driver of a vehicle involved in an accident resulting in injury to a person, other than himself or herself, or in the death of a person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004.