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8  
9 **BEFORE THE**  
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**  
11 **STATE OF CALIFORNIA**  
12

13  
14 **In the Matter of the Accusation Against:**

15 **Charles Eric Youell,**  
16 **Respondent.**  
17

**BGC Case No.** \_\_\_\_\_

**OAH No.** \_\_\_\_\_

**ACCUSATION**

18  
19 Jacob A. Appelsmith, Complainant herein, alleges as follows:

20 **PARTIES**

21 1. Complainant Jacob A. Appelsmith brings this Accusation solely in his official  
22 capacity as Chief of the California Department of Justice, Bureau of Gambling Control  
23 (Bureau).

24 2. On or about July 11, 2007, the Dry Creek Gaming Commission, of the Dry  
25 Creek Rancheria of Pomo Indians of California, (Tribe) issued a Class-A license designated  
26 DCGC #E000609 to Charles Eric Youell (Respondent) for the purpose of doing business with  
27 the Tribe's River Rock Casino as a Tribal Key Employee. Complainant is informed and  
28 believes that Respondent is currently employed by the River Rock Casino as a "Slot Shift

1 Supervisor.”

2 3. On or about May 30, 2008, the California Gambling Control Commission  
3 (Commission) received an “Application for Finding of Suitability Tribal Key Employee”  
4 (Application) from Respondent. On or about June 4, 2008, the Commission forwarded the  
5 Application to the Bureau for background investigation and recommendation. On or about  
6 November 17, 2008, the Bureau issued a report that recommended the Commission grant  
7 Respondent’s application for a finding of suitability as a Tribal Key Employee.

8 4. On or about January 13, 2009, Respondent was convicted of a violation of Penal  
9 Code section 647, subdivision (b), soliciting an act of prostitution, a misdemeanor and crime of  
10 moral turpitude. Neither the Commission nor the Bureau learned of Respondent’s January 13,  
11 2009, conviction until after the Commission had acted upon Respondent’s application on  
12 January 29, 2009.

13 5. On or about January 29, 2009, on the basis of the Bureau’s November 17, 2008,  
14 report and recommendation, and without knowledge of Respondent’s conviction set forth in  
15 paragraph 4, the Commission granted Respondent’s application for a finding of suitability as a  
16 Tribal Key Employee.

17 6. Respondent’s finding of suitability for employment as a Tribal Key Employee is  
18 subject to revocation on the ground that such revocation is mandatory under Business and  
19 Professions Code section 19859, subdivision (d), and on the further ground that, by virtue of the  
20 matters set forth herein, Respondent no longer meets the criteria for a finding of suitability  
21 under Business and Professions Code section 19857.

## 22 JURISDICTION

23 7. This Statement of Issues is brought before the Commission pursuant to the  
24 statutes stated below. All statutory references are to the Business and Professions Code unless  
25 otherwise indicated, and all references in those statutes to “the department” are to the  
26 Department of Justice.

27 8. Section 19811 provides, in part:  
28

1 (b) Jurisdiction, including jurisdiction over operation and  
2 concentration, and supervision over gambling establishments in this  
3 state and over all persons or things having to do with the operations of  
4 gambling establishments is vested in the commission.

5 9. Section 19823 provides:

6 (a) The responsibilities of the commission include, without  
7 limitation, all of the following:

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

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

17 10. Section 19824 provides, in part:

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

22 \* \* \*

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

28 \* \* \*

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

11. Section 19826 provides, in part:

The department shall have all of the following responsibilities:

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(c) To investigate suspected violations of this chapter or laws of this state relating to gambling . . . .

\* \* \*

(e) To initiate, where appropriate, disciplinary actions as provided in this chapter. In connection with any disciplinary action, the department may seek restriction, limitation, suspension, or revocation of any license or approval, or the imposition of any fine upon any person licensed or approved.

12. Section 19930 provides, in part:

\* \* \*

(b) If, after any investigation, the department is satisfied that a license, permit, finding of suitability, or approval should be suspended or revoked, it shall file an accusation with the commission in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of title 2 of the Government Code.

13. California Code of Regulations, title 4, section 12554 provides, in part:

(a) Upon the filing with the Commission of an accusation by the Bureau recommending revocation, suspension, or other discipline of a holder of a license, registration, permit, finding of suitability, or approval, the Commission shall proceed under Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

**PROVISIONS OF TRIBAL-STATE GAMING COMPACT**  
**APPLICABLE TO RESPONDENT**

14. Section 6.5.6 of the Tribal-State class III gaming compact between the Tribe and the State of California (Compact) provides, in part:

(a) [T]he Tribal Gaming Agency shall require the applicant [ ] to file an application with the State Gaming Agency, prior to issuance of a temporary or permanent tribal gaming license, for a determination of suitability for licensure under the California Gambling Control Act. Investigation and disposition of that application shall be governed entirely by state law, and the State Gaming Agency shall determine whether the applicant would be found suitable for licensure in a gambling establishment subject to that Agency's jurisdiction.



1 (4) If the Commission finds the holder currently meets any of  
2 the criteria for mandatory denial of an application set forth in Business  
3 and Professions Code sections 19859 or 19860.

4 **FIRST CAUSE FOR REVOCATION OF FINDING OF SUITABILITY**

5 **(Conviction Involving Crime of Moral Turpitude)**

6 18. Respondent's finding of suitability is subject to revocation pursuant to California  
7 Code of Regulations, title 4, section 12568, subdivision (c), on the ground that Respondent  
8 entered a guilty plea, and was thereupon convicted of violating Penal Code section 647,  
9 subdivision (b), soliciting an act of prostitution, a misdemeanor and crime of moral turpitude,  
10 on January 13, 2009, in Mendocino County Superior Court Case No. MCKU-CRCR-08-87790-  
11 002. This conviction disqualifies Respondent from licensure because Respondent therefore  
12 meets the criteria for mandatory denial of an application set forth in Business and Professions  
13 Code section 19859, subdivision (d).

14 **SECOND CAUSE FOR REVOCATION OF FINDING OF SUITABILITY**

15 **(Character, Honesty, Integrity)**

16 19. Respondent's finding of suitability is subject to revocation pursuant to California  
17 Code of Regulations, title 4, section 12568, subdivision (c), on the ground that Respondent  
18 entered a guilty plea, and was thereupon convicted of violating Penal Code section 647,  
19 subdivision (b), soliciting an act of prostitution, a misdemeanor and crime of moral turpitude,  
20 on January 13, 2009, in Mendocino County Superior Court Case No. MCKU-CRCR-08-87790-  
21 002. This conviction disqualifies Respondent from licensure because Respondent therefore no  
22 longer meets the criteria for eligibility, qualification, or suitability set forth in Business and  
23 Professions Code section 19857.

24 **PRAYER**

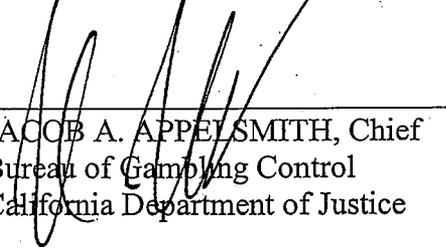
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Commission issue a decision:

27 1. Revoking the finding of suitability of Charles Eric Youell for Tribal Key  
28 Employee pursuant to California Code of Regulations, title 4, section 12568, subdivision (c).

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2. Taking such and further action as is deemed necessary and proper.

Dated: Feb, 2009

  
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JACOB A. APPELSMITH, Chief  
Bureau of Gambling Control  
California Department of Justice