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

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13
14 **In the Matter of the Application for**
15 **Approval of Initial Tribal-State Compact**
16 **Key Employee Finding of Suitability**
17 **Regarding:**

CGGC Case No. 2012-080302

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20 **STEVEN JAMES WILLIAMSON**

STATEMENT OF PARTICULARS

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Applicant.

PARTIES

1. Wayne J. Quint, Jr., submits this Statement of Particulars solely in his official capacity as the Chief of the California Department of Justice, Bureau of Gambling Control (Bureau).
2. On or about September 22, 2011, Steven James Williamson (Applicant) filed an Application for Finding of Suitability Tribal Key Employee, CGCC-TKE 01 (Rev. 08/06), and a State Gaming Agency Tribal Key Employee Supplemental Background Investigation Information,

1 DGC-TBL-001 (Rev. 08/06) (collectively, application) with the California Gambling Control
2 Commission (Commission) for a Finding of Suitability.¹

3 3. At its August 30, 2012 meeting, the Commission denied Applicant's application for a
4 Finding of Suitability. Applicant then requested an evidentiary hearing.

5 4. On or about September 6, 2012, pursuant to California Code of Regulations, title 4,
6 section 12050, subdivision (b), the Commission's Executive Director set the matter for a hearing
7 to be conducted pursuant to the provisions of the Administrative Procedure Act (Gov. Code, §
8 11370, et seq.). Thereafter, pursuant to California Code of Regulations, title 4, section 12050,
9 subdivision (b), the Commission's Executive Director re-set the matter for a hearing to be
10 conducted pursuant to the provisions of Business and Professions Code sections 19870 and 19871,
11 and California Code of Regulations, title 4, section 12050, subdivision (b)(2).

12 JURISDICTION

13 5. Business and Professions Code section 19811, subdivision (b), provides:

14 Jurisdiction, including jurisdiction over operation and
15 concentration, and supervision over gambling establishments in this
16 state and over all persons or things having to do with the operation of
17 gambling establishments is vested in the commission.

18 6. The Tribal-State Compact Between the State of California and Morongo Band of
19 Mission Indians, page 19, section 6.5.6, provides, in part:

20 Except for an applicant for licensing as a non-key Gaming Employee,
21 as defined by agreement between the [Morongo Band of Mission
22 Indians'] Tribal Gaming Agency and the State Gaming Agency
23 [Commission], the Tribal Gaming Agency shall require the applicant also
24 file an application with the State Gaming Agency, . . . for a determination
25 of suitability for licensure under the California Gambling Control Act.
26 Investigation and disposition of that application shall be governed
27 entirely by state law, and the State Gaming Agency shall determine
28 whether the applicant would be found suitable for licensure in a gambling
establishment subject to that Agency's jurisdiction.

¹ Applicant is employed as a Tribal Security Sergeant at the Morongo Casino Resort and Spa, which is located at 49500 Seminole Drive in Cabazon, California. Because this gambling establishment is owned and operated by the Morongo Band of Mission Indians pursuant to a tribal-state compact, Applicant's tribal key employee license is issued by the Tribal Gaming Agency and not the Commission. In such instances, the Commission only makes a Finding of Suitability. (Tribal-State Compact Between the State of California and Morongo Band of Mission Indians, p. 11, § 6.)

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7. Business and Professions Code section 19823 provides:

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

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

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

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

8. Business and Professions Code section 19824 provides in part:

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

* * *

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

* * *

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

3 9. Business and Professions Code section 19870 provides:

4 (a) The commission, after considering the recommendation of the
5 [Bureau] chief and any other testimony and written comments as may be
6 presented at the meeting, or as may have been submitted in writing to
7 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.

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
described in this chapter.

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

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

15 (e) A decision of the commission denying a license or approval,
16 or imposing any condition or restriction on the grant of a license or
17 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
18 shall not apply to any judicial proceeding described in the foregoing
19 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
20 action exceeded the commission's jurisdiction.

21 10. Business and Professions Code section 19871 provides:

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

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

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

27 (A) To call and examine witnesses.
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(B) To introduce exhibits relevant to the issues of the case.

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

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

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

(b) Nothing in this section confers upon an applicant a right to discovery of the department's² 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.

SPECIFIC STATUTORY AND REGULATORY PROVISIONS

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

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

12. Business and Professions Code section 19805, subdivision (j), provides:

“Finding of Suitability” means a finding that a person meets the qualification criteria described in subdivisions (a) and (b) of Section 19857, and that the person would not be disqualified from holding a state gambling license on any of the grounds specified in Section 19859.

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

1 13. Business and Professions Code section 19857 provides in part:

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

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

6 (b) A person whose prior activities, criminal record, if any,
7 reputation, habits, and associations do not pose a threat to the public
8 interest of this state, or to the effective regulation and control of
9 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.

10 **LICENSURE CONSIDERATIONS**

11 **(Misdemeanor Criminal Convictions)**

12 14. Applicant has a history of misdemeanor criminal convictions that presents a question
13 whether Applicant is qualified for licensure pursuant to the criteria set forth in Business and
14 Professions Code section 19857. The circumstances are as follows:

15 a. On or about March 7, 2012, Applicant was convicted of violating Vehicle Code
16 section 23152, subdivision (b), driving under the influence, a misdemeanor, in the case of *People*
17 *of the State of California v. Steven James Williamson* (Super. Ct. San Bernardino County, 2012,
18 No. TSB1102686).

19 b. On or about June 25, 2007, Applicant was convicted of violating Vehicle Code section
20 23152, subdivision (b), driving under the influence, a misdemeanor, in the case of *People of the*
21 *State of California v. Steven James Williamson* (Super. Ct. San Bernardino County, 2007, No.
22 TSB700290).

23 c. On or about November 14, 2005, Applicant was convicted of violating Penal Code
24 section 647, subdivision (f), disorderly conduct, driving under the influence in a public place, a
25 misdemeanor, in the case of *People of the State of California v. Steven James Williamson* (Super.
26 Ct. San Bernardino County, 2005, No. G092545).

1 d. On or about September 17, 2001, Applicant was convicted of violating Vehicle Code
2 section 23152, subdivision (b), driving under the influence, a misdemeanor, in the case of *People*
3 *of the State of California v. Steven James Williamson* (Super. Ct. San Bernardino County, 2001,
4 No. TSE32887).

5 **BUREAU RECOMMENDATION**

6 15. On or about May 29, 2012, the Bureau recommended to the Commission that
7 Applicant's application for a Finding of Suitability be granted. That recommendation took into
8 account the following factors:

9 a. Applicant has been employed at the Morongo Casino Resort and Spa since March
10 2004. He has been a key employee there since January 2007.³ There is no history of any
11 employment problems during the little more than nine years that applicant has been employed at
12 that gambling establishment. There does not appear to be any evidence that, as a result of
13 Applicant's employment, he posed a threat to the public's interest, or to the effective regulation
14 and control of controlled gambling, or created or enhanced the dangers of unsuitable, unfair, or
15 illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying
16 on of the business and financial arrangements incidental thereto.

17 b. Applicant has been cooperative and honest during the Bureau's investigation of
18 Applicant's suitability for licensure. He was forthcoming about his criminal convictions and his
19 struggles with alcohol abuse that gave rise to all four of his misdemeanor convictions.

20 c. Applicant has been enrolled in the Jackson Bibby Drinking Driver Program since
21 March 16, 2012. He also participates in relevant programs at his church. Applicant has been clean
22 and sober since about March 2012.

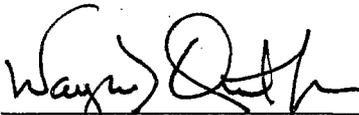
23
24 ³ Individuals, such as Applicant, who meet certain requirements, may work in a key
25 employee position for a licensed gambling establishment pending the California Gambling
26 Commission taking a final action on that person's application for licensure. (Cal. Code. Regs., tit.
27 4, § 12354.) It was not until the 2011 Compliance Inspection, when the Tribal Gaming Agency
28 was advised that the Commission deemed that Applicant's position was that of a key employee,
that it was understood by the Tribal Gaming Agency that Applicant must file an application for a
Finding of Suitability. Prior to that time, the Tribal Gaming Authority indicated that it did not
consider Applicant's position to be a key employee position.

- 1 d. There is no evidence of Applicant having a negative financial history or profile.
- 2 e. There is no evidence of Applicant having a history of violating any of the provisions
- 3 of the Gambling Control Act (Bus. & Prof. Code, § 19800 et seq.).
- 4 f. Applicant does not presently appear to pose a threat to the health, safety or welfare of
- 5 the public.

6 **CONCLUSION**

7 WHEREFORE, Bureau Chief Wayne J. Quint, Jr., consistent with the recommendation
8 made by letter dated May 30, 2012, recommends that following the hearing to be held on the
9 matters herein alleged, the Commission issue a decision granting the Application for Finding of
10 Suitability Tribal Key Employee, submitted by Steven James Williamson and issue him a Finding
11 of Suitability.

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14 Dated: July 8, 2013

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