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

14 **In the Matter of the Statement of Issues**
15 **Supporting a Denial of a Finding of**
16 **Suitability Against:**

16 **CRYSTAL PIPER**
17 **a.k.a.: Crystal Corrine Piper-Chavez**

17 [REDACTED]
18 [REDACTED]

19 **Respondent.**

BGC Case No. BGC-HQ2013-00004AL

OAH Case No. _____

STATEMENT OF ISSUES

21 Complainant alleges as follows:

22 **PARTIES**

23 1. Wayne J. Quint Jr. (Complainant) brings this Statement of Issues solely in his official
24 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control
25 (Bureau).

26 2. On or about September 27, 2011, Crystal Piper, also known as Crystal Corrine Piper-
27 Chavez (Respondent), submitted an Application for Finding of Suitability, Tribal Key Employee,
28

1 and a Supplemental Background Investigation Information form (collectively, application) to the
2 California Gambling Control Commission (Commission).

3 3. At its February 7, 2013 meeting, the Commission denied Respondent's application
4 for a finding of suitability.¹

5 4. At that February 7, 2013 Commission meeting, Respondent requested an evidentiary
6 hearing to appeal the Commission's denial of her application. Thereafter, the matter was referred
7 to a hearing to be held in accordance with the California Administrative Procedure Act,
8 Government Code section 11340 et seq., pursuant to Business and Professions Code section
9 19825.

10 JURISDICTION

11 5. Business and Professions Code, section 19811 provides, in part:

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

15 6. Business and Professions Code, section 19823 provides:

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

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

21 (2) Assuring that there is no material involvement, directly
22 or indirectly, with a licensed gambling operation, or the ownership or
23 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.

24 ¹ At the time of her application, Respondent was employed as Interim Cage Manager at
25 the Paiute Palace Casino, located on the Bishop Paiute Reservation at 2742 North Sierra
26 Highway, Bishop, California. Because this casino is owned by the Bishop Paiute Tribe and
operated pursuant to a tribal-state compact, Respondent's tribal key employee license, license
27 number TRKE-012797, is issued by the Bishop Paiute Tribal Gaming Agency and not the
Commission; in such instances, the Commission makes only a determination of suitability "for
28 licensure under the California Gambling Control Act." (Tribal-State Compact Between the State
of California and the Bishop Paiute Tribe, §§ 6.4.4, 6.5.6.)

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

4 7. Business and Professions Code, section 19824 provides, in part:

5 The commission shall have all powers necessary and proper to enable
6 it fully and effectually to carry out the policies and purposes of this
7 chapter,^[2] including, without limitation, the power to do all of the
following:

8 * * *

9 (b) For any cause deemed reasonable by the commission, deny any
10 application for a license, permit, or approval provided for in this chapter or
11 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.

12 * * *

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

16 8. The Tribal-State Compact Between the State of California and the Bishop Paiute
17 Tribe, section 6.5.6 provides, in part:

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

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

1 * * *

2 (d) Conviction of the applicant for any misdemeanor involving
3 dishonesty or moral turpitude within the 10-year period immediately
4 preceding the submission of the application, unless the applicant has been
5 granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the
6 Penal Code; provided, however, that the granting of relief pursuant to
7 Section 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not
8 constitute a limitation on the discretion of the commission under Section
9 19856 or affect the applicant's burden under Section 19857.

10 **FIRST CAUSE FOR DENIAL OF FINDING OF SUITABILITY**

11 **(Conviction of Crime of Moral Turpitude)**

12 13. Respondent's application is subject to mandatory denial pursuant to Business and
13 Professions Code section 19859, subdivisions (a) and (d), in that Respondent was convicted of a
14 misdemeanor involving moral turpitude for which she has not been granted relief pursuant to
15 section 1203.4, 1203.4a, or 1203.45 of the Penal Code. On or about November 19, 2007,
16 Respondent was convicted, upon a plea of nolo contendere, of violating Penal Code section 243,
17 subdivision (e)(1),⁴ battery upon a cohabitant, a misdemeanor, in the case of *People v. Crystal*
18 *Corrine Piper-Chavez* (Super. Ct. Inyo County, 2007, No. ICMBRCR-M-07-0043974-002).

19 **SECOND CAUSE FOR DENIAL OF FINDING OF SUITABILITY**

20 **(Criminal Convictions)**

21 14. Respondent's application is subject to denial pursuant to Business and Professions
22 Code sections 19805, 19857, and 19859, subdivision (a), in that Respondent has demonstrated a
23 lack of the requisite good general character, honesty, and integrity. Respondent's prior activities,
24 criminal record, habits, and associations pose a threat to the public interest of this state, or to the
25 effective regulation and control of controlled gambling, or create or enhance the dangers of
26 unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled

27 ⁴ Complainant is aware of the Commission's 2007 precedential decision in the case of *In*
28 *the Matter of: Chanthou Suon*, File No. DC # 108056, OAH No. N-2007010839, wherein the
Commission determined that a conviction for violating Penal Code section 243, subdivision (e), is
not a conviction of a crime of moral turpitude. However, the Complainant respectfully disagrees
with that legal determination and requests that the Commission revisit this issue.

1 gambling. Respondent has engaged in repeated illegal behavior since 1993, demonstrating a
2 pattern and practice of an inherent willingness to violate the law and a conscious disregard for the
3 health, safety, and welfare of others. Respondent's convictions include:

4 a. On or about August 16, 1993, Respondent was convicted, upon a plea of guilty,
5 of violating Vehicle Code section 23152, subdivision (b), driving with 0.08 percent or more, by
6 weight, of alcohol in her blood, a misdemeanor, with an advisement per Vehicle Code section
7 23593, subdivision (a), in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct. Inyo
8 County, 1993, No. ICMBCR-M-93-0000172-002).

9 The advisement is as follows: "You are hereby advised that being under the
10 influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle.
11 Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or
12 drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both,
13 and, as a result of that driving, someone is killed, you can be charged with murder."

14 b. On or about August 16, 1993, Respondent was convicted of violating Vehicle
15 Code section 40508, subdivision (b), failure to pay a fine, a misdemeanor, in the case of *People v.*
16 *Crystal Corrine Piper-Chavez* (Super. Ct. Inyo County, 1993, No. ICMBCR-M-93-0000172-
17 002).

18 c. On or about August 7, 1995, Respondent was convicted, upon a plea of nolo
19 contendere, of violating Vehicle Code section 14601.1, subdivision (a), driving while license was
20 suspended, a misdemeanor, in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct.
21 Inyo County, 1995, No. ICMBCR-TR-94-0008706-001).

22 d. On or about September 13, 1995, Respondent was convicted, upon a plea of
23 guilty, of violating Penal Code section 647, subdivision (f), public intoxication, a misdemeanor,
24 in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct. Inyo County, 1995, No.
25 ICMBCR-M-95-0000340-002).

26 e. On or about January 13, 1999, Respondent was convicted, upon a plea of nolo
27 contendere, of violating Vehicle Code section 23152, subdivision (b), driving with 0.08 percent or
28 more, by weight, of alcohol in her blood, a misdemeanor, with an advisement per Vehicle Code

1 section 23593, subdivision (a), in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct.
2 Inyo County, 1999, No. ICMBCR-M-98-0100102-002).

3 f. On or about March 15, 2000, Respondent was convicted, upon a plea of nolo
4 contendere, of violating Vehicle Code section 14601.2, subdivision (a), driving while license was
5 suspended for driving under the influence, a misdemeanor, in the case of *People v. Crystal*
6 *Corrine Piper-Chavez* (Super. Ct. Inyo County, 2000, No. ICMBCR-TR-00-0025551-001).

7 g. On or about March 15, 2000, Respondent was convicted of violating Penal
8 Code section 166.4, contempt for failure to obey a court order, a misdemeanor, in the case of
9 *People v. Crystal Corrine Piper-Chavez* (Super. Ct. Inyo County, 2000, No. ICMBCR-TR-00-
10 0025551-001).

11 h. On or about August 28, 2002, Respondent was convicted, upon a plea of guilty,
12 of violating Penal Code section 647, subdivision (f), public intoxication, a misdemeanor, in the
13 case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct. Inyo County, 2002, No. ICMBCR-M-
14 02-0031253-001).

15 i. On or about September 18, 2006, Respondent was convicted, upon a plea of
16 nolo contendere, of violating Vehicle Code section 14601.2, subdivision (a), driving while license
17 was suspended for driving under the influence, a misdemeanor, in the case of *People v. Crystal*
18 *Corrine Piper-Chavez* (Super. Ct. Inyo County, 2006, No. ICMBCR-TR-04-0036039-002).

19 j. On or about November 19, 2007, Respondent was convicted, upon a plea of
20 nolo contendere, of violating Penal Code section 243, subdivision (e)(1), battery upon a
21 cohabitant, a misdemeanor, in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct.
22 Inyo County, 2007, No. ICMBCR-M-07-0043974-002).⁵

23 k. On or about June 25, 2008, Respondent was convicted, upon a plea of nolo
24 contendere, of violating Vehicle Code section 14601.1, subdivision (a), driving while license was

25 ⁵ As noted above in footnote 4, Complainant is aware of the Commission's 2007
26 precedential decision in the case of *In the Matter of: Chanthou Suon*. In the event that the
27 Commission does not overturn the legal conclusion in that decision as requested, then, in the
28 alternative, Complainant alleges that the Commission may use its discretion and consider
Respondent's 2007 criminal conviction as a basis for denying Respondent's application. (Bus. &
Prof. Code, § 19859, subd. (d).)

1 suspended, a misdemeanor, in the case of *People v. Crystal Corrine Piper-Chavez* (Super. Ct.
2 Inyo County, 2008, No. ICMBRCR-TR-08-0046184-002).

3 1. On or about December 3, 2008, Respondent was convicted, upon a plea of nolo
4 contendere, of violating Vehicle Code section 14601.2, subdivision (a), driving while license was
5 suspended for driving under the influence, a misdemeanor, in the case of *People v. Crystal*
6 *Corrine Piper-Chavez* (Super. Ct. Inyo County, 2008, No. ICMBRCR-TR-08-0046942-002).

7 **THIRD CAUSE FOR DENIAL OF FINDING OF SUITABILITY**

8 **(Disregard for the Law)**

9 15. Respondent's application is subject to denial pursuant to Business and Professions
10 Code sections 19805, 19857, subdivisions (a) and (b), and 19859, subdivision (a), in that
11 Respondent lacks the requisite good character, honesty and integrity and/or poses a threat to the
12 public interest of this state, or to the effective regulation and control of controlled gambling, or
13 creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities
14 in the conduct of controlled gambling. Since 1993, Respondent has demonstrated a pattern and
15 practice of flagrant disregard for the requirements of law and legal authority. In addition to the
16 criminal convictions suffered by Respondent, and as pled above, Respondent has been found in
17 violation of the terms and conditions of her probation as follows:

18 a. On or about March 15, 2000, the Superior Court for Inyo County found
19 Respondent in violation of her probation from her January 13, 1999 conviction for driving under
20 the influence.

21 b. On or about November 19, 2007, the Superior Court for Inyo County found
22 Respondent in violation of her probation from her September 18, 2006 conviction for driving
23 while her license was suspended.

24 c. On or about December 3, 2008, the Superior Court for Inyo County found
25 Respondent in violation of her probation from her November 19, 2007 conviction for battery.

26 d. On or about August 31, 2009, the Superior Court for Inyo County found
27 Respondent in violation of her probation from four of her convictions.

28

