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CALIFORNIA GAMBLING
CONTROL COMMISSION

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

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14 **In the Matter of the Statement of Reasons
for Denial of Tribal Key Employee
Application Regarding:**

BGC-HQ2013-00010SL

CGCC-2013-1121-16C

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16
17 **ASHLEY JACK**
18 

STATEMENT OF REASONS

Hearing Date: TBD

19
20 **Respondent.**

21 Complainant alleges as follows:

22 **PARTIES**

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

1 or the ownership or management thereof, by unqualified or
2 disqualified persons, or by persons whose operations are
3 conducted in a manner that is inimical to the public health,
safety, or welfare.

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

8 6. Business and Professions Code section 19876 provides in part:

9 (a) Subject to the power of the commission to deny,
10 revoke, suspend, condition, or limit any license, as provided
11 in this chapter³, a license shall be renewed biennially.

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

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

16 * * *

17 (b) For any cause deemed reasonable by the
18 commission, deny any application for a license, permit, or
19 approval provided for in this chapter or regulations adopted
20 pursuant to this chapter, limit, condition, or restrict any
21 license, permit, or approval, or impose any fine upon any
22 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.

23 * * *

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

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28 ³ "Chapter" refers to the "Gambling Control Act." (Bus. & Prof. Code, § 19800 et seq.)

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8. Business and Professions Code section 19870 provides:

(a) The commission, after considering the recommendation of the 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.

9. 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) Oral evidence shall be taken only upon oath or affirmation.

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

(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'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.

10. Business and Professions Code section 19984, subdivision (b), provides in part:

The commission shall establish reasonable criteria for, and require the licensure and registration of, any person or entity that provides proposition player services to gambling establishments pursuant to this section, including owners, supervisors, and players. . . . The commission may impose licensing requirements, disclosures, approvals, conditions, or limitations as it deems necessary to protect the integrity of controlled gambling in this state

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

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

15. 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.

FIRST CAUSE OF DENIAL OF LICENSE APPLICATION

(Conviction of Crime of Moral Turpitude)

16. Respondent's application for licensure is subject to mandatory denial pursuant to Business and Professions Code section 19859, subdivisions (a) and (d), and California Code of Regulations, title 4, section 12218.11, subdivisions (e) and (j), in that the Respondent was convicted of a misdemeanor involving moral turpitude for which she has not been granted relief pursuant to sections 1203.4, 1203.4a, or 1203.45 of the Penal Code. On July 3, 2012, Respondent was convicted of violating Penal Code section 148.9, subdivision (a), falsely identifying herself as another person to a peace officer, in the case of *People v. Ashley Ann Jack* (Super. Ct. Lake County, 2012, No. CR929343.)

SECOND CAUSE OF DENIAL OF LICENSE APPLICATION

(Supplying Untrue or Misleading Information)

17. Respondent's application for licensure is subject to mandatory denial pursuant to Business and Professions Code section 19859, subdivision (b), in that the Respondent supplied information that was untrue or misleading as to a material fact pertaining to Respondent's qualification for a license.

1 18. Respondent supplied untrue and/or misleading information to the Bureau and
2 Commission regarding the circumstances that led to her July 3, 2012 conviction for violating
3 Penal Code section 148.9, subdivision (a), falsely identifying herself as another person to a peace
4 officer. Respondent lied, under penalty of perjury, when she claimed that her sister, and not
5 Respondent, committed this criminal offense.

6 19. Respondent's provision of the untrue and/or misleading information to the Bureau
7 and Commission did not antedate the filing of Respondent's initial application to the State
8 Gaming Agency for a determination of suitability.

9 **THIRD CAUSE OF DENIAL OF LICENSE APPLICATION**

10 **(Unqualified for Licensure – Disregard for the Law)**

11 20. Respondent's application for licensure is subject to denial pursuant to Business and
12 Professions Code sections 19857, subdivisions (a) and (b), 19859, subdivision (a), and California
13 Code of Regulations, title 4, section 12218.11, subdivisions (e) and (j), in that Respondent lacks
14 the requisite good character, honesty and integrity and/or poses a threat to the public interest of
15 this state, or to the effective regulation and control of controlled gambling, or creates or enhances
16 the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of
17 controlled gambling. Respondent has demonstrated a pattern and practice of flagrant disregard
18 for the requirements of law and legal authority. In addition to the misdemeanor that Respondent
19 committed, as pled above in the First Cause of Denial of License Application, Respondent has
20 also committed the following acts:

21 A. On April 5, 2012, Respondent was pulled over by a police officer for speeding.
22 Respondent was charged with violating Vehicle Code section 14601.1(a), driving with a
23 suspended license. This charge was reduced to an infraction, and Respondent pled no contest to
24 the charge on July 3, 2012.

25 B. As pled above in the Second Cause of Denial of License Application, Respondent
26 supplied untrue and/or misleading information to the Bureau and Commission regarding the
27 circumstances that led to her July 3, 2012 conviction for violating Penal Code section 148.9,
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1 subdivision (a), falsely identifying herself as another person to a peace officer. Respondent lied,
2 under penalty of perjury, when she claimed that her sister, and not Respondent, committed this
3 criminal offense.

4 C. In addition to supplying untrue and/or misleading information to the Bureau and
5 Commission, Respondent also supplied untrue and/or misleading information to the Big Valley
6 Gaming Commission regarding the circumstances that led to her July 3, 2012 conviction for
7 violating Penal Code section 148.9, subdivision (a), falsely identifying herself as another person
8 to a peace officer. Respondent lied to the Big Valley Gaming Commission when she claimed that
9 her sister, and not Respondent, committed this criminal offense.

10 **PRAYER**

11 WHEREFORE, Complainant requests that following the hearing to be held on the matters
12 herein alleged, the Commission issues a decision:

- 13 1. Denying Respondent's application for finding of suitability tribal key employee;
14 and
15 2. Taking such other and further action as the Commission may deem appropriate.

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17 Dated: January 13, 2015

Wayne J. Quint for

18 WAYNE J. QUINT, Chief
19 Bureau of Gambling Control
20 California Department of Justice
21 Complainant
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