

**California Code of Regulations, Title 4. Business Regulations**  
**Division 18. California Gambling Control Commission**  
**Chapter 7. Conditions of Operation for Gambling Establishments**  
**Article 1. General Provisions**

**12362. Statewide Involuntary Exclusion List**

- (a) A licensee may remove a person from the gambling establishment pursuant to common law, Business and Professions Code section 19801, subdivision (i), or Business and Professions Code section 19845. A gambling establishment may also have an internal removal list to bar certain individuals from entering the specific gambling establishment only.
- (b) A licensee or government official (such as law enforcement, or agents of the California Horse Racing Board, Bureau of Gambling Control, or Commission) may submit, on form CGCC – 12362 (New 03-07) “Request for Statewide Involuntary Exclusion of an Individual,” which is attached in Appendix A to this chapter, a request to exclude an individual from all California gambling establishments based upon the reasons listed in Business and Professions Code section 19844 or 19845.
- (c) Removal of an individual from a specific gambling establishment, as described in subsection (a) above, or statewide exclusion, pursuant to the request described in subsection (b) above, shall not be based upon the race, color, religious creed, gender, sexual orientation, marital status, national origin or ancestry, or disability of the individual.
- (d) Upon receipt of a request by a licensee or governmental official for statewide involuntary exclusion of an individual, the Executive Director shall review the reason for exclusion. If there appears to be good cause to place an individual on the statewide involuntary exclusion list, the Executive Director shall cause a notice of exclusion to issue to the individual. Such notice may be by personal service, by certified mail at the last known address of the individual, or by publication daily for 1 week in a newspaper of general circulation in the vicinity of the gambling establishment which requested the individual be placed on the statewide involuntary exclusion list. The exclusion shall be effective upon perfection of notice and shall be in effect until such time as the individual is removed from the list by Commission decision.
- (e) An individual may contest the Commission’s notice of exclusion by requesting a hearing from the Commission. Such hearing may be pursuant to Business and Professions Code section 19871 or pursuant to Government Code section 11500 et seq., as determined by the Executive Director. Such hearing shall occur within 60 days of the request for hearing, unless the time of the hearing is changed by agreement of the Commission and the individual requesting the hearing.
- (f) If the individual fails to appear at the time and place set for hearing, and the individual does not contact the Commission within 24 hours to give good cause why the hearing should be reset, a default decision shall issue affirming the exclusion.
- (g) At the hearing, the individual may appear in person and/or be represented by counsel at the individual’s own expense and present relevant testimony or documentary evidence. If a governmental agency requested that the individual be placed on the statewide involuntary exclusion list, the governmental agency may appear. If a gambling establishment requested that the individual be placed on the statewide involuntary exclusion list, then the gambling establishment may appear.

- 1 (h) The standard of proof shall be preponderance of the evidence that the individual poses a threat  
2 either to the public, gambling enterprise employees, or the gambling industry, or should be  
3 excluded pursuant to Business and Professions Code section 19844 or 19845. The burden of  
4 proof shall be on the Commission staff. Evidence of exclusion or discipline by another gaming  
5 jurisdiction based upon the factors described in Business and Professions Code section 19844  
6 or 19845 may be introduced.
- 7 (i) The final decision in the matter shall be in writing, shall state any term-length for the exclusion,  
8 shall be sent by certified mail or personal service to the individual and the governmental agency  
9 or gambling establishment which requested the individual be placed on the statewide  
10 involuntary exclusion list, and shall be effective immediately.
- 11 (j) If the individual requested a hearing after the Commission's notice of exclusion and was given  
12 a final decision in the matter that affirmed the exclusion, that individual shall not petition the  
13 Commission to be removed from the statewide involuntary exclusion list for a minimum of one  
14 year after the date of the final decision.
- 15 (k) Petitions to be removed from the statewide involuntary exclusion list shall be in writing, directed  
16 to the Executive Director, and sent to the Commission at 2399 Gateway Oaks Drive, Suite 100,  
17 Sacramento, CA 95833. Petitioners should clearly state the circumstances of the ejection or  
18 exclusion, any new evidence which is material and necessary, including evidence that  
19 circumstances have changed since placement on the statewide involuntary exclusion list, and  
20 why they do not pose a threat to either the public, gambling enterprise employees, or the  
21 gambling industry. This statement shall be signed under penalty of perjury under the laws of  
22 the State of California. The Executive Director may summarily deny the petition without  
23 prejudice due to lack of compliance with this subsection, may remove the individual from the  
24 statewide involuntary exclusion list, or may set the matter for hearing pursuant to Business and  
25 Professions Code section 19871 or pursuant to Government Code section 11500 et seq., as  
26 determined by the Executive Director.
- 27 (l) The Executive Director may order an individual removed from the list after verified information  
28 is received that the individual is deceased.
- 29 (m) If the Commission determines that an individual should be removed from the statewide  
30 involuntary exclusion list, the Commission's decision shall include an order removing the  
31 individual's name from the list, and notification sent to all gambling establishments.
- 32 (n) Judicial review of the Commission's decision shall be in accordance with Code of Civil  
33 Procedure, section 1094.5.
- 34 (o) The statewide involuntary exclusion list shall be sent to all gambling establishments and may  
35 be shared with law enforcement personnel of any jurisdiction.
- 36 (p) Any individual placed on the statewide involuntary exclusion list shall be excluded from entering  
37 any gambling establishment in the State of California or, if found inside the gambling  
38 establishment, shall be ejected immediately. Licensees shall notify the Commission of any  
39 entry or attempted entry by an excluded person. The Commission may discipline a gambling  
40 establishment which knowingly fails to eject or exclude an individual listed on the statewide  
41 involuntary exclusion list, or fails to notify the Commission of any entries or attempts to enter by  
42 an excluded person, pursuant to Chapter 10 of these regulations. Discipline may include  
43 imposition of a \$500 fine for failure to notify or a \$1000 fine for failure to eject.

44 Authority: Sections 19840 and 19844, Business and Professions Code.

45 Reference: Sections 19801(i) and (l), 19844, 19845, and 19940, Business and Professions Code.



## REQUEST FOR STATEWIDE INVOLUNTARY EXCLUSION OF AN INDIVIDUAL

Type or print (in ink) as much information as possible on this form. If additional space is needed, please note response on a separate sheet of paper and attach to the form. **NOTE: THIS IS NOT A VOLUNTARY SELF-RESTRICTION OR SELF-EXCLUSION FORM.**

Mail this completed form to: **California Gambling Control Commission, 2399 Gateway Oaks Drive, Suite 100, Sacramento CA 95833.**

### SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

Home Address:

Street	City	State	Zip Code

Mailing Address (if different than Home Address):

Street	City	State	Zip Code

Home Telephone Number:

(    )

Business Number:

(    )

Games most often played:

### SECTION 2: PHOTO AND VISUAL DESCRIPTION

Gender: Male

Female

Date of Birth:

/ /

Race/Ethnicity:

Height:

Weight:

Hair Color/Type:

Eye Color:

Date of Photograph:

/ /

CA Drivers License

or other ID \_\_\_\_\_

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

Type of vehicle normally driven:

License Plate:

AFFIX A RECENT  
 PASSPORT QUALITY  
 PHOTOGRAPH  
 HERE SHOWING  
 HEAD AND SHOULDERS OF  
 PERSON TO BE EXCLUDED

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**SECTION 3: AFFIRMATION BY KEY EMPLOYEE OR OWNER OR BY GOVERNMENT EMPLOYEE**

NOTE: This form is not for voluntary self-restriction or self-exclusions. This form is not to be completed by patrons.

*Examples of when this form should be used include, but are not limited to, known cheaters or those who interfere with controlled gambling, persons with connections to organized crime, prostitutes or pimps, habitually drunk or drugged persons, or violent or threatening persons.*

The facts and reasons why the individual should be excluded are as follows:

The information provided above is true and accurate to the best of my knowledge and **the individual described above should be excluded because he or she poses a threat** to the public, gambling enterprise employees, or the gambling industry.

Signature: \_\_\_\_\_ Date: 

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Print Name, Title, and Gambling Establishment or Facility Name or Governmental Entity:  

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