

1 CALIFORNIA CODE OF REGULATIONS
 2 TITLE 4. BUSINESS REGULATIONS.
 3 DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.
 4
 5 CHAPTER 1. GENERAL PROVISIONS.
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7 § 12002. General Definitions.

8 Unless otherwise specified, the definitions in Business and Professions Code section 19805,
9 supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the Penal Code
10 (commencing with section 330), shall govern the construction of this division. As used in this
11 division:

12 (a) "BCII" means the Bureau of Criminal Identification and Information in the California
13 Department of Justice.

14 (b) "Bureau" means the Bureau of Gambling Control in the California Department of Justice.
15 For the filing of any information, reports or forms, Bureau refers to the Sacramento office of the
16 Bureau of Gambling Control.

17 (c) "California Games" means controlled games that feature a rotating player-dealer position,
18 as described in Penal Code section 330.11.

19 (d) "Commission" means the California Gambling Control Commission.

20 (e) "Conviction" means a plea or verdict of guilty or a plea of *nolo contendere*, irrespective of
21 a subsequent order of expungement under the provisions of Penal Code section 1203.4, 1203.4a,
22 or 1203.45, or a certificate of rehabilitation under the provisions of Penal Code section 4852.13.
23 Any plea entered pursuant to Penal Code section 1000.1 does not constitute a conviction for
24 purposes of Business and Professions Code section 19859, subdivisions (c) or (d) unless a
25 judgment of guilty is entered pursuant to Penal Code section 1000.3.

26 (f) "Deadly weapon" means any weapon, the possession or concealed carrying of which is
27 prohibited by Penal Code section 12020.

28 (g) "Executive Director" means the executive officer of the Commission, as provided in
29 Business and Professions Code section 19816 or his or her designee. If the Executive Director
30 position is vacant, the Executive Director" means the officer or employee who shall be so
31 designated by the Commission.

1 (h) "Gambling Control Act" or "Act" means Chapter 5 (commencing with section 19800) of
2 Division 8 of the Business and Professions Code.

3 (i) "Registrant" means a person having a valid registration issued by the Commission.

4 (j) "Surrender" means to voluntarily give up all legal rights and interests in a license, permit,
5 registration, or approval.

6 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19853(a)(3), and 19854, Business and
7 Professions Code. Reference: Sections 7.5, 19800, 19805, 19811, 19816, and 19951, Business and Professions
8 Code.

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11 CHAPTER 6. STATE GAMBLING LICENSES AND APPROVALS FOR GAMBLING ESTABLISHMENTS AND
12 OWNERS; PORTABLE KEY EMPLOYEE LICENSES.

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14 § 12349. State Gambling License; Surrender; Reactivation; Abandonment.

15 (a) An owner-licensee may surrender a state gambling license at any time. In order to
16 surrender the license, the owner-licensee must notify the Commission in writing of the intent to
17 surrender the license.

18 (b) A proposed surrender is not effective unless and until the surrender is accepted by the
19 Commission. Any proposed surrender shall be agendized for consideration at the next available
20 Commission meeting. Each proposed surrender shall be considered on its merits by the
21 Commission. A proposed surrender may be rejected if the Commission determines that
22 acceptance would not be in the public interest, for example, if the owner licensee is currently
23 under investigation or if disciplinary action has been initiated.

24 (c) Beginning with the effective date of this section, a state gambling license that has been
25 surrendered or has expired by operation of law may be reactivated within 12 months of the date
26 of the expiration of that license. In order to reactivate the license, the applicant must submit all
27 forms, fees, and deposits required pursuant to Section 12344 and Title 11, CCR, Section 2037.

28 (d) A state gambling license that was surrendered or has expired without being renewed prior
29 to the effective date of this section may be reactivated within 12 months of the effective date of
30 this section. Any license reactivation request submitted pursuant to this subsection shall be
31 subject to the procedures specified in subsection (f).

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1 (e) A state gambling license that was surrendered or has expired without being renewed shall
2 be considered abandoned if it is not reactivated within the time period specified in subsections
3 (c) and (d). An abandoned license is subject to the following:

4 (1) The license cannot be reactivated, reinstated, reissued, or renewed.

5 (2) The gambling enterprise associated with that license is no longer eligible to conduct any
6 gambling operation under that license.

7 (3) The license holder may not sell the business.

8 (4) The moratorium provision of the Gambling Control Act precludes that cardroom from
9 being reopened in that jurisdiction in or any other jurisdiction. For example, if the local
10 gambling ordinance of City A allows one cardroom to operate, and the state license to operate
11 that cardroom is abandoned, no cardroom shall be eligible to operate in City A so long as
12 Business and Professions Code section 19963 remains in effect.

13 (f) Any applicant applying to renew, reactivate, or reinstate a state gambling license as
14 described in subsection (d) shall submit the following:

15 (1) All applicable forms for an initial application required pursuant to Section 12342;

16 (2) All fees and deposits required for an initial application for licensure by Section 12341 and
17 Title 11, CCR, Section 2037;

18 (3) A copy of the last license issued by the state authorizing the applicant to operate the
19 gambling establishment, which may include either a provisional license or a state gambling
20 license;

21 (4) A copy of the current applicable local gambling ordinance;

22 (5) An opinion from the chief legal officer of the local jurisdiction, dated no more than 90
23 days prior to the submission of the application, certifying that the reopening of the gambling
24 establishment is authorized by and consistent with the local gambling ordinance;

25 (6) A copy of a formal resolution or other evidence satisfactory to the Commission, adopted
26 by the applicable city council, board of supervisors, or other local governing authority, dated no
27 more than 90 days prior to the submission of the application, which clearly states a willingness to
28 issue a local license to the applicant, contingent upon issuance of a state license;

29 (7) A statement signed by the chief law enforcement officer of the local jurisdiction, dated no
30 more than 90 days prior to the submission of the application, confirming that he or she supports
31 the reopening of the gambling establishment;

1 (8) An economic feasibility study that demonstrates to the satisfaction of the Commission
2 that the proposed gambling establishment will be economically viable, and that the owners have
3 sufficient resources to make the gambling establishment successful and to fully comply with all
4 requirements of the local ordinance, the Gambling Control Act, state regulations, and all local,
5 state, and federal tax laws.

6 (g) In making the determination to grant or deny a request to reactivate a license pursuant to
7 subsection (c), the Commission shall consider, but is not limited to considering, the following:

8 (1) Generally whether issuance of the license is inimical to public health, safety, or welfare,
9 and whether issuance of the license will undermine public trust that the gambling operations with
10 respect to which the license would be issued are free from criminal and dishonest elements and
11 would be conducted honestly.

12 (2) The potential impact a reopened gambling establishment may have on the incidence of
13 problem gambling.

14 (3) The potential impact on the local economy, including revenues to the local jurisdiction
15 and the number of jobs that may be created.

16 (4) The economic impact on cardrooms located in neighboring jurisdictions.

17 (h) The gambling establishment to be reopened must be located in the same local jurisdiction
18 in which it was previously licensed.

19 (i) No temporary licenses shall be issued to any applicant under this section.

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21 Note: Authority cited: Sections 19800, 19811, 19824, 19840, 19841 and 19963, Business and Professions Code.
22 Reference: Sections 19811, 19823, 19824, 19851, 19856, 19860, 19862, 19864, 19865, 19873, 19876, 19960 and
23 19963, Business and Professions Code.

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