

1 CALIFORNIA GAMBLING CONTROL COMMISSION  
2 MODIFIED TEXT OF PROPOSED REGULATIONS

3 NOTICE OF RELOCATION OF GAMBLING ESTABLISHMENT

4 CGCC-GCA-2012-04-R

5 CALIFORNIA CODE OF REGULATIONS

6 TITLE 4. BUSINESS REGULATIONS.

7 DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.

8 CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.

9 ARTICLE 1. GENERAL PROVISIONS

10 **§ 12364. Relocation of Gambling Establishment.**

11 (a) For purposes of this section:

12 (1) “Neighboring jurisdiction” means any other adjoining jurisdiction whose common  
13 boundary line with the governing local jurisdiction is 1,000 feet or less from the proposed new  
14 location of the gambling establishment.

15 (2) “Relocation” means the physical relocation of a gambling establishment, including the  
16 buildings, grounds and parking lots, from one ~~location~~ site consisting of one or more contiguous  
17 parcels to another ~~location~~ site, consisting entirely of different parcels ~~for which a different parcel~~  
18 number has been assigned by a county assessor. Relocation does not include the addition of  
19 new, contiguous parcels to the current site or modification of existing buildings.

20 (b) An owner-licensee shall notify the Bureau of a planned relocation of a gambling  
21 establishment at least 90 days in advance of the intended commencement of gambling operations  
22 at the new location on the form entitled “Notice of Relocation,” CGCC-050 (New 06/12), which  
23 is attached in Appendix A to this Chapter. A draft floor plan of the proposed gambling  
24 establishment depicting, at a minimum, the location of the main cage, the count room, the  
25 surveillance room, and the gaming area(s) shall accompany the notice to the Bureau.

26 (1) If the new location is more than 1,000 feet from any boundary line of its governing local  
27 jurisdiction, the owner-licensee shall, ~~except as otherwise provided,~~ submit to the Bureau all of  
28 the following information and documents, of which the information and documents specified in  
29 subparagraphs (A) through (C), inclusive, are to be submitted no later than 30 days prior to the  
30 Bureau’s site visit conducted pursuant to subsection (d):

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1        (A) A copy of the licensee’s fully executed rental or lease agreement for, or evidence of the  
2 licensee’s ownership of, the proposed new location.

3        (B) A copy of the licensee’s fire safety and evacuation plan for the proposed new location,  
4 prepared in compliance with Section 12370.

5        (C) A copy of the licensee’s security and surveillance plan for the proposed new location,  
6 prepared in compliance with Section 12372.

7        (D) Documentary evidence of the issuance to the licensee of all required approvals, licenses  
8 and permits by any applicable local jurisdictional entity concerning the new location; e.g.,  
9 business licenses, occupancy permits, conditional use permits, zoning variances, local gaming  
10 licenses, etc. These documents, if available, shall be submitted at the same time as the  
11 documents specified in subparagraphs (A) through (C), inclusive, or if not available shall be  
12 submitted upon availability and prior to the commencement of gambling operations.

13        (E) Documentary evidence of the issuance to the licensee of all required approvals, licenses  
14 and permits, other than those specifically relating to gambling operations, by any applicable state  
15 or federal agency concerning the new location; e.g., liquor licenses, check cashing permits, etc.  
16 These documents are not required to be submitted prior to the commencement of gambling  
17 operations or the Bureau’s site visit pursuant to subsection (d), but must be ~~received by~~  
18 submitted to the Bureau prior to the commencement of the associated activity.

19        (2)(A) If the new location is 1,000 feet or less from any boundary line of its governing local  
20 jurisdiction, the owner-licensee shall, in addition to the documentation required by paragraph (1),  
21 and prior to the commencement of gambling operations, submit ~~signed~~ documentation from the  
22 appropriate agency or department in the neighboring jurisdiction confirming that the agency or  
23 department has no objection~~s~~ to the planned location of the gambling establishment.

24        (B) As an alternative to obtaining advance confirmation, the licensee may submit to the  
25 appropriate agency or department in the neighboring jurisdiction, a copy of its Notice of  
26 Relocation concurrent with the submission to the Bureau. The licensee shall provide the Bureau  
27 with proof of submission of the notice to the neighboring jurisdiction. The copy of the notice  
28 submitted to a neighboring jurisdiction shall be accompanied by a written statement from the  
29 licensee which, at a minimum, shall include the following information:

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1 “The appropriate agency or department of [name of neighboring jurisdiction] may submit  
2 objections to the proposed relocation of [name of gambling establishment] to the Bureau of  
3 Gambling Control, at Post Office Box 168024, Sacramento, CA 95816-8024. Any objections to  
4 the proposed location must be received by the Bureau within 45 days of the date of this notice  
5 and must be based upon evidence of probable negative effects resulting from the gambling  
6 establishment’s relocation or proof that the legitimate interests of residents in the neighboring  
7 jurisdiction are threatened.” ~~For purposes of this section, “neighboring jurisdiction” means any~~  
8 ~~other adjoining jurisdiction whose common boundary line with the governing local jurisdiction is~~  
9 ~~1,000 feet or less from the proposed new location of the gambling establishment.~~

10 (C) This paragraph does not apply to a gambling establishment that is all of the following:

11 1. Already located 1,000 feet or less from any boundary line;

12 2. After the relocation, it will continue to be within 1,000 feet of same neighboring  
13 jurisdiction;

14 3. Any reduction in distance is less than half of the current distance from the same boundary  
15 line; and,

16 4. Any distance moved parallel to the boundary line is less than half of the current distance  
17 from the same boundary line.

18 (c)(1) If an owner-licensee ~~cannot obtain the signed~~ does not provide documentation from a  
19 neighboring jurisdiction as provided in subparagraph (A) of paragraph (2) of subsection (b), and  
20 the Bureau receives objections to the relocation from a neighboring jurisdiction, the gambling  
21 establishment shall not be relocated without Commission review. ~~To request Commission~~  
22 ~~review, the owner licensee shall submit the Notice of Relocation form to the Bureau and so~~  
23 ~~indicate. A document describing all efforts made to obtain the confirmation specified in~~  
24 ~~paragraph (2) of subsection (b) shall be included with the request.~~ The Bureau shall forward the  
25 relocation ~~review request shall be forwarded~~ notice to the Commission within 10 days of its  
26 receipt by the Bureau of objections from any neighboring jurisdiction for placement on a  
27 Commission agenda for consideration. The Commission shall notify the objecting neighboring  
28 jurisdiction, the Bureau, and the licensee of the time and place of the Commission hearing at  
29 least 10 days prior to the hearing in order for ~~representatives of that jurisdiction~~ all parties to

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1 have the opportunity to attend and be heard.

2 (2) If an owner-licensee obtains documentation from a neighboring jurisdiction as provided  
3 in paragraph (2) of subsection (b), or if the Bureau does not receive timely objections to the  
4 relocation from a neighboring jurisdiction, no Commission review shall be required and the  
5 Bureau may proceed as if paragraph (2) of subsection (b) did not apply.

6 **Option 1:**

7 ~~(d)(1) The Bureau shall schedule and conduct a site visit prior to the commencement of~~  
8 ~~gambling operations at the new location or within 30 days after the commencement of gambling~~  
9 ~~operations. A written report of the findings of the site visit shall be provided to the Commission,~~  
10 ~~as well as any follow-up reports.~~

11 ~~(2) If the Bureau notes any deficiency, it shall issue a notice to correct the deficiency. The~~  
12 ~~notice shall specify a reasonable time in which the deficiency is to be corrected. The~~  
13 ~~commencement of gambling operations shall not be delayed nor the operation suspended unless~~  
14 ~~the deficiency prevents substantial compliance with laws or regulations and materially threatens~~  
15 ~~public safety or the integrity of the gambling operation, and the deficiency cannot be cured or~~  
16 ~~mitigated within a reasonable time. Failure to correct or otherwise mitigate the deficiency may~~  
17 ~~be considered during the license renewal process and may result in disciplinary action under~~  
18 ~~Chapter 10 of this division.~~

19 ~~(e) No gambling operations may be conducted at any new location until all the required~~  
20 ~~approvals have been obtained and the provision of subsections (b) and, if applicable, (c) have~~  
21 ~~been complied with.~~

22 **Option 2:**

23 ~~(d)(1) The Bureau shall schedule and conduct a site visit prior to the commencement of~~  
24 ~~gambling operations at the new location to ensure that the following internal controls meet the~~  
25 ~~requirements of Article 3 of Chapter 7:~~

26 ~~(A) Drop and drop collection, pursuant to Section 12384;~~

27 ~~(B) Count and count room functions, pursuant to Section 12385;~~

28 ~~(C) Cage functions, pursuant to Section 12386;~~

29 ~~(D) Security, pursuant to Section 12395; and,~~

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1 ~~(E) Surveillance, pursuant to Section 12396;~~

2 ~~(2) If the Bureau notes any deficiency in the internal controls listed in subparagraphs (A)~~  
3 ~~through (E), it shall issue a notice to the owner licensee of the nature of the deficiency;~~  
4 ~~Gambling operations may not begin until any deficiencies have been addressed;~~

5 ~~(c) No gambling operations may be conducted at any new location until all the required~~  
6 ~~approvals have been obtained and the provisions of subsections (b), (c), if applicable, and (d)~~  
7 ~~have been complied with;~~

8 (d)(1) The Bureau shall schedule and conduct a site visit prior to the intended commencement  
9 of gambling operations as indicated in subsection (b). A written report of the findings of the site  
10 visit shall be provided to the Commission, as well as any follow-up reports. The Bureau's site  
11 visit report shall include determinations regarding compliance with, at a minimum, the following  
12 internal control requirements of Article 3 of Chapter 7:

13 (A) Drop and drop collection, pursuant to Section 12384;

14 (B) Count and count room functions, pursuant to Section 12385;

15 (C) Cage functions, pursuant to Section 12386;

16 (D) Security, pursuant to Section 12395; and,

17 (E) Surveillance, pursuant to Section 12396.

18 (2) If the Bureau notes any deficiency in compliance with laws or regulations, including but  
19 not limited to, a deficiency in the internal controls listed in paragraph (1), it shall issue a notice to  
20 the owner-licensee to correct the deficiency. The notice shall describe each deficiency and  
21 specify a reasonable time in which the deficiency is to be corrected. The commencement of  
22 gambling operations shall not be delayed unless the deficiency prevents substantial compliance  
23 with laws or regulations and materially threatens public safety or the integrity of the gambling  
24 operation, and the deficiency cannot be corrected or mitigated within a reasonable time. Failure  
25 to correct or otherwise mitigate the deficiency may be considered during the license renewal  
26 process and may result in disciplinary action under Chapter 10 of this division.

27 (e) No gambling operations may be conducted at any new location until the provisions of  
28 subsections (b) and, if applicable, (c), have been complied with.

29 (f) If any gambling operations are conducted in violation of subsection (e), the owner-licensee

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1 and each endorsed owner shall be subject to disciplinary action under Chapter 10 of this division.  
2 For the purposes of this subsection, each day or portion thereof, whether consecutive or not,  
3 during which any gambling operations are conducted in violation of subsection (e) shall  
4 constitute a separate violation.

5 (g) Failure to timely ~~notify~~ provide notice to the Bureau as required by subsection (b) ~~of any~~  
6 ~~change pursuant to this section~~ shall constitute a ground for disciplinary action under Chapter 10  
7 of this division.

8 Note: Authority cited: Section 19811, 19823, 19824, 19826, 19840, 19841, 19853(a)(3), 19860, 19862 and 19864,  
9 Business and Professions Code. Reference: Sections 19811, 19824, 19826, 19860, 19862 and 19868, Business and  
10 Professions Code.

11 ///

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# APPENDIX A



State of California  
**California Gambling Control Commission**  
 2399 Gateway Oaks Drive, Suite 220  
 Sacramento, CA 95833  
 (916) 263-0700; Fax: (916) 263-0452  
[www.cgcc.ca.gov](http://www.cgcc.ca.gov)

## NOTICE OF RELOCATION CGCC – 050 (New 06/12)

To notify the Bureau of Gambling Control (Bureau) and the California Gambling Control Commission (Commission) of a change in the physical location of a gambling establishment (as required in Title 4, CCR, Section 12364)), complete this form, attach the required information referenced in Sections 2 and 3, and submit to **Bureau of Gambling Control, Post Office Box 168024, Sacramento, CA 95816-8024.**

This form must be submitted at least **90 days** prior to the commencement of gambling operations at the new location of the gambling establishment. ~~The required documents (Section 2) do not need to be submitted 90 days in advance; however, they must be submitted prior to the commencement of gambling operations.~~ Failure to do so may result in disciplinary action.

Prior to conducting its site visit pursuant to Section 12364(d), the Bureau will request payment of a deposit of \$600 as provided in Title 11, CCR, Section 2037(a)(1)(J).

Type or print (in ink) all required information on this form.

SECTION 1 – INFORMATION	
Name of Owner-Licensee:	License Number:
Name of Gambling Establishment:	
Previous Address:	
<b>NEW</b> Address:	
<b>NEW</b> Phone Number (if applicable):	<b>NEW</b> Fax Number (if applicable):
Date of Commencement of Operations in New Location:	
Local Jurisdiction:	
The new address of the gambling establishment:	
<input type="checkbox"/> <b>IS NOT</b> within 1000 feet of the boundary line of the local jurisdiction. (Proceed to Sections 2 and 4)	
<input type="checkbox"/> <b>IS</b> within 1000 feet of the boundary line of the local jurisdiction. (Proceed to Sections 2, 3, and 4)	



**SECTION 2 – REQUIRED DOCUMENTATION**

**A. The following information must be submitted to the Bureau with this form:**

- A draft floor plan of the proposed gambling establishment depicting at a minimum, the location of the main cage, the count room, the surveillance room, and the gaming area(s).

**B. The following information must be ~~received by~~ submitted to the Bureau 30 days prior to ~~the commencement of gambling operations~~ the Bureau's site visit:**

- The fully executed lease agreement or evidence of the licensee's ownership of the building.
- A copy of the licensee's fire safety and evacuation plan for the new location, in compliance with California Code of Regulations, Title 4, Section 12370.
- A copy of the licensee's security and surveillance plan for the new location, in compliance with California Code of Regulations, Title 4, Section 12372.

**C. The following information must be submitted to the Bureau with the information in item B, if available, or upon availability and prior to the commencement of gambling operations:**

- All required approvals, licenses, and permits by any applicable local jurisdictional entity (e.g. local business license, conditional use permits, local gaming licenses, occupancy permits, zoning variances, etc.).

**D. The following information must be ~~received by~~ submitted to the Bureau prior to the commencement of the related activity:**

- Any required approvals, licenses, and permits by any applicable state or federal agency (e.g., liquor licenses, check cashing permits, etc.).

**SECTION 3 – NEIGHBORING JURISDICTION DOCUMENTATION**

- I have attached documentation from the neighboring jurisdiction pursuant to Section 12364(b)(2)(A).
- The appropriate individual has signed below confirming no objections to the proposed location pursuant to Section 1234664(b)(2)(A).
- A notice has been provided to the neighboring jurisdiction pursuant to Section 12364(b)(2)(B). A copy of the notice and proof of receipt to the neighboring jurisdiction is attached to this application.
- The relocation is exempt pursuant to Section 12364(b)(2)(C).

Signature \_\_\_\_\_

Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Title / Department \_\_\_\_\_

**If the new location is within 1000 feet of multiple boundary lines, additional copies of this page may be attached for each additional neighboring jurisdiction.**

~~I am unable to obtain signed confirmation and request the matter be placed on a Commission agenda. I have attached documentation of my efforts to obtain signed confirmation from the neighboring jurisdiction.~~

**SECTION 4 – DECLARATION**

NOTICE OF RELOCATION

*I declare under penalty of perjury under the laws of the State of California that the foregoing information, and all information submitted with this form is true, correct, and complete, and that I am authorized to submit this information to the Commission.*

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

Printed Name and Title: \_\_\_\_\_