

**State of California
Office of Administrative Law**

In re:
California Gambling Control Commission

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 4, California Code of Regulations

OAL File No. 2013-0429-01 SR

Adopt sections: 12364

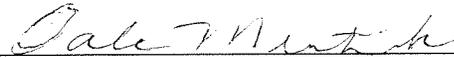
Amend sections: 12004

Repeal sections:

This rulemaking action will establish a notice procedure, instead of a case-by-case determination process by the California Gambling Control Commission, for the relocation of gambling establishments.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2013.

Date: 5/23/2013



Dale P. Mentink
Senior Staff Counsel

For: DEBRA M. CORNEZ
Director

Original: Tina Littleton

Copy: James Allen

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0807-06	REGULATORY ACTION NUMBER 2013-0429-01SR	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED FILED IN THE OFFICE OF

2013 MAY 23 PM 4:12

John Brown
DEPARTMENT OF
SECRETARY OF STATE

2013 APR 29 PM 3:17
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Gambling Control Commission

AGENCY FILE NUMBER (if any)
CGCC-GCA-2012-04-R

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2012 33-2	PUBLICATION DATE 08/17/2012	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Notice of Relocation of Gambling Establishment	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-0214-03 S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 12364 AMEND 12004 REPEAL
TITLE(S) 4	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
Nov 14, 2012 - Nov 29, 2012

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON James Allen	TELEPHONE NUMBER (916)263-4024	FAX NUMBER (Optional) (916) 263-0499	E-MAIL ADDRESS (Optional) jallen@cgcc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Tina M. Littleton</i>	DATE 4/26/13
TYPED NAME AND TITLE OF SIGNATORY TINA M. LITTLETON, Executive Director	

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ENDORSED APPROVED

MAY 23 2013

Office of Administrative Law

1 CALIFORNIA GAMBLING CONTROL COMMISSION
2 NOTICE OF RELOCATION OF GAMBLING ESTABLISHMENT
3 CGCC-GCA-2012-04-R
4 ORDER OF ADOPTION
5

6 The California Gambling Control Commission hereby adopts the following changes in its
7 regulations contained in Division 18 of Title 4 of the California Code of Regulations:
8

9 CHAPTER 1. GENERAL PROVISIONS.

10 § 12004. Notification of Contact Information ~~Change of Address~~.

11 A registrant or licensee shall report to the Bureau ~~Commission~~ any change of ~~address-contact~~
12 information, whether residence address, address of record or mailing address, phone number or
13 any other contact information, within ten days of ~~such~~ that change on a form entitled “Notice of
14 ~~Address-Contact Information~~ Change,” CGCC-032 (~~New 06-05~~Rev. 06/12), which is attached in
15 Appendix A to this Chapter. This section does not apply to the physical relocation of a gambling
16 establishment.

17 Note: Authority cited: Section 19811, 19823, 19824, 19853(a)(3), 19864, and 19984, Business and Professions
18 Code. Reference: Sections 19850 and 19852, Business and Professions Code.
19

20 CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.

21 ARTICLE 1. GENERAL PROVISIONS

22 § 12364. Relocation of Gambling Establishment.

23 (a) For purposes of this section:

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

27 (2) “Relocation” means the physical relocation of a gambling establishment, including the
28 buildings, grounds and parking lots, from one site consisting of one or more contiguous parcels
29 to another site, consisting entirely of different parcels. Relocation does not include the addition
30 of new, contiguous parcels to the current site or modification of existing buildings.

31 (b) An owner-licensee shall notify the Bureau of a planned relocation of a gambling
32 establishment at least 90 days in advance of the intended commencement of gambling operations

Underline denotes additions. ~~Strike through~~ denotes deletions.

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1 at the new location on the form entitled “Notice of Relocation,” CGCC-050 (New 06/12), which
2 is attached in Appendix A to this Chapter. A draft floor plan of the proposed gambling
3 establishment depicting, at a minimum, the location of the main cage, the count room, the
4 surveillance room, and the gaming area(s) shall accompany the notice to the Bureau.

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

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

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

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

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

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

28 (2)(A) If the new location is 1,000 feet or less from any boundary line of its governing local
29 jurisdiction, the owner-licensee shall, in addition to the documentation required by paragraph (1),
30 and prior to the commencement of gambling operations, submit documentation from the
31 appropriate agency or department in the neighboring jurisdiction confirming that the agency or

1 department has no objection to the planned location of the gambling establishment.

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

8 “The appropriate agency or department of [name of neighboring jurisdiction] may submit
9 objections to the proposed relocation of [name of gambling establishment] to the Bureau of
10 Gambling Control, at Post Office Box 168024, Sacramento, CA 95816-8024. Any objections to
11 the proposed location must be received by the Bureau within 45 days of the date of this notice
12 and must be based upon evidence of probable negative effects resulting from the gambling
13 establishment’s relocation or proof that the legitimate interests of residents in the neighboring
14 jurisdiction are threatened.”

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

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

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

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

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

23 (c)(1) If an owner-licensee does not provide documentation from a neighboring jurisdiction
24 as provided in subparagraph (A) of paragraph (2) of subsection (b), and the Bureau receives
25 objections to the relocation from a neighboring jurisdiction, the gambling establishment shall not
26 be relocated without Commission review. The Bureau shall forward the relocation notice to the
27 Commission within 10 days of receipt by the Bureau of objections from any neighboring
28 jurisdiction for placement on a Commission agenda for consideration. The Commission shall
29 notify the objecting neighboring jurisdiction, the Bureau, and the licensee of the time and place
30 of the Commission hearing at least 10 days prior to the hearing in order for all parties to have the
31 opportunity to attend and be heard.

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

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

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

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

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

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

14 (E) Surveillance, pursuant to Section 12396.

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

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

26 (f) If any gambling operations are conducted in violation of subsection (e), the owner-licensee
27 and each endorsed owner shall be subject to disciplinary action under Chapter 10 of this division.
28 For the purposes of this subsection, each day or portion thereof, whether consecutive or not,
29 during which any gambling operations are conducted in violation of subsection (e) shall
30 constitute a separate violation.

31 (g) Failure to timely provide notice to the Bureau as required by subsection (b) shall constitute

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1 a ground for disciplinary action under Chapter 10 of this division.

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

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Underline denotes additions. ~~Strike through~~ denotes deletions.

APPENDIX A

(Form CGCC-032 (New 06/05) is repealed and replaced with Form CGCC-032 (Rev. 06/12))

REPEALED



State of California
California Gambling Control Commission
CGCC – 032 (New 06-05)

Commission Use Only

Date to DGC: _____

NOTICE OF ADDRESS CHANGE

SECTION 1: INFORMATION

Full Legal Name:

Gambling Establishment Affiliation, if any:

Type of License / Registration (or Designated Agent):

SECTION 2: CHANGE OF BUSINESS ADDRESS

Previous Business Address:

Street	City	State	Zip Code
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New Business Address:

Street	City	State	Zip Code
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SECTION 3: CHANGE OF MAILING ADDRESS, IF DIFFERENT FROM BUSINESS ADDRESS

Previous Mailing Address:

Street	City	State	Zip Code
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New Mailing Address:

Street	City	State	Zip Code
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SECTION 4: CHANGE OF PHONE NUMBER OR E-MAIL ADDRESS

Previous Phone Number:

Previous E-mail Address (Optional):

New Phone Number:

New E-mail Address (Optional):

SECTION 5: DECLARATION

I specifically request that all notices and written communications be sent to the new address listed above.

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.

REPEALED

Signature: _____

Printed Name and Title:

Date:

NOTICE OF ADDRESS CHANGE INSTRUCTIONS

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

Retain a photocopy of the completed form for your permanent records.

A separate form is required for each registered/licensed person/entity.

If the form is returned at any point in the processing, please follow the enclosed directions and resubmit it in a timely manner. You are responsible for providing the appropriate information. If a question is not applicable, indicate with "N/A."

You must initial and date any corrections, changes, or other alterations.

Any individual or entity who holds a State Gambling License (including Key Employee License), Registration, or a CGCC-issued Work Permit is required to submit a Notice of Address Change Form within TEN days of such change.

SECTION 1: INFORMATION

Provide your full legal name and list all other names, if applicable. State your Gambling Establishment Affiliation (i.e. Name of Gambling Establishment), if any, as well as the type of license/registration that you hold (i.e. Owner, Key Employee, Work Permit). If you are the Designated Agent, please state.

SECTION 2: CHANGE OF BUSINESS ADDRESS

and

SECTION 3: CHANGE OF ADDRESS

You must provide your complete previous address and new address. Even if only part of the address is changing, you must fill in all the blanks.

SECTION 3: CHANGE OF PHONE NUMBER OR E-MAIL ADDRESS

You must provide your complete previous phone number and new phone number. Providing an e-mail address is optional.

SECTION 4: DECLARATION

Sign and date the form under penalty of perjury. A form must be signed and dated to be considered complete.

ADOPTED



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

NOTICE OF CONTACT INFORMATION CHANGE
CGCC – 032 (Rev. 06/12)

To notify the Bureau of Gambling Control (Bureau) of a change in contact information (as required in Title 4, CCR, Section 12004), complete this form and submit it to: **Bureau of Gambling Control, Post Office Box 168024, Sacramento, CA 95816-8024.** *This form should only be used to notify the Bureau of a change in contact information. To notify the Bureau of the physical relocation of a gambling establishment, please use form CGCC-050 (New 06/12).*

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

SECTION 1- INFORMATION

Name of License Holder:	License / Permit / Registration Number:
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Type of License / Permit / Approval:

Owner Licensee (Gambling Enterprise) **Endorsed Licensee (Gambling Enterprise)** **Key Employee** **Work Permit**

TPPPPS - Owner **TPPPPS - Supervisor** **TPPPPS - Player**

Gambling Business - Owner **Gambling Business - Supervisor** **Gambling Business - Player**

Manufacturer or Distributor **Designated Agent**

Other: _____

SECTION 2 – CHANGE OF CONTACT INFORMATION
Check each appropriate box and fill out all information as applicable.

NEW Mailing Address:

NEW Phone Number: **NEW FAX Number:**

NEW Email Address:

SECTION 3 – DECLARATION

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 Bureau.

Signature: _____ Date: _____

Printed Name and Title: _____

APPENDIX A

(Form CGCC-050 (New 06/12) is added)



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

NOTICE OF RELOCATION CGCC-050 (New 06/12)

To notify the Bureau of Gambling Control (Bureau) 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. 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:	
NEW Address:	
NEW Phone Number (if applicable):	NEW Fax Number (if applicable):
Date of Commencement of Operations in New Location:	
Local Jurisdiction:	
The new address of the gambling establishment:	
<input type="checkbox"/> IS NOT within 1000 feet of the boundary line of the local jurisdiction. (Proceed to Sections 2 and 4) <input type="checkbox"/> IS 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 submitted to the Bureau 30 days prior 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 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 12364(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.

SECTION 4 – DECLARATION

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 Bureau.

Signature: _____

Date: _____

Printed Name and Title: _____