

**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. 2013-0815-01 S**

**Adopt sections: 12014**

**Amend sections:**

**Repeal sections:**

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This rulemaking action by the California Gambling Control Commission adds section 12014 to title 4 of the California Code of Regulations. This new section provides formal guidelines for issuance of subpoenas and subpoenas duces tecum, including related requests and subsequent motions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 9/27/2013.

Date: 9/27/2013

  
Eric Partington  
Staff Counsel

For: DEBRA M. CORNEZ  
Director

Original: Tina Littleton  
Copy: James Allen

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-0429-02	REGULATORY ACTION NUMBER 2013-0815-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2013 AUG 15 AM 9:20  
OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED FILED  
IN THE OFFICE OF

2013 SEP 27 PM 3:20

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

NOTICE

REGULATIONS

## AGENCY WITH RULEMAKING AUTHORITY

California Gambling Control Commission

AGENCY FILE NUMBER (if any)

CGCC-GCA-2013-02-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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2013, 192		PUBLICATION DATE 05-10-2013	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Issuance of Subpoenas in Matters Before the Commission		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A	
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 12014	
TITLE(S) 4		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input checked="" 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 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) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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

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 8/12/2013
TYPED NAME AND TITLE OF SIGNATORY TINA M. LITTLETON, Executive Director	

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ENDORSED APPROVED

SEP 27 2013

Office of Administrative Law

1 CALIFORNIA GAMBLING CONTROL COMMISSION  
2 ISSUANCE OF SUBPOENAS IN MATTERS BEFORE THE COMMISSION  
3 CGCC-GCA-2013-02-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:  
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9 CHAPTER 1. GENERAL PROVISIONS.

10 § 12014. Subpoenas.

11 (a) The issuance and enforcement of a subpoena or subpoena duces tecum in any adjudicative  
12 proceeding held pursuant to the Act for which a notice of hearing has been issued shall be in  
13 accordance with Article 11 (commencing with section 11450.05) and Article 12 (commencing  
14 with section 11455.10), respectively, of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the  
15 Government Code. The issuance of a subpoena or subpoena duces tecum may be on the form  
16 CGCC-Sub 001 (New 02/13), which is attached in Appendix A to this chapter, or in a manner  
17 that otherwise complies with Article 11 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the  
18 Government Code. All subpoenas and subpoenas duces tecum shall be served at least 30 days  
19 prior to the date specified for commencement of the hearing in the notice of hearing, or the date  
20 specified in the subpoena for the appearance of a witness or the production of records.

21 (b) Any motion made pursuant to subdivision (a) of section 11450.30 of the Government  
22 Code shall be filed with the presiding officer no later than 15 days prior to the date specified for  
23 appearance or for the production of records. The party bringing the motion shall serve copies of  
24 the motion on all parties and persons who are required by law to receive notice of the subpoena.  
25 Any response to the motion shall be filed with the presiding officer and served no later than 5  
26 days before the motion is scheduled to be heard. Upon a timely motion of a party or a witness,  
27 after notice to the parties and an opportunity to be heard, upon a showing of good cause, the  
28 presiding officer may order the quashing of a subpoena or subpoena duces tecum entirely, may  
29 modify it, or may direct compliance with it upon other terms and conditions.

30 (c) The presiding officer may shorten or extend, as applicable, any of the time periods  
31 specified in subsections (a) and (b) upon a showing of good cause.

1 Note: Authority cited: Section 19811, 19823(a), 19824(h), 19840 and 19841, Business and Professions Code; and  
2 section 11450.05(b), Government Code. Reference: Sections 19840, 19870 and 19871, Business and Professions  
3 Code; sections 1985, 1985.1, 1985.2, 1985.3 and 1985.4, Code of Civil Procedure; sections 1560 and 1561,  
4 Evidence Code; and sections 11450.05, 11450.20, 11450.30, 11450.50, and 11455.10, Government Code.

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# **APPENDIX A**

(Add Form CGCC-Sub-001 (New 02/13))

**BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION**



In the Matter of:

CGCC No.

**SUBPOENA:** *Requesting Testimony*       **SUBPOENA DUCES TECUM:** *Requesting the Production of Records or Things*

<b>THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETINGS TO:</b>	<i>(name and address of person being subpoenaed)</i>
1. At the request of: <input type="checkbox"/> Bureau of Gambling Control <input type="checkbox"/> Applicant <input type="checkbox"/> Presiding Officer <input type="checkbox"/> Other	<i>(name, address and telephone number of contact person)</i>
<i>(party name)</i> _____	

<b>2. You are hereby commanded, business and excuses being set aside, to appear as a witness on:</b>  <i>(date)</i> _____, <b>at (time)</b> _____, <b>and then and there to testify at:</b>  _____	
<input type="checkbox"/>	3. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 2 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the Hearings Coordinator at the address in item 2. (4) Mail a copy of your declaration to the attorney or party shown in item 1.
<input type="checkbox"/>	4. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code section 1561.  <b>By</b> _____ <i>(date)</i> , <b>send the records to:</b>  <b>NOTE:</b> <i>This manner of production may not satisfy the requirements of Evidence Code section 1561 for admission at hearing.</i>
<input type="checkbox"/>	5. You are ordered to appear in person and to produce the records described in the accompanying affidavit. The personal appearance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562 of the Evidence Code will not be deemed sufficient compliance by this subpoena.

6. Disobedience to this subpoena will be punished as contempt of court in the manner prescribed by law.
7. **Witness Fees:** Upon service of this subpoena, you are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you so request. You may request them before your scheduled appearance from the person named in item 1. *See Government Code sections 11450.05, 11450.50, 68092.5-68093, and 68096.1-68097.10.*
8. **IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE YOU ARE TO APPEAR, OR TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED ON THE DATE AND TIME SPECIFIED ABOVE, CONTACT THE PERSON REQUESTING THIS SUBPOENA, LISTED IN ITEM 1 ABOVE, BEFORE THE DATE LISTED IN ITEM 2 ABOVE.**

(Date Issued) \_\_\_\_\_ (Signature of Authorizing Official) \_\_\_\_\_

*(Printed Name)* \_\_\_\_\_

- Attorney for Bureau of Gambling Control
- Attorney for Applicant
- Presiding Officer

DECLARATION FOR SUBPOENA DUCES TECUM

(Any party issuing a subpoena for production of books and/or records must complete this section.)

The undersigned states that the books, papers, documents and/or other things named below and requested by this subpoena are material to the proper presentation of this case, and good cause exists for their production by reason of the following facts:

(Use additional pages, if necessary, and attach them to this subpoena.)

Executed \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
(Signature of Declarant)

**METHOD OF DELIVERY** of this subpoena:

- Personal Service - In accordance with Code of Civil Procedure sections 1987 and 1988, delivery was effected by showing the original and delivering a true copy thereof personally to:
- Messenger Service - In accordance with Government Code section 11450.20, an acknowledgement of the receipt of this subpoena was obtained by the sender after it was delivered by messenger to:
- Certified Mail, Return Receipt Requested - I sent a true copy of this subpoena via certified mail, return receipt requested to:  
*(name and address of person)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at the hour of \_\_\_\_\_ m., on \_\_\_\_\_, 20\_\_\_\_\_.

City of \_\_\_\_\_, State of \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Declarant)