

1 CALIFORNIA GAMBLING CONTROL COMMISSION  
2 ISSUANCE OF SUBPOENAS IN MATTERS BEFORE THE COMMISSION  
3 CGCC-GCA-2013-02-R  
4

5 SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

6 CALIFORNIA CODE OF REGULATIONS

7 TITLE 4. BUSINESS REGULATIONS.

8 DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.

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10 CHAPTER 1. GENERAL PROVISIONS.

11 § 12014. Subpoenas.

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

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

31 (c) The presiding officer may shorten or extend, as applicable, any of the time periods

1 specified in subsections (a) and (b) upon a showing of good cause.

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

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**CALIFORNIA CODE OF REGULATIONS  
TITLE 4., DIVISION 18., CHAPTER 1.**

# 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)