

1 CALIFORNIA GAMBLING CONTROL COMMISSION  
2 SPECIFIC LANGUAGE OF PROPOSED REGULATIONS  
3 UPDATES AND AMENDMENTS TO APPLICATION WITHDRAWALS AND  
4 ABANDONMENTS, AND HEARING PROCEDURES  
5 CGCC-GCA-2018-04-R  
6

7 Title 4. Business Regulations.

8 Division 18. California Gambling Control Commission.

9 CHAPTER 1. GENERAL PROVISIONS.

10 ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.  
11

12 § 12002. General Definitions.

13 Unless otherwise specified, the definitions in Business and Professions Code section  
14 19805, supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the  
15 Penal Code (commencing with section 330), shall govern the construction of this  
16 division. As used in this division:

17 (a) ...

18 (b) ...

19 (c) ...

20 (d) ...

21 (e) ...

22 (f) ...

23 (g) ...

24 (h) "Chief of the Bureau" or "Chief" means the Chief as provided in Business and  
25 Professions Code section 19805, subdivision (d), or his or her designee.

26 (i)~~(h)~~ ...

27 (j)~~(i)~~ ...

28 (k)~~(j)~~ ...

29 (l)~~(k)~~ ...

30 (m)~~(l)~~ ...

31 (n)~~(m)~~ ...

Additions shown in underline; deletions shown in ~~strikeout~~.

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- 1        ~~(o)~~(#) ...
- 2        ~~(p)~~(#) ...
- 3        ~~(q)~~(#) ...
- 4        ~~(r)~~(#) ...
- 5        ~~(s)~~(#) ...
- 6        ~~(t)~~(s) ...
- 7        ~~(u)~~(#) ...
- 8        ~~(v)~~(#) ...
- 9        ~~(w)~~(v) ...
- 10       ~~(x)~~(w) ...
- 11       ~~(y)~~(x) ...
- 12       ~~(z)~~(y) ...
- 13       ~~(aa)~~(z) ...
- 14       ~~(ab)~~(aa) ...

15       Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19853(a)(3) and 19854,  
16       Business and Professions Code. Reference: Sections 19800, 19805, 19811, 19816, 19853, 19951  
17       and 19984, Business and Professions Code.  
18

19       **§ 12006. Service of Notices, Orders and Communications.**

20       (a) When service of any notice or other written communication is specifically  
21       required to be made pursuant to this section, service ~~shall~~must be made by first class  
22       mail, registered mail, or certified mail, addressed to the residence address, address of  
23       record, or mailing address of the applicant, licensee, or designated agent, as last reported  
24       to the Commission.

25       (b) Notwithstanding subsection (a), notice and other written communication may be  
26       provided exclusively via email to the email address of the applicant, licensee, or  
27       designated agent as last reported to the Commission where they provide the Commission  
28       written authorization including, for instance in a completed and returned Notice of  
29       Defense, CGCC-ND-002 (Rev. 12/18) received under subparagraph (E) of paragraph (2)  
30       of subsection (c) of Section 12052 or at an earlier point from the Commission staff.

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1 (c) Service ~~shall be~~ effective upon mailing or transmission of the notice or  
2 communication.

3 Note: Authority cited: Sections 19811, 19824 and 19840, Business and Professions Code.  
4 Reference: Section 19811, 19824 and 19840, Business and Professions Code  
5

6 **§ 12012. Ex Parte Communication.**

7 (a) For purposes of this section, “ex parte communication” or “ex parte” means a  
8 communication upon the merits of an application without notice and opportunity for all  
9 parties to participate in the communication.

10 (b) The limitations on ex parte communication imposed by Business and Professions  
11 Code section 19872, subdivisions (a) and (b) ~~shall~~ apply when an application is submitted  
12 to the Bureau for investigation until the Bureau report is ~~issued~~submitted to the  
13 Commission and the communication is upon the merits of the application.

14 (c) The limitations on ex parte communication imposed by Business and Professions  
15 Code sections 19872, subdivisions (a) and (c) ~~shall~~ apply when the Bureau report is  
16 ~~issued~~submitted to the Commission until a decision is final pursuant to Section 12066  
17 and the communication is upon the merits of the application.

18 (d) When the ex parte provisions of subsections (b) or (c) apply, the following  
19 communications ~~shall~~will not be considered ex parte:

20 (1) Communications related to undisputed issues of practice and procedure that are  
21 not upon the merits of an application.

22 (2) Communications made at a public hearing or meeting and which concern a  
23 properly noticed matter.

24 (3) Information or documents provided by the applicant, or his, her, or its designated  
25 agent, upon the merits of an application pending disposition before the Bureau or  
26 Commission to an advisor or member of the Commission which is simultaneously  
27 provided to the Bureau or advocate of the Commission, if one has been designated.

28 (4) Information or documents provided by the Bureau or an advocate of the  
29 Commission, upon the merits of an application pending disposition before the  
30 Commission to an advisor or member of the Commission which is simultaneously  
31 provided to the applicant.

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1 (5) Information or documents provided by any other interested person upon the  
2 merits of an application pending disposition before the Bureau or Commission to an  
3 advisor or member of the Commission which is simultaneously provided to both the  
4 Bureau and an advocate of the Commission, if one has been designated, and the  
5 applicant.

6 (6) Communications between an advisor of the Commission and a member of the  
7 Commission.

8 (7)~~(6)~~ Information or documents provided by the Bureau upon the merits of an  
9 application pending disposition before the Commission to an advisor or member of the  
10 Commission pursuant to Business and Professions Code section 19822, subdivision (b),  
11 but that cannot be provided to the applicant pursuant to Business and Professions Code  
12 section 19821, subdivision (d), and section 19868 subdivisions (b)(3) and (c)(2), and  
13 which is provided as follows:

14 (A) The Bureau first provides redacted information or documents to both an advisor  
15 or member of the Commission and the applicant;

16 (B) If an advisor or member of the Commission requests an unredacted copy of the  
17 information or documents, the Commission ~~shall~~will provide a notice to the applicant,  
18 pursuant to Section 12006, allowing at least 14 calendar days for the applicant to object  
19 and pursue any appropriate judicial remedies to challenge the request and seek a judicial  
20 in camera review of the confidentiality and relevancy of the information; and,

21 (C) The Bureau ~~shall~~will provide the unredacted information or documents only to an  
22 advisor or member of the Commission and only after the time period specified to seek  
23 judicial review has elapsed, or the appropriate judicial remedies have been exhausted,  
24 whichever is later.

25 (e) The limitations on ex parte communication imposed by Government Code  
26 sections 11430.10 through 11430.80 ~~shall~~ apply from when:

27 (1) The Executive Director has elected to hold an evidentiary hearing under  
28 subsection (a) of Section 12060 until any decision is final pursuant to Section 12066;

1 (2) The Commission has elected to hold an evidentiary hearing under paragraph (2)  
2 of subsection (a) of Section 12054 until any decision is final pursuant to Section 12066;  
3 or,

4 (3) The Bureau has filed an accusatory pleading under Section 12554 or Business and  
5 Professions Code section 19930 until any decision is final pursuant to Government Code  
6 section 11519.

7 (f) If an applicant, the Bureau or other interested person or an advocate of the  
8 Commission, if one has been designated, communicates directly or indirectly on an ex  
9 parte basis with a member of the Commission, including indirectly through submission of  
10 information or documentation to an advisor of the Commission, then:

11 (1) All information, documentation and responses ~~shall~~must immediately be provided  
12 to the Bureau, or an advocate of the Commission, if one has been designated, and the  
13 applicant.

14 (2) That communication, if by the applicant, may be used as a basis for denial of the  
15 application pursuant to Business and Professions Code sections 19856, 19857 and  
16 subdivision (d) of section 19872.

17 (3) Any meeting or hearing following the provision of this communication may be  
18 delayed as necessary to allow for the full participation of all parties.

19 (g) A member of the Commission who is involved in a communication on an ex parte  
20 basis with an applicant, the Bureau, other interested persons or an advocate of the  
21 Commission, if one has been designated, must publicly disclose the communication, and  
22 provide notices to both the applicant and Bureau pursuant to Section 12006. The notice  
23 ~~shall~~will contain any information or document(s) conveyed and ~~shall~~will be provided to  
24 the applicant and the Bureau as soon as possible so that they may participate in the  
25 communication. Any meeting or hearing following the provision of this communication  
26 may be delayed as necessary to allow for the full participation of all parties. The member  
27 of the Commission may voluntarily withdraw from consideration of an application as  
28 long as the withdrawal would not prevent the existence of a quorum qualified to act on  
29 the particular application.

1 (h) An advisor of the Commission may communicate and convey information or  
2 documents upon the merits of an application as long as it is simultaneously conveyed to  
3 the applicant, the Bureau, and the advocate of the Commission, if one has been  
4 designated, so that they may participate in the communication.

5 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, and 19872, Business and  
6 Professions Code; Sections 11400.20, 11410.40, 11415.10, and 11415.20, Government Code.  
7 Reference: Sections 19821, 19822, 19825, 19868, 19870, 19871, 19872, and 19930, Business and  
8 Professions Code; Sections, 11425.10, 11430.10, 11430.20, 11430.30, 11430.50, and 11430.60,  
9 Government Code.  
10

11 **§ 12014. Subpoenas.**

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

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

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

3 Note: Authority cited: Section 19811, 19823(a), 19824(h), 19840 and 19841, Business and  
4 Professions Code; and section 11450.05(b), Government Code. Reference: Sections 19840,  
5 19870 and 19871, Business and Professions Code; sections 1985, 1985.1, 1985.2, 1985.3 and  
6 1985.4, Code of Civil Procedure; sections 1560 and 1561, Evidence Code; and sections 11450.05,  
7 11450.20, 11450.30, 11450.50, and 11455.10, Government Code.  
8

9 **§ 12015. Withdrawal of Applications.**

10 (a) A request by an applicant, or his, her, or its designated agent on the applicant's  
11 behalf, to withdraw a submitted application may only be made prior to the Bureau report  
12 being ~~issued~~submitted to the Commission. The request ~~shall~~must be made in writing to  
13 the Bureau. Upon receipt of the request to withdraw, Bureau staff ~~shall~~will send written  
14 confirmation of receipt to the applicant. The Bureau ~~shall~~will stay any investigation of  
15 the applicant being conducted under Business and Professions Code section 19868. The  
16 Executive Director ~~shall~~will, upon receipt of any information or documentation provided  
17 by the Bureau, place the request before the Commission for consideration at a regularly  
18 scheduled meeting pursuant to Section 12054.

19 (b) The Commission may grant or deny a withdrawal request based upon the public  
20 interest and the applicable provisions of the Act, including for example, where the  
21 applicant has failed to respond to Bureau or Commission inquiries, or preliminary  
22 information has been provided by the Bureau which would indicate grounds for  
23 mandatory denial under Business and Professions Code section 19859. A withdrawal  
24 request may be granted with or without prejudice based upon the public interest and the  
25 applicable provisions of the Act.

26 (c) If a request for withdrawal is granted, any unused portion of a background  
27 investigation deposit ~~shall~~will be refunded by the Bureau.

28 (d) If a request for withdrawal is granted with prejudice, the applicant ~~shall~~will not be  
29 eligible to apply again for licensure or approval until after the expiration of one year from  
30 the date the request for withdrawal is granted.

31 (e) If the request for withdrawal is denied, the Bureau ~~shall~~will proceed with the  
32 investigation of the applicant and provide a recommendation pursuant to Business and  
33 Professions Code section 19826.

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1 (f) An applicant who has a withdrawal~~s~~ request granted for his, her or its application  
2 ~~shall~~will not have a right to an evidentiary hearing pursuant to Section 12056.

3 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19869, 19893, and 19951,  
4 Business and Professions Code. Reference: Sections 19859, 19867, 19869, 19880, 19881, 19890,  
5 19891, 19951, and 19984, Business and Professions Code.

6  
7 **§ 12017. Abandonment of Applications.**

8 (a)(1) At any time before the Bureau report is ~~issued~~submitted to the Commission,  
9 the Chief of the Bureau may deem an application abandoned based upon the following:

10 (A) Failure of the applicant to respond to Bureau inquiries; or,

11 (B) Notice by the applicant or his, her, or its designated agent on the applicant's  
12 behalf that the application is no longer being pursued because, for example, the applicant  
13 is deceased or no longer employed in a capacity that requires Commission consideration.

14 (2) If an application has been deemed abandoned, a notice of abandonment ~~shall~~will  
15 be sent to the applicant or his, her or its designated agent, with a copy to the Commission,  
16 stating the reasons for abandonment of the application and that the Bureau will consider  
17 the application abandoned unless the applicant contacts the Bureau within 30 calendar  
18 days from the date of the notice.

19 (b)(1) At any time after the Bureau report is ~~issued~~submitted to the Commission and  
20 the Bureau either recommended approval or made no recommendation, the Executive  
21 Director may deem an application abandoned based upon the following:

22 (A) Information related to abandonment provided to the Commission as a result of  
23 the Bureau's background investigation;

24 (B) Failure of the applicant to respond to Bureau or Commission inquiries; or,

25 (C) Notice by the applicant or his, her or its designated agent that the application is  
26 no longer being pursued.

27 (2) If an application has been deemed abandoned, a notice of abandonment ~~shall~~will  
28 be sent to the applicant, pursuant to Section 12006, with a copy to the Bureau, stating the  
29 reasons for abandonment of the application and that the Commission will consider the  
30 application abandoned unless the applicant contacts the Commission within 30 calendar  
31 days from the date of the notice.



1 (c) ~~Where~~At any time after the Bureau report ~~has~~is ~~issued~~submitted ~~its Bureau report~~  
2 to the Commission, the Commission may deem an application abandoned at its  
3 discretion, ~~pursuant to Section 12054 after taking into consideration those criteria listed~~  
4 ~~under subparagraphs (A) through (C), inclusive, of paragraph (1) of subsection (b).~~

5 (d) Upon abandonment of an application, a refund of any ~~unexpended~~unused portion  
6 of a background investigation deposit ~~shall~~will be made, ~~if possible.~~

7 (e) An applicant who ~~has~~abandons their/his, her, or its application deemed abandoned  
8 ~~shall~~will not have a right to an evidentiary hearing pursuant to Section 12056.

9 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19893, and 19951, Business  
10 and Professions Code. Reference: Sections 19859, 19867, 19869, 19880, 19881, 19890, 19891,  
11 and 19951, Business and Professions Code.

### 12 § 12035. Issuance of Interim Renewal Licenses.

13 (a) The Commission ~~shall~~will issue an interim renewal license to an applicant for  
14 renewal of a license, work permit, or other approval involving a finding of suitability  
15 when:  
16

17 (1) The Commission has elected to hold an evidentiary hearing pursuant to paragraph  
18 (2) of subsection (a) of Section 12054;

19 (2) The Executive Director determines, pursuant to subsection (a) of Section 12060,  
20 that it is appropriate for the application to be considered at a GCA hearing; or,

21 (3) An accusation is pending pursuant to Business and Professions Code section  
22 19930 and under Chapter 10 of this division.

23 (b) The Commission will issue a new interim renewal license if the hearing process  
24 has not been, or will not be, concluded by the expiration date of the current interim  
25 renewal license. To receive a new interim renewal license, interim renewal license  
26 holders must submit:

27 (1) A completed application to the Bureau with the appropriate:

28 (A) Form, the same type as the application pending evidentiary hearing;

29 (B) Renewal timeframe;

30 (C) Fees and costs;

31 (D) Supplemental forms if required; and

32 (E) Related requirements.

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1        (2) An update to the Commission, in coordination where possible with the  
2 complainant as specified under subsection (a) of Section 12056, on the status of the  
3 hearing and provide a reasonable justification for the delay in concluding the hearing  
4 during the term of the first interim renewal license period. The update must be received  
5 by the Commission no later than ten days in advance of the date the Commission will  
6 consider the new interim renewal license application. Failure to provide a reasonable  
7 justification for the delay may result in the Commission setting a time for a GCA hearing,  
8 including retracting an application referred to an APA hearing and referring it to a GCA  
9 hearing.

10        (c) The following conditions ~~shall~~ apply to all interim renewal licenses issued under  
11 subsection (a):

12        (1) An interim renewal license ~~shall~~will be issued with the same conditions,  
13 limitations, or restrictions, if any, that existed for the previous license, except for any  
14 condition that by Commission decision has been determined to be satisfied and no longer  
15 applicable. This paragraph does not preclude the Commission from applying additional  
16 conditions through a separate GCA hearing or with the consent of the applicant.

17        (2) An interim renewal license ~~shall~~will be valid for a period of two years from the  
18 date the previous license, work permit, or other approval involving a finding of  
19 suitability, as well as an interim renewal license, expires, or until a decision is final under  
20 Section 12066, whichever is earlier, and is not subject to renewal. ~~The Commission may~~  
21 ~~issue additional interim renewal licenses if the hearing process has not been, or will not~~  
22 ~~be, concluded by the expiration date of the current interim renewal license.~~

23        (3) The holder of an interim renewal license ~~shall~~must pay all applicable annual fees  
24 associated with that license.

25        (d)~~(4)~~ The issue date of the most recently granted interim renewal license ~~shall~~will  
26 serve as the issue date for any regular license, work permit, or other approval granted  
27 thereafter.

28        (e)~~(5)~~ The issuance of an interim renewal license does not limit or impair, and is  
29 without prejudice to, any exercise of the discretion vested in the Commission with respect  
30 to the license at issue in the hearing process.

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1           (f)(6) The issuance of an interim renewal license is without prejudice to the Bureau’s  
2 prosecution of an accusation and has no preclusive effect on any ground for discipline  
3 that may exist against the licensee, whether or not presented in an accusation.

4 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19893, and 19951, Business  
5 and Professions Code. Reference: Sections 19859, 19867, 19869, 19876, 19880, 19881, 19890,  
6 19891, and 19951, Business and Professions Code.  
7

## 8           **ARTICLE 2. PROCEDURES FOR HEARINGS AND MEETINGS ON APPLICATIONS.**

### 9 10           **§ 12050. Bureau Recommendation and Information.**

11           (a) When the Bureau report is ~~issued~~submitted to the Commission with a  
12 recommendation to deny, limit, restrict, or condition a license, permit, finding of  
13 suitability, renewal, or other approval, as described in Business and Professions Code  
14 section 19868, subdivisions (b) and (c):

15           (1) The Bureau ~~shall~~will provide to the applicant a copy of the following as relevant  
16 to the application:

17           (A) The Bureau report which ~~shall~~will include any Bureau recommendation to the  
18 Commission.

19           (B) A detailed factual and/or legal basis for any recommendation.

20           (C) Any supplemental documents provided to the Commission.

21           (D) Any other information or documentation provided to the Commission.

22           (2) The documents or information provided under paragraph (1) need not include  
23 anything inconsistent with paragraph (7)(6) of subsection (d) of Section 12012.

24           (b) The Commissioners, or Administrative Law Judge sitting on behalf of the  
25 Commission at an APA hearing, will ~~determine what, if any, significance the Bureau’s or~~  
26 ~~Commission staff’s recommendation shall have regarding the merits of the application.~~  
27 ~~The Commissioners and Administrative Law Judge are not bound by the~~  
28 ~~recommendation’s rationale or conclusions in any way~~consider, but are not bound by, any  
29 recommendations made by the Bureau or Commission staff.

30 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
31 Professions Code. Reference: Sections 19824, 19826, 19827, 19868, 19869, 19870, 19871, and  
32 19930, Business and Professions Code.  
33

1 **§ 12052. Commission Meetings; General Procedures; Scope; Notice;**  
2 **Rescheduling of Meeting.**

3 (a) Nothing in this article is intended to limit the manner in which the Commission  
4 reviews an application, or otherwise limit its authority or discretion under the Act.

5 (b) This article does not apply to accusations brought under Business and Professions  
6 Code section 19930, subdivision (b) to revoke, suspend, or discipline a license,  
7 registration, permit, finding of suitability, renewal or other approval under the Act or a  
8 matter proceeding pursuant to Chapter 10 of this division.

9 (c) An applicant for any license, permit, finding of suitability, renewal, or other  
10 approval ~~shall~~will be given notice of the meeting at which the application is scheduled to  
11 be heard. Notice ~~shall~~will be given pursuant to Section 12006.

12 (1) If the application is scheduled at a non-evidentiary hearing meeting under Section  
13 12054, the notice ~~shall~~will be provided at least 10 calendar days prior to the meeting date  
14 and ~~shall~~will inform the applicant of the following:

15 (A) That the applicant will be afforded the opportunity to:

16 1. Address the Commission by way of an oral statement, written statement, or both;  
17 and,

18 2. Submit documents in support of the application; however, documents which are  
19 not received by~~provided to~~ the Commission and Bureau with sufficient time for  
20 consideration may result in the documents not being considered or the consideration of  
21 the application being continued, at the Commission's discretion. Less than 72 hours in  
22 advance of the noticed meeting's scheduled start time is presumed to be insufficient time  
23 for consideration.

24 (B) That the application may be rescheduled for consideration at an evidentiary  
25 hearing pursuant to Section 12058, by Commission action.

26 (C) Any individual making an oral statement may be required to be placed under  
27 oath.

28 (2) If the application is to be scheduled at an evidentiary hearing, pursuant to  
29 subsections (a) or (b) of Section 12060, the notice of hearing ~~shall~~will inform the  
30 applicant of the following:

1 (A) The date, time and location of the evidentiary hearing at which the application is  
2 scheduled to be heard;

3 (B) The date, time and location of the pre-hearing conference, pursuant to paragraph  
4 (1) of subsection (f) of Section 12060;

5 (C) The individual assigned, pursuant to subsection (c) of Section 12060, as the  
6 presiding officer and his or her contact information;

7 (D) That the applicant will be afforded the opportunity to:

8 1. Address the Commission by way of an oral statement, written statement, or both;

9 2. Submit documents in support of the application;

10 3. Call, examine, cross-examine and impeach witnesses; and,

11 4. Offer rebuttal evidence.

12 (E) That a Notice of Defense, CGCC-ND-002 (Rev. 12/18~~New 01/14~~), which is  
13 attached in Appendix A to this chapter, will be included unless already provided by  
14 Commission staff or the Bureau.

15 (F) That the waiver of an evidentiary hearing, or failure of the applicant to submit a  
16 Notice of Defense, or failure by the applicant to appear at the evidentiary hearing, may  
17 result in a default decision or a hearing without applicant participation in accordance with  
18 Section 12057;

19 ~~1. A default decision being issued by the Commission based upon the Bureau report,~~  
20 ~~any supplemental reports by the Bureau and any other documents or testimony already~~  
21 ~~provided or which may be provided to the Commission, or~~

22 ~~2. The hearing being held as originally noticed without applicant participation.~~

23 (d) Any application for a license, work permit, registration, or other approval  
24 involving a~~or~~ finding of suitability scheduled for Commission consideration at a noticed  
25 public meeting may be rescheduled for a later public meeting by the Executive Director,  
26 prior to the meeting, or by the Commission at the meeting, provided that in the case of  
27 renewal applications, the Commission must act before the license expires.

28 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
29 Professions Code. Reference: Sections 19816, 19823, 19824, 19856, 19870, 19871, 19876 and  
30 19930, Business and Professions Code.

1 **§ 12054. Consideration at Regular Commission Meeting.**

2 (a) At a non-evidentiary hearing meeting, the Commission may take, but is not  
3 limited to taking, one of the following actions:

4 (1) Issue a license, temporary license, interim license, registration, permit, finding of  
5 suitability, renewal or other approval.

6 (2) Elect to hold or retract an evidentiary hearing in accordance with Section 12056  
7 and, ~~when~~ for a renewal application, issue an interim renewal license pursuant to Section  
8 12035. The Commission ~~shall~~will identify those issues for which it requires additional  
9 information or consideration related to the applicant's suitability.

10 (3) Table or continue an item for consideration at a subsequent meeting, for any  
11 purpose, including obtaining new or additional information from the applicant, Bureau or  
12 Commission staff, provided ~~however~~that in the case of renewals applications, the  
13 Commission must act on the application before the license expires.

14 (4) Extend a license for up to 180 calendar days as necessary, as provided in Business  
15 and Professions Code section 19876, subdivision (c).

16 (5) Approve or deny a request for withdrawal pursuant to Section 12015.

17 (6) Make a finding of abandonment pursuant to subsection (c) of Section 12017.

18 (7) If the Bureau has filed an ~~accusatory pleading~~accusation with the Commission  
19 pursuant to Business and Professions Code section 19930 prior to Commission action on  
20 a renewal application, the Commission ~~shall~~will issue an interim renewal license pursuant  
21 to Section 12035.

22 (8) Issue a default decision pursuant to Section 12057.

23 (9) Consider a request for reconsideration pursuant to Section 12064.

24 (b) An applicant does not have a right to an evidentiary hearing pursuant to Section  
25 12056 ~~If~~ if the Commission approves or denies a request for withdrawal pursuant to  
26 paragraph (5) of subsection (a) or makes a finding of abandonment pursuant to paragraph  
27 (6) of subsection (a), and that decision is final when issued, unless the Commission  
28 specifies otherwise. ~~An applicant shall not have a right to an evidentiary hearing~~  
29 ~~pursuant to Section 12056.~~

1 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
2 Professions Code. Reference: Sections 19816, 19823, 19824, 19869, 19870, 19871, and 19876,  
3 Business and Professions Code.

4  
5 **§ 12056. Evidentiary Hearings.**

6 (a) If the Commission elects to hold an evidentiary hearing, the hearing will be  
7 conducted as a GCA hearing under Section 12060, unless the Executive Director or the  
8 Commission determines the hearing should be conducted as an APA hearing under  
9 Section 12058. The evidence ~~shall~~will be presented by the complainant, which is  
10 selected by the Executive Director or the Commission, and may be either the Bureau or  
11 an ~~advocate~~s of the Commission. If an advocate of the Commission is selected, the  
12 determination ~~shall~~will include a list of employees of the Commission who ~~shall~~will be  
13 designated as an advocate of the Commission.

14 (b) Nothing in this section, Section 12058 or Section 12060 confers upon an  
15 applicant a right to discovery of the Commission's or Bureau's confidential information  
16 or to require production of any document or the disclosure of information which is  
17 otherwise prohibited by any provision of the Act, or is privileged from disclosure or  
18 otherwise made confidential by any other provision of law. Documentary evidence may  
19 be redacted as needed to prevent the disclosure of confidential information. Exculpatory  
20 or mitigating information ~~shall~~will be provided to the applicant, but any confidential  
21 information may be redacted by the Bureau.

22 (c) Under either an APA or a GCA hearing, all parties will bear their own costs. This  
23 does not prevent the Bureau from requiring that additional sums be deposited pursuant to  
24 Business and Professions Code section 19867 for any necessary supplemental  
25 investigations.

26 (d) Where an application has been referred to a GCA hearing or an APA hearing, the  
27 Commission retains the authority to retract the referral, and refer the application to a  
28 GCA hearing or APA hearing pursuant to subsection (a) of Section 12056, or hear the  
29 matter at a Section 12054 meeting if the Commission deems it appropriate.

30 Note: Authority cited: Sections 19811, 19823, 19824, 19825, 19840, and 19841, Business and  
31 Professions Code. Reference: Sections 19816, 19823, 19824, 19825, 19868, 19870, 19871, and  
32 19876, Business and Professions Code; Section 11512, Government Code.

33  
Additions shown in underline; deletions shown in ~~strikeout~~.

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1 **§ 12057. Default Decisions and Uncontested Applications.**

2 (a) When an applicant fails to submit a completed Notice of Defense, CGCC-ND-002  
3 (Rev. 12/18) according to the timelines on the form, affirmatively waives his, her, or its  
4 right to an evidentiary hearing, or he, she, or it fails to appear at an evidentiary hearing,  
5 the Commission may adjudicate the applicant's application by default.

6 (b) When the Commission adjudicates an application by default it will either:

7 (1) Issue a default decision based upon the Bureau report, any supplemental reports  
8 by the Bureau, and any other documents or testimony provided or which may be provided  
9 to the Commission before the decision is issued; or,

10 (2) Hold a GCA hearing without applicant participation.

11 (c) When an applicant fails to appear at an evidentiary hearing, in addition to the  
12 options in subsection (b), the Commission may reschedule any GCA hearing on the  
13 applicant's application as the Commission deems appropriate.

14 (d) Notice of consideration of a default decision or a hearing without applicant  
15 participation under subsections (b) and (c) need not comply with the 60 or 90 day notice  
16 provisions of Section 12060, subsections (a) and (b).

17 (e) A default decision may be considered and approved at a Section 12054 meeting or  
18 at a GCA hearing.

19 (f) Default decisions may be reconsidered in accordance with Section 12064  
20 regardless of whether the decision was considered at a Section 12054 meeting or at an  
21 evidentiary hearing.

22 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
23 Professions Code. Reference: Sections 19816, 19823, 19824, 19824.5, 19825, 19868, 19870,  
24 19871, and 19876, Business and Professions Code; Section 11512, Government Code.

25  
26 **§ 12058. APA Hearing.**

27 (a) When the Commission elects to hold an APA hearing the Commission ~~shall~~will  
28 determine whether the APA hearing will be held before an Administrative Law Judge  
29 sitting on behalf of the Commission or before the Commission itself with an  
30 Administrative Law Judge presiding in accordance with Government Code section  
31 11512. Notice of the APA hearing ~~shall~~will be provided to the applicant pursuant to  
32 Government Code section 11500 et seq.

Additions shown in underline; deletions shown in ~~strikeout~~.

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1 (b) The burden of proof is on the applicant to prove his, her, or its qualifications to  
2 receive any license or other approval under the Act.

3 (c) A Statement of Issues ~~shall~~will be prepared and filed according to Government  
4 Code section 11504 by the complainant.

5 (d) At the conclusion of the evidentiary hearing, when the Commission is hearing the  
6 matter, the members of the Commission ~~shall~~will take the matter under submission, may  
7 discuss the matter in a closed session meeting, may leave the administrative record open  
8 in order to receive additional evidence as specified by the Commission, and may schedule  
9 future closed session meetings for deliberation.

10 (e) The evidentiary hearing ~~shall~~will proceed as indicated in the notice, unless and  
11 until the Executive Director or Commission approves ~~cancellation or a continuance~~ the  
12 retraction of referral to an APA hearing.

13 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
14 Professions Code. Reference: Sections 19816, 19823, 19824, 19825, 19868, and 19876, Business  
15 and Professions Code; Section 11512 and 11517, Government Code.  
16

### 17 **§ 12060. GCA Hearings.**

18 (a) If the Executive Director determines it is appropriate, he or she may set an  
19 application for consideration at a GCA hearing in advance of a meeting pursuant to  
20 Section 12054. The Executive Director ~~shall~~will give notice to the applicant, pursuant to  
21 paragraph (2) subsection (c) of Section 12052, to the Office of the Attorney General, and  
22 to the Bureau no later than 90 calendar days in advance of the GCA hearing. The  
23 Executive Director's determination will be based on information contained in the  
24 Bureau's report or other appropriate sources including, without limitation, a request from  
25 the Bureau or applicant as well as the Commission's operational considerations. ~~The~~  
26 ~~Commission retains the authority to refer the matter to an APA hearing pursuant to~~  
27 ~~subsection (a) of Section 12056 or hear the matter at a Section 12054 meeting if the~~  
28 ~~Commission deems it appropriate.~~

29 (b) When the Commission has elected to hold a GCA hearing, the Executive Director  
30 ~~shall~~will give notice to the applicant, pursuant to paragraph (2) subsection (c) of Section

1 12052, to the Office of the Attorney General, and to the Bureau no later than 60 calendar  
2 days in advance of the GCA hearing.

3 (c) The presiding officer and her or his support staff shall will have no communication  
4 with the Commission or Commission staff upon the merits, ~~or upon information or~~  
5 ~~documents submitted related to the~~ of an application prior to the evidentiary hearing. The  
6 Executive Director shall will designate a presiding officer which shall will be:

7 (1) A member of the Commission's legal staff; or,

8 (2) An Administrative Law Judge.

9 (d) The applicant or the complainant, or the applicant and the complainant, may  
10 request a continuance in writing to the Executive Director stating the reason for the  
11 continuance and any proposed future hearing dates. The Executive Director or  
12 Commission may approve the request.

13 (e) The complainant shall will provide to the applicant, subject to subsection (b) of  
14 Section 12056, at least 45 calendar days prior to the GCA hearing, and the applicant  
15 ~~shall must~~ provide to the complainant, at least 30 calendar days prior to the GCA hearing,  
16 the following items:

17 (1) A list of potential witnesses with the general subject of the testimony of each  
18 witness;

19 (2) Copies of all documentary evidence intended to be introduced at the hearing and  
20 not previously provided;

21 (3) Reports or statements of parties and witnesses, if available; and

22 (4) All other written comments or writings containing relevant evidence.

23 (f) A presiding officer shall will rule on the admissibility of evidence and on any  
24 objections raised except for objections raised under subsection (g). A ruling by the  
25 presiding officer ~~shall be is~~ final.

26 (1) In advance of the GCA hearing, upon a motion of a party or by order of the  
27 presiding officer, the presiding officer may conduct a pre-hearing conference, either in  
28 person, via teleconference, or by email exchange, subject to the presiding officer's  
29 availability and shall will issue a pre-hearing order if appropriate or requested by either  
30 party. The pre-hearing conference and order may address the following:

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- 1 (A) Evidentiary issues;
- 2 (B) Witness and exhibit lists;
- 3 (C) Alterations in the Bureau recommendation;
- 4 (D) Stipulations for undisputed facts ~~including~~and/or the admission of evidence
- 5 including without limitation the Bureau’s report; ~~and~~
- 6 (E) Authorizing offsite livestreaming appearances for parties or witnesses if good
- 7 cause has been presented and only if the process for offsite livestreaming has been
- 8 approved by the Executive Director; and,
- 9 (F) Other issues that may be deemed appropriate to promote the orderly and prompt
- 10 conduct of the hearing.

11 (2) The GCA hearing need not be conducted according to technical rules of evidence.

12 Any relevant evidence may be considered, and is sufficient in itself to support findings if

13 it is the sort of evidence on which reasonable persons are accustomed to rely in the

14 conduct of serious affairs, regardless of the existence of any common law or statutory

15 rule that might make improper the admission of that evidence over objection in a civil

16 action.

17 (g) The Commission may, at any time upon a showing of prejudice by the objecting

18 party:

19 (1) Prohibit the testimony of any witness or the introduction of any documentary

20 evidence that has not been disclosed pursuant to subsection (e); or

21 (2) Continue any meeting or hearing as necessary to mitigate any prejudice.

22 (h) The complainant ~~shall~~will present all facts and information in the Bureau report,

23 if any, and the results of the Bureau’s background investigation, and the basis for any

24 recommendation, if the Bureau filed one with the Commission according to Business and

25 Professions Code section 19868, to enable the Commission to make an informed decision

26 on whether the applicant has met his, her, or its burden of proof. The complainant may

27 but is not required to recommend or seek any particular outcome during the evidentiary

28 hearing, unless it so chooses.

29 (i) The burden of proof is always on the applicant ~~at all times~~ to prove his, her, or its

30 qualifications to receive any license or other approval under the Act.

1 (j) The applicant may choose to represent himself, herself, or itself, or may retain an  
2 attorney or lay representative. Lay representatives may assist the applicant but are not  
3 authorized to serve as an attorney as otherwise defined and regulated by state law.

4 (k) Except as otherwise provided in subsection (g), the complainant and applicant  
5 ~~shall~~will have the right to call and examine witnesses under oath; to introduce relevant  
6 exhibits and documentary evidence; to cross-examine opposing witnesses on any relevant  
7 matter, even if the matter was not covered in direct examination; to impeach any witness,  
8 regardless of which party first called the witness to testify; and to offer rebuttal evidence.  
9 If the applicant does not testify on his, her or its ~~own~~-behalf, the applicant may be called  
10 and examined, under oath, as if under cross-examination.

11 (l) Oral evidence ~~shall~~will be taken upon oath or affirmation, which may be  
12 administered by the Executive Director, a member of the Commission, or the presiding  
13 officer; if an Administrative Law Judge.

14 (m) At the conclusion of the evidentiary hearing, the members of the Commission  
15 ~~shall~~will take the matter under submission, may discuss the matter in a closed session  
16 meeting, and may schedule future closed session meetings for deliberation.

17 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
18 Professions Code. Reference: Sections 19816, 19823, 19824, 19824.5, 19825, 19868, 19870,  
19 19871, and 19876, Business and Professions Code; Section 11512, Government Code.

## 20 21 **§ 12062. Issuance of GCA Hearing Decisions.**

22 (a) Within ~~30~~75 calendar days of the conclusion of a GCA hearing, the Commission  
23 ~~legal staff prepare and submit to the Commission a proposed decision.~~

24 ~~(b) Within 45 calendar days of the issuance of the proposed decision, the~~  
25 ~~Commission shall~~will issue its decision, which ~~shall~~will comply with Business and  
26 Professions Code section 19870, and ~~shall~~will be served pursuant to Section 12006 and,  
27 in the case of a gambling license, on any associated or endorsed owner or owner-licensee.

28 ~~(b)(e)~~ All decisions of the Commission issued pursuant to this section ~~shall~~will  
29 specify an effective date and may include further directions as to any stay provisions or  
30 orders to divest.

31 ~~(c)(4)~~ Only members of the Commission who heard the evidence presented in the  
32 hearing are eligible to vote on a decision and may vote by mail or by another appropriate

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1 method unless such a requirement would prevent the existence of a quorum qualified to  
2 act on the particular application. In that event, a member of the Commission who has not  
3 heard the evidence may be allowed to vote after a review of the complete record and any  
4 additional briefing or hearing the Commission believes necessary.

5 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
6 Professions Code. Reference: Sections 19823, 19824, 19825, 19870, 19871, 19876, 19883 and  
7 19892, Business and Professions Code.

8  
9 **§ 12064. Requests for Reconsideration.**

10 (a) After the Commission issues a decision following a GCA hearing conducted  
11 pursuant to Section 12060, an applicant denied a license, permit, registration, or finding  
12 of suitability, or whose license, permit, registration, or finding of suitability has had  
13 conditions, restrictions, or limitations imposed upon it, may request reconsideration by  
14 the Commission ~~within 30 calendar days of service of the decision, or before the effective~~  
15 ~~date specified in the decision, whichever is later.~~ A request for reconsideration must be:

16 (1) Made in writing to the Commission, copied to the Bureau. The Bureau may  
17 provide a written response to the Commission within 10 calendar days of receipt of the  
18 request; and,

19 (2) Received by the Commission and Bureau within 30 calendar days of service of  
20 the decision, or before the effective date specified in the decision, whichever is earlier.

21 (b) A request for reconsideration ~~shall~~must ~~be made in writing to the Commission,~~  
22 ~~copied to the Bureau, and shall~~ state good cause~~the reasons~~ for the request, which must  
23 be based upon either:

24 (1) Newly discovered evidence or legal authorities that could not reasonably have  
25 been presented before the Commission's issuance of the decision or at the hearing on the  
26 matter; or,

27 ---

28 [OPTION 1 - Executive Director Determination]

29 (2) Other ~~good cause~~reasons which ~~the Commission may decide, in its sole~~  
30 ~~discretion,~~ merits reconsideration.

31 (c) The Executive Director ~~shall~~will determine whether a request for reconsideration  
32 states good cause~~is complete~~ and if so ~~shall~~will place the request on the Commission's

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1 agenda within 60 calendar days of its receipt. The applicant and complainant shall will be  
2 given at least 10 calendar days' advance written notice, pursuant to Section 12006, of the  
3 date and time of the Commission meeting at which the request will be heard. The  
4 applicant and complainant, whether present at that meeting or not, shall will be notified in  
5 writing of the Commission's decision on the request within 10 calendar days following  
6 the meeting pursuant to Section 12006.

7 (d) The effective date of the decision will be stayed ~~while the request is under review~~  
8 ~~by until~~ the Executive Director Commission ~~determines the request does not make a~~  
9 preliminary showing of good cause or other reasons, if the Executive Director determines  
10 the request states good cause or other reasons, until the Commission grants or denies the  
11 request for reconsideration.

12  
13 [Option 2 – Commission Determination]

14 (2) Other ~~good cause~~ reasons which the Commission may decide, in its sole  
15 discretion, merits reconsideration.

16 (c) The ~~Executive Director Commission shall will~~ ~~determine whether a request for~~  
17 ~~reconsideration is complete and if so shall~~ place the request on the Commission's agenda  
18 within 60 calendar days of its receipt. The applicant and complainant shall will be given  
19 at least 10 calendar days' advance written notice, pursuant to Section 12006, of the date  
20 and time of the Commission meeting at which the request will be heard. The applicant  
21 and complainant, whether present at that meeting or not, shall will be notified in writing  
22 of the Commission's decision on the request within 10 calendar days following the  
23 meeting pursuant to Section 12006.

24 (d) The effective date of the decision will be stayed while the request is under review  
25 by the Commission.

26 ---

27 (e) The granting or denial of reconsideration under this section shall will be at the sole  
28 discretion of the Commission.

1 (f) When the Commission grants reconsideration, the decision is stayed pending  
2 further action on the application, including but not limited to affirming its decision, or  
3 vacating the initial decision issuing a reconsidered decision.

4 (g) The Commission may stay the effective date of the decision for a period it deems  
5 appropriate when the Commission denies a request for reconsideration.

6 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
7 Professions Code. Reference: Sections 19823, 19824, 19825, 19870, 19871, and 19876, Business  
8 and Professions Code; Section 11521 Government Code.

9  
10 **§ 12066. Final Decisions; Judicial Review.**

11 (a) A withdrawal or abandonment decision is final:

12 (1) 30 calendar days after the date of notice of abandonment pursuant to either  
13 paragraph (2) of subsection (a) or paragraph (2) of subsection (b) of Section 12017 if not  
14 repealed by the issuing agency.

15 (2) Upon approval by the Commission pursuant to paragraph (5) of subsection (a) of  
16 Section 12054 or the making of a finding of abandonment pursuant to paragraph (6) of  
17 subsection (a) of Section 12054.

18 (b) A Commission decision is final:

19 (1) Upon the effective date specified in the decision or 30 calendar days after service  
20 of the decision if no effective date is specified, and if reconsideration under Section  
21 12064 has not been requested; or,

22 (2) If a request for reconsideration has been granted under Section 12064,  
23 immediately upon the Commission's ~~re-issuing affirmation of~~ its decision or the date  
24 specified in the decision upon issuance of a reconsidered decision.

25 (3) If a request for reconsideration has been denied under Section 12064,

26 (A) Immediately upon the denial of the request; or,

27 (B) Upon the expiration of any stay granted pursuant to subsection (g) of Section  
28 12064.

29 (c) A decision of the Commission denying an application or imposing conditions on a  
30 license ~~shall~~will be subject to judicial review as provided in Business and Professions  
31 Code section 19870, subdivision (e). Neither the right to petition for judicial review nor  
32 the time for filing the petition ~~shall~~will be affected by failure to seek reconsideration.

Additions shown in underline; deletions shown in ~~strikeout~~.

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1 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
2 Professions Code. Reference: Sections 19823, 19824, 19825, 19870, 19871, and 19876, Business  
3 and Professions Code; Section 11521 Government Code.

4  
5 **§ 12068. Decisions Requiring Resignation or Divestiture.**

6 When an application is denied or conditions, limitations, or restrictions are imposed  
7 under the Act or this chapter and that decision is final under Section 12066, any  
8 requirements set forth in the decision ~~shall~~must be complied with, and the following  
9 ~~shall~~will apply to the extent not inconsistent with the decision, as applicable:

10 (a)(1) If the denied applicant is an officer, director, employee, agent, representative,  
11 or independent contractor of a corporation licensed, registered, or found suitable by the  
12 Commission, the denied applicant ~~shall~~must resign according to the date specified in the  
13 Commission's decision and ~~shall~~must-~~so~~ notify the Commission in writing.

14 (2) If the denied applicant is an officer or director of a corporation that is licensed,  
15 registered, or found suitable by the Commission, the corporation ~~shall~~must remove that  
16 person from office according to the date specified in the Commission's decision and  
17 ~~shall~~must-~~so~~ notify the Commission in writing.

18 (3) If the denied applicant is an employee, agent, representative, or independent  
19 contractor of a corporation licensed, registered, or found suitable by the Commission, the  
20 corporation ~~shall~~must terminate its relationship with that person pursuant to the date  
21 specified in the decision and ~~shall~~must-~~so~~ notify the Commission in writing.

22 (4) Any denied applicant subject to paragraphs (1) or (2) of this subsection and the  
23 corporation licensed, registered, or found suitable by the Commission, ~~shall~~must comply  
24 with Business and Professions Code section 19882, if applicable.

25 (b)(1) If the denied applicant is an officer, director, manager, member, employee,  
26 agent, representative, or independent contractor of a limited liability company licensed,  
27 registered, or found suitable by the Commission, the denied applicant ~~shall~~must resign  
28 according to the date specified in the Commission's decision and ~~shall~~must-~~so~~ notify the  
29 Commission in writing.

30 (2) If the denied applicant is an officer, director, manager or member of a limited  
31 liability company that is licensed, registered, or found suitable by the Commission, the  
32 limited liability company ~~shall~~must remove that person from office according to the date

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1 specified in the Commission’s decision and ~~shall~~must notify the Commission in  
2 writing.

3 (3) If the denied applicant is an employee, agent, representative, or independent  
4 contractor of a limited liability company licensed, registered, or found suitable by the  
5 Commission, the limited liability company shall~~must~~ terminate its relationship with that  
6 person pursuant to the date specified in the decision and ~~shall~~must notify the  
7 Commission in writing.

8 (4) Any denied applicant subject to paragraphs (1) or (2) of this subsection and the  
9 limited liability company that is licensed, registered, or found suitable by the  
10 Commission, must comply with Business and Professions Code section 19892, if  
11 applicable.

12 (c)(1) If the denied applicant is a general or limited partner in a general or limited  
13 partnership licensed, registered, or found suitable by the Commission, the denied  
14 applicant shall~~must~~ resign as a partner according to the date specified in the  
15 Commission’s decision and ~~shall~~must notify the Commission in writing.

16 (2) If the denied applicant is an owner or holder of an interest in a limited partnership  
17 licensed, registered, or found suitable by the Commission, the denied applicant and the  
18 limited partnership shall~~must~~ comply with Business and Professions Code section 19892  
19 and ~~shall~~must notify the Commission in writing.

20 (d) If the denied applicant is a principal in a business entity not otherwise described  
21 above that is licensed, registered, or found suitable by the Commission:

22 (1) The denied applicant shall~~must~~ resign his or her position within that entity and  
23 divest whatever interest is held in that entity pursuant to the timelines and instructions  
24 specified in the Commission’s decision, and ~~shall~~must notify the Commission in  
25 writing.

26 (2) The business entity shall~~must~~ remove the denied applicant from any principal role  
27 in the business entity and ~~shall~~must notify the Commission in writing.

28 (e) Where the decision does not specify a time for removal and there is no other  
29 controlling statutory or regulatory timeframe under paragraph (2) of subsection (a),

1 paragraph (2) of subsection (b), or paragraph (2) of subsection (d), the specified person  
2 must be removed no later than 60 days after the effective date of the decision.

3 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and  
4 Professions Code. Reference: Sections 19823, 19824, 19825, 19870, 19871, 19876, 19882,  
5 19883 and 19892, Business and Professions Code.  
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# APPENDIX A

(Modify Form CGCC-ND – 002 (Rev. 12/18))



State of California  
**California Gambling Control Commission**  
 2399 Gateway Oaks Drive, Suite 220  
 Sacramento, CA 95833-4231  
 (916) 263-0700; Fax: (916) 263-0452  
 www.cgcc.ca.gov

**NOTICE OF DEFENSE**  
**CGCC – ND – 002 (New 01/14 Rev. 12/18)**

In the Matter of:	CGCC No.
-------------------	----------

**Failure to submit this Notice of Defense to the California Gambling Control Commission (Commission) and the Bureau of Gambling Control (Bureau) may result in a default decision being issued by the Commission. The Notice of Defense must be received by the Commission and Bureau within 21 days of service by the Commission or Bureau. is due:**

- ~~Within 15 calendar days of receipt, if provided by Commission staff or the Bureau; or,~~
- ~~Within 15 calendar days of the date of service, if provided with the Notice of Hearing, received~~

<b>SECTION 1: HEARING REQUEST</b>	
PLEASE ANSWER THE FOLLOWING:	
<input type="checkbox"/>	<u>I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU.</u>

<b>SECTION 2: HEARING WAIVER</b>										
PLEASE ONLY ANSWER THE FOLLOWING IF A HEARING IS NOT REQUESTED UNDER SECTION 1 ABOVE AND IF APPLICABLE:										
<del>(PLEASE SELECT ONE OF THE FOLLOWING)</del>										
<b>1</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;"><b>A</b></td> <td style="width:5%; text-align: center;"><input type="checkbox"/></td> <td>I ACKNOWLEDGE AND ACCEPT THAT THE CONDITIONS, LIMITATIONS AND RESTRICTIONS ATTACHED TO THE NOTICE WILL BE PLACED ON MY LICENSE, REGISTRATION, FINDING OF SUITABILITY OR OTHER APPROVAL, AND I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)</td> </tr> <tr> <td style="text-align: center;"><b>B</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)</td> </tr> <tr> <td style="text-align: center;"><b>C</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><del>I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION AND ANY RECOMMENDATION OF THE BUREAU.</del></td> </tr> </table>	<b>A</b>	<input type="checkbox"/>	I ACKNOWLEDGE AND ACCEPT THAT THE CONDITIONS, LIMITATIONS AND RESTRICTIONS ATTACHED TO THE NOTICE WILL BE PLACED ON MY LICENSE, REGISTRATION, FINDING OF SUITABILITY OR OTHER APPROVAL, AND I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)	<b>B</b>	<input type="checkbox"/>	I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)	<b>C</b>	<input type="checkbox"/>	<del>I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION AND ANY RECOMMENDATION OF THE BUREAU.</del>
<b>A</b>	<input type="checkbox"/>	I ACKNOWLEDGE AND ACCEPT THAT THE CONDITIONS, LIMITATIONS AND RESTRICTIONS ATTACHED TO THE NOTICE WILL BE PLACED ON MY LICENSE, REGISTRATION, FINDING OF SUITABILITY OR OTHER APPROVAL, AND I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)								
<b>B</b>	<input type="checkbox"/>	I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)								
<b>C</b>	<input type="checkbox"/>	<del>I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION AND ANY RECOMMENDATION OF THE BUREAU.</del>								
<b>2</b>	<p>THE WAIVER OF MY RIGHT TO AN EVIDENTIARY HEARING INCLUDES A WAIVER OF THE FOLLOWING ASSOCIATED RIGHTS:</p> <ul style="list-style-type: none"> <li>THE RIGHT TO BE HEARD AT THE HEARING</li> <li>THE RIGHT TO A COPY OF THE HEARING’S GOVERNING PROCEDURE</li> <li>THE RIGHT TO DISCOVERY</li> <li>THE RIGHT TO PRESENT ORAL EVIDENCE</li> <li>THE RIGHT TO PRESENT AND EXAMINE WITNESSES</li> <li>THE RIGHT TO INTRODUCE RELEVANT EXHIBITS</li> <li>THE RIGHT TO CROSS-EXAMINE OPPOSING WITNESSES</li> <li>THE RIGHT TO IMPEACH WITNESSES</li> <li>THE RIGHT TO OFFER REBUTTAL EVIDENCE</li> <li>THE RIGHT TO CHALLENGE EVIDENCE USED AGAINST ME</li> <li>THE RIGHT TO REQUEST RECONSIDERATION FOLLOWING THE DECISION’S ISSUANCE</li> <li>THE RIGHT TO PETITION FOR REVIEW OF THE DECISION UNDER SECTION 1085 OF THE CODE OF CIVIL PROCEDURE</li> </ul> <p>THE WAIVER OF AN EVIDENTIARY HEARING MAY RESULT IN A DEFAULT DECISION BEING ISSUED BY THE COMMISSION BASED UPON THE BUREAU REPORT, ANY SUPPLEMENTAL REPORTS BY THE BUREAU AND ANY OTHER DOCUMENTS OR TESTIMONY ALREADY PROVIDED OR WHICH MAY BE PROVIDED TO THE COMMISSION, OR THAT THE HEARING MAY CONTINUE TO OCCUR ON THE ORIGINALLY NOTICED DATE WITHOUT APPLICANT PARTICIPATION.</p>									

<b>3</b>	<input type="checkbox"/>	I understand English or have had an interpreter read and explain this form to me in _____ <span style="float: right; font-size: small;">(Language)</span>
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<u>SECTION 3: LANGUAGE PREFERENCE</u>	
PLEASE ANSWER <b>ONE</b> OF THE FOLLOWING (IF YOU REQUIRE ASSISTANCE, PLEASE CONTACT THE COMMISSION AT (916) 263-0700):	
<input type="checkbox"/>	<u>I UNDERSTAND ENGLISH AND HAVE READ AND UNDERSTAND THIS FORM.</u>
<input type="checkbox"/>	<u>I DO NOT UNDERSTAND ENGLISH AND HAVE HAD AN INTERPRETER READ AND EXPLAIN THIS FORM TO ME.</u>
<input type="checkbox"/>	<u>I WILL REQUIRE AN INTERPRETER AT THE HEARING.</u>
	<u>INTERPRETER LANGUAGE:</u>

<u>SECTION 4: REPRESENTED BY AN ATTORNEY</u>	
PLEASE ONLY ANSWER THE FOLLOWING IF YOU ARE REPRESENTED BY AN ATTORNEY:	
(please select one of the following:)	
<input type="checkbox"/>	I AM REPRESENTED BY <del>COUNSEL</del> <u>AN ATTORNEY</u> , WHOSE NAME, ADDRESS, <del>AND</del> TELEPHONE NUMBER, <u>AND EMAIL ADDRESS</u> APPEAR BELOW:
<b>A</b>	NAME:
	MAILING ADDRESS:
	CITY, STATE AND ZIP CODE:
	TELEPHONE NUMBER:
	<u>EMAIL ADDRESS:</u>
<input type="checkbox"/>	<u>MY ATTORNEY REQUESTS THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED VIA EMAIL, INSTEAD OF VIA MAIL.</u>
<b>4</b>	<u>SECTION 5: SELF-REPRESENTED (WITH OR WITHOUT LAY REPRESENTATION)</u>
PLEASE ANSWER THE FOLLOWING IF YOU ARE NOT REPRESENTED BY AN ATTORNEY OR IF YOU HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE:	
<input type="checkbox"/>	I AM NOT REPRESENTED BY <del>COUNSEL</del> <u>AN ATTORNEY</u> . IF AND WHEN <del>COUNSEL</del> <u>AN ATTORNEY</u> IS RETAINED, IMMEDIATE NOTIFICATION OF THE ATTORNEY'S NAME, ADDRESS, <del>AND</del> TELEPHONE NUMBER, <u>AND EMAIL ADDRESS</u> WILL BE PROVIDED TO THE COMMISSION AND THE BUREAU SO THAT <del>COUNSEL</del> <u>THE ATTORNEY</u> WILL BE ON THE RECORD TO RECEIVE LEGAL NOTICES, PLEADINGS, AND OTHER PAPERS. <u>MY ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS APPEAR BELOW:</u>
<b>B</b>	<u>MAILING ADDRESS:</u>
	<u>CITY, STATE AND ZIP CODE:</u>
	<u>TELEPHONE NUMBER:</u>
	<u>EMAIL ADDRESS:</u>
<input type="checkbox"/>	<u>I REQUEST THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED TO ME VIA EMAIL, INSTEAD OF VIA MAIL.</u>
<input type="checkbox"/>	<u>I WILL HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE DURING THE HEARING.</u>

<u>SECTION 6: SIGNATURE</u>			
PLEASE FILL OUT THE FOLLOWING. FOR CAPACITY PLEASE LIST THE RELATIONSHIP TO THE APPLICANT (I.E. OWNER, OFFICER, DIRECTOR, MANAGING MEMBER, GENERAL PARTNER, ETC. N/A IF INDIVIDUAL SIGNING ON OWN BEHALF. LAY REPRESENTATIVES MAY NOT COMPLETE THIS SECTION ON BEHALF OF THE APPLICANT).			
<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>CAPACITY</u>	<u>DATE (MM/DD/YYYY)</u>

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

Relationship to Gambling Enterprise: \_\_\_\_\_ (N/A if Individual signing on own behalf)