

CALIFORNIA GAMBLING CONTROL COMMISSION

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION

LICENSING CORRECTION CGCC-GCA-2021-01-N

SECTION 100. CHANGES WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the California Gambling Control Commission (Commission) hereby submits this written statement explaining why the proposed changes to CCR Title 4, Division 18, Sections 12057, 12130, and 12470,¹ have no regulatory effect.

CHANGES TO TEXT

Section 12057 is amended to add Business and Professions Code section 19856 to the list of sections referenced in the notes.

Section 12130, subsection (d), is amended to remove the references to paragraphs (3) and (4) of subsection (c) of Section 12122. This removes a reference to provisions that do not exist, as discussed further below.

Section 12470, subsection (f)(3) is amended to change the reference of Section 12162 to Section 12368. This correct for an inadvertent error made during the adoption of subsection (f), as discussed further below.

SPECIFIC FINDINGS

With respect to the foregoing, the Commission finds as follows:

NECESSITY:

Section 12057

Section 12057, titled “Default Decisions and Uncontested Applications” is the provision through which the Commission issues a default decision. Business and Professions Code section 19856, subdivision (a) provides in part “The burden of proving his or her qualifications to receive any license is on the applicant.” When applying Section 12057, the Commission sometimes references a failure on the part of the applicant to prove his or her qualifications to receive a license. Therefore, it is appropriate that Business and Professions Code section 19856 be included as a reference to Section 12057.

¹ All references to the California Code of Regulations hereinafter refer to Division 18 of Title 4, unless otherwise specified.

Section 12130

Section 12130, subdivision (d), includes a reference to paragraphs (3) and (4) of subsection (c). This reference is in error. During the drafting of this provision, Section 12122 did include the referenced provisions; however, during the regulatory process these provisions were removed. Unfortunately, the reference in Section 12130 was not removed. As this part of the provision references nothing, they are not necessary and removing them will remove any confusion.

Section 12470

The Commission previously adopted revisions, as approved in OAL Number 202-1013-02R. As part of that rulemaking action the form titled “Request for a Certificate to Operate Additional Tables on a Temporary Basis, BGC-024” was repealed. However, as part of that repeal, the calculation provided in Section 2 was moved to Section 12470(f).

Step 3 of the calculation provided on the repealed form provided that, “[f]rom this total, subtract the *basic table fees* assessed for the current year.” (emphasis added) Prior to the amendment the determination of the basic table fee was provided in Section 12357. In an early version of the proposed regulations, Section 12357 was to be renumbered to Section 12162; however, during the rulemaking process the provision was eventually renumbered to Section 12368. Unfortunately, the reference in Section 12470(f)(3) was not likewise adjusted. Correcting this error clarifies the requirements of the section, as intended in the previously adopted rulemaking package, and ensures that the clarity and consistency of the provision is maintained.

CONSISTENCY:

Without correcting the references to the applicable paragraphs, these provisions are inconsistent with their original references and intent. By correcting these references, these regulatory provisions will become consistent the other changes made as part of the previously adopted revisions.

THE PROPOSED ACTION HAS NO REGULATORY EFFECT

The proposed changes will not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.