

1 CALIFORNIA GAMBLING CONTROL COMMISSION
2 SPECIFIC LANGUAGE OF PROPOSED REGULATIONS
3 UPDATES AND AMENDMENTS TO GAMBLING CONTROL ACT HEARINGS
4 CGCC-GCA-2021-04-R

5 **Title 4. Business Regulations.**

6 **Division 18. California Gambling Control Commission.**

7 **CHAPTER 1. GENERAL PROVISIONS.**

8 **ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.**

9
10 **§ 12006. Service of Notices, Orders, and Communications.**

11 ...

12 (b) Notwithstanding subsection (a), notice and other written communication may be
13 provided exclusively via email to the email address of the applicant, licensee, or
14 designated agent as last reported to the Commission where they provide the Commission
15 written authorization including, for instance in a completed and returned Notice of
16 Defense, CGCC-CH1-03 (~~New-05/20~~Rev. 04/21) received under subparagraph (E) of
17 paragraph (2) of subsection (c) of Section 12052 or at an earlier point from the
18 Commission staff.

19 ...

20 Note: Authority cited: Sections 19811, 19824 and 19840, Business and Professions Code.
21 Reference: Section 19811, 19824 and 19840, Business and Professions Code.

22
23 **ARTICLE 2. PROCEDURES FOR HEARINGS AND MEETINGS ON APPLICATIONS.**

24
25 **§ 12052. Commission Meetings; General Procedures; Scope; Notice;**
26 **Rescheduling of Meeting.**

27 ...

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

31 ...

32 (2) If the application is to be scheduled at an evidentiary hearing, pursuant to
33 subsections (a) or (b) of Section 12060, the notice of hearing will inform the applicant of
34 the following:

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

Revision Date: March 29, 2021

Page 1 of 8

1 ...

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

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

6 ...

7 (E) That a Notice of Defense, CGCC-CH1-03 (~~New-05/20~~Rev. 04/21), which is
8 attached in Appendix A to this chapter, will be included unless already provided by
9 Commission staff or the Bureau.

10 ...

11 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and Professions
12 Code. Reference: Sections 19816, 19823, 19824, 19856, 19870, 19871, 19876 and 19930,
13 Business and Professions Code.

14

15 **§ 12057. Default Decisions and Uncontested Applications.**

16 (a) When an applicant fails to submit a completed Notice of Defense, CGCC-CH1-03
17 (~~New-05/20~~Rev. 04/21) according to the timelines on the form, affirmatively waives his,
18 her, or its right to an evidentiary hearing, or he, she, or it fails to appear at an evidentiary
19 hearing, the Commission will, based on the interests of justice and judicial economy:

20 ...

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

24

25 **§12060. GCA Hearings.**

26 ...

27 (c) An applicant may request that his, her, or its GCA hearing be held at a Southern
28 California location instead of the Commission's principal office in Sacramento, by
29 completing the appropriate section on the Notice of Defense, CGCC-CH1-03 (Rev.
30 04/21) form. The request must be made on the initial Notice of Defense form submitted
31 to the Commission and Bureau within the timeframes specified on the form.

1 (1) The Executive Director will approve a Southern California GCA hearing location,
2 if the request is timely made on the initial Notice of Defense form and meets all of the
3 following criteria:

4 (A) The GCA hearing is estimated by Commission staff to last no longer than four
5 hours.

6 (B) The primary residence of the applicant is located in one of the following
7 counties: Imperial, Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo,
8 San Bernardino, Santa Barbara, or Ventura.

9 (C) A GCA hearing will be noticed for a Southern California location only when it is
10 in the best public interest, promotes judicial economy, and comports with the
11 Commission’s availability.

12 (2) If at any time before the hearing, the Executive Director determines that the
13 criteria in subparagraphs (A) through (C) of paragraph (1) are no longer met,
14 Commission staff may cancel the Southern California GCA hearing and issue a new
15 notice for a hearing at the Commission’s principal office in Sacramento.

16 ~~(e)~~(d) ...

17 ~~(d)~~(e) The applicant or the complainant, or the applicant and the complainant, may
18 request a continuance in writing to the Executive Director stating the reason for the
19 continuance and any proposed future hearing dates. The Executive Director or
20 Commission may approve the request. For a Southern California GCA hearing, if a
21 continuance is granted, the hearing may be scheduled in Sacramento or Southern
22 California based on the criteria specified in subparagraphs (A) through (C) of paragraph
23 (1) of subsection (c).

24 ~~(e)~~(f) ...

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

28 (1) In advance of the GCA hearing, upon a motion of a party or by order of the
29 presiding officer, the presiding officer may conduct a pre-hearing conference, either in
30 person, via teleconference, or by email exchange, subject to the presiding officer’s

1 availability and will issue a pre-hearing order if appropriate or requested by either party.

2 The pre-hearing conference and order may address the following:

3 (A) Evidentiary issues;

4 (B) Witness and exhibit lists;

5 (C) Alterations in the Bureau recommendation;

6 (D) Stipulations for undisputed facts and/or the admission of evidence including
7 without limitation the Bureau's report;

8 (E) Authorizing offsite livestreaming appearances for parties or witnesses if good
9 cause has been presented and only if the process for offsite livestreaming has been
10 approved by the Executive Director; and,

11 (F) Other issues that may be deemed appropriate to promote the orderly and prompt
12 conduct of the hearing.

13 ...

14 ~~(g)~~(h) The Commission may, at any time upon a showing of prejudice by the
15 objecting party:

16 (1) Prohibit the testimony of any witness or the introduction of any documentary
17 evidence that has not been disclosed pursuant to subsection ~~(e)~~(f); or

18 ...

19 ~~(h)~~(i) ...

20 ~~(i)~~(j) ...

21 ~~(j)~~(k) ...

22 ~~(k)~~(l) Except as otherwise provided in subsection ~~(g)~~(h), the complainant and
23 applicant will have the right to call and examine witnesses under oath; to introduce
24 relevant exhibits and documentary evidence; to cross-examine opposing witnesses on any
25 relevant matter, even if the matter was not covered in direct examination; to impeach any
26 witness, regardless of which party first called the witness to testify; and to offer rebuttal
27 evidence. If the applicant does not testify on his, her or its behalf, the applicant may be
28 called and examined, under oath, as if under cross-examination.

29 ~~(l)~~(m) ...

30 ~~(m)~~(n) ...

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

Revision Date: March 29, 2021

Page 4 of 8

1 Note: Authority cited: Sections 19811, 19823, 19824, 19840, and 19841, Business and
2 Professions Code. Reference: Sections 19816, 19823, 19824, 19824.5, 19825, 19868, 19870,
3 19871, and 19876, Business and Professions Code; Section 11512, Government Code.
4

5 **CHAPTER 2. LICENSES AND WORK PERMITS.**

6 **ARTICLE 2. INITIAL AND RENEWAL LICENSES AND WORK PERMITS.**
7

8 **§ 12118. Objection to Local Work Permits.**
9

...

10 (c) The Executive Director will schedule a GCA hearing, pursuant to subsection (a)
11 of Section 12060 with the following modifications:

12 ...

13 (3) Subsection ~~(h)~~(j) of Section 12060 does not apply. Instead, the burden of proof
14 will be on the Bureau.

15 ...

16 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19912, and 19914, Business
17 and Professions Code. Reference: Sections 19811, 19816, 19824, 19912 and 19914, Business and
18 Professions Code.

APPENDIX A

Modify Form CGCC-CH1-03 (~~New 05/20~~[Rev. 04/21](#))

Notice of Defense

CGCC-CH1-03 (New-05/20REV. 04/21)

Page 1 of



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

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 issue 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.

SECTION 1: HEARING REQUEST	
PLEASE ANSWER <u>ONE OF</u> THE FOLLOWING <u>(IF APPLICABLE)</u> :	
<input type="checkbox"/>	I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU.
<input type="checkbox"/>	<p><u>I REQUEST AN EVIDENTIARY HEARING AT A SOUTHERN CALIFORNIA LOCATION WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU.</u></p> <p><u>I CONFIRM MY PRIMARY RESIDENCE IS LOCATED IN ONE OF THE FOLLOWING CALIFORNIA COUNTIES: IMPERIAL, KERN, LOS ANGELES, ORANGE, RIVERSIDE, SAN DIEGO, SAN LUIS OBISPO, SAN BERNARDINO, SANTA BARBARA, OR VENTURA;</u></p> <p><u>I ACKNOWLEDGE AND ACCEPT THERE MAY BE A SIGNIFICANT DELAY IN CONCLUDING A SOUTHERN CALIFORNIA HEARING.</u></p> <p>_____ (Initial Here)</p>

SECTION 2: HEARING WAIVER	
PLEASE ONLY ANSWER THE FOLLOWING IF A HEARING IS NOT REQUESTED UNDER SECTION 1 ABOVE AND IF APPLICABLE:	
1	<p><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)</p> <p><input type="checkbox"/> I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)</p>
2	<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"> THE RIGHT TO BE HEARD AT THE HEARING THE RIGHT TO A COPY OF THE HEARING'S GOVERNING PROCEDURE THE RIGHT TO DISCOVERY THE RIGHT TO PRESENT ORAL EVIDENCE THE RIGHT TO PRESENT AND EXAMINE WITNESSES THE RIGHT TO INTRODUCE RELEVANT EXHIBITS THE RIGHT TO CROSS-EXAMINE OPPOSING WITNESSES THE RIGHT TO IMPEACH WITNESSES THE RIGHT TO OFFER REBUTTAL EVIDENCE THE RIGHT TO CHALLENGE EVIDENCE USED AGAINST ME THE RIGHT TO REQUEST RECONSIDERATION FOLLOWING THE DECISION'S ISSUANCE THE RIGHT TO PETITION FOR REVIEW OF THE DECISION UNDER SECTION 1085 OF THE CODE OF CIVIL PROCEDURE <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>

SECTION 3: LANGUAGE PREFERENCE	
PLEASE ANSWER ONE OF THE FOLLOWING (IF YOU REQUIRE ASSISTANCE, PLEASE CONTACT THE COMMISSION AT (916) 263-0700):	
<input type="checkbox"/>	I UNDERSTAND ENGLISH AND HAVE READ AND UNDERSTAND THIS FORM.
<input type="checkbox"/>	I DO NOT UNDERSTAND ENGLISH AND HAVE HAD AN INTERPRETER READ AND EXPLAIN THIS FORM TO ME.
<input type="checkbox"/>	I WILL REQUIRE AN INTERPRETER AT THE HEARING.
	INTERPRETER LANGUAGE:

SECTION 4: REPRESENTED BY AN ATTORNEY	
PLEASE ONLY ANSWER THE FOLLOWING IF YOU ARE REPRESENTED BY AN ATTORNEY:	
<input type="checkbox"/>	I AM REPRESENTED BY AN ATTORNEY, WHOSE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS APPEAR BELOW:
NAME:	
MAILING ADDRESS:	
CITY, STATE AND ZIP CODE:	
TELEPHONE NUMBER:	
EMAIL ADDRESS:	
<input type="checkbox"/>	MY ATTORNEY REQUESTS THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED VIA EMAIL, INSTEAD OF VIA MAIL.

SECTION 5: SELF-REPRESENTED (WITH OR WITHOUT LAY REPRESENTATION)	
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 AN ATTORNEY. IF AND WHEN AN ATTORNEY IS RETAINED, IMMEDIATE NOTIFICATION OF THE ATTORNEY'S NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS WILL BE PROVIDED TO THE COMMISSION AND THE BUREAU SO THAT THE ATTORNEY WILL BE ON THE RECORD TO RECEIVE LEGAL NOTICES, PLEADINGS, AND OTHER PAPERS. MY ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS APPEAR BELOW:
MAILING ADDRESS:	
CITY, STATE AND ZIP CODE:	
TELEPHONE NUMBER:	
EMAIL ADDRESS:	
<input type="checkbox"/>	I REQUEST THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED TO ME VIA EMAIL, INSTEAD OF VIA MAIL.
<input type="checkbox"/>	I WILL HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE DURING THE HEARING.

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