

1 CALIFORNIA GAMBLING CONTROL COMMISSION  
2 MODIFIED TEXT OF PROPOSED REGULATIONS  
3 SUBPOENAS  
4 CGCC-GCA-2022-06-R  
5

6 Title 4. Business Regulations.  
7 Division 18. California Gambling Control Commission.  
8

9 CHAPTER 1. GENERAL PROVISIONS

10 ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES

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 will be in accordance  
14 with Article 11 (commencing with section 11450.05) and Article 12 (commencing with section  
15 11455.10), respectively, of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code. The  
16 issuance of a subpoena or subpoena duces tecum may be on the form entitled “Subpoena,” CGCC-CH1-  
17 02 (New 05/20), which is attached in Appendix A to this chapter, or in a manner that otherwise complies  
18 with Article 11 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code. All subpoenas  
19 and subpoenas duces tecum must be served, [in accordance with Government Code section 11450.20 and](#)  
20 [with a copy to the presiding officer](#), at least 30 days prior to the date specified for commencement of the  
21 hearing in the notice of hearing, or the date specified in the subpoena for the appearance of a witness or  
22 the production of records. [No subpoena duces tecum may be served by an applicant or complainant upon](#)  
23 [the other party](#).  
24

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

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

Additions in [blue underline](#); deletions in ~~red-strikeout~~  
Modified text shown in double [underline](#); deletions shown in double ~~strikeout~~

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1 Note: Authority cited: Sections 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.  
5

6 **§ 12052. Commission Meetings; General Procedures; Scope; Notice; Rescheduling of Meeting.**

7 ...

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

11 ...

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

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

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

18 ...

19 Note: Authority cited: Sections 19811, 19823, 19824, 19840 and 19841, Business and Professions Code. Reference:  
20 Sections 19816, 19823, 19824, 19856, 19870, 19871, 19876 and 19930, Business and Professions Code.  
21

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

23  
24 **§ 12060. GCA Hearings.**

25 ...

26 (f) The complainant will provide to the applicant, subject to subsection (b) of Section 12056, at least  
27 45 calendar days prior to the GCA hearing, and the applicant must provide to the complainant, at least 30  
28 calendar days prior to the GCA hearing, the following items:

29 ...

30 (4) All other written comments, ~~or~~ writings, or other items containing relevant evidence.

31 (g) The provisions of subsection (f) of this section provide the exclusive right to and method of  
32 discovery between the applicant and complainant to a GCA hearing. Discovery is not permitted upon a  
33 Commission member or an advisor of the Commission unless a showing is made that they have direct  
34 personal factual information pertaining to material issues related to the application at issue and the  
35 information to be gained from the Commission member or advisor of the Commission is not available  
36 through any other sources.

37 ~~(h)~~(g) ...

Additions in blue underline; deletions in ~~red-strikeout~~  
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1 ~~(i)(h)~~ ...

2 ~~(j)(g)~~ ...

3 ~~(k)(f)~~ ...

4 ~~(l)(e)~~ ...

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

11 ~~(n)(c)~~ ...

12 ~~(o)(b)~~ ...

13 Note: Authority cited: Sections 19811, 19823, 19824, 19840 and 19841, Business and Professions Code. Reference:  
14 Sections 19816, 19823, 19824, 19824.5, 19825, 19868, 19870, 19871 and 19876, Business and Professions Code;  
15 and Section 11512, Government Code.  
16

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

18 **ARTICLE 1. INITIAL AND RENEWAL LICENSES AND WORK PERMITS**  
19

20 **§ 12118. Objection to Local Work Permits.**

21 ...

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

24 (1) The complainant will always be the Bureau.

25 (2) In place of the Bureau report, the Bureau will have the burden to establish that its basis for  
26 objection was reasonable.

27 (3) Subsection ~~(k)(f)~~ of Section 12060 does not apply. Instead, the burden of proof will be on the  
28 Bureau.

29 ...

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