

**CALIFORNIA GAMBLING CONTROL COMMISSION  
MODIFIED TEXT OF PROPOSED REGULATIONS  
SUBPOENAS  
CGCC-GCA-2022-06-R**

**Title 4. Business Regulations.  
Division 18. California Gambling Control Commission.**

**CHAPTER 1. GENERAL PROVISIONS**

**ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES**

**§ 12014. Subpoenas.**

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

(b) Any motion made pursuant to subdivision (a) of section 11450.30 of the Government Code must be filed with the presiding officer no later than 15 days prior to the date specified for appearance or for the production of records. The party bringing the motion must serve copies of the motion on all parties and persons who are required by law to receive notice of the subpoena. Any response to the motion must be filed with the presiding officer and served no later than 5 days before the motion is scheduled to be heard. On the presiding officer’s own motion, or Upon a timely motion of a party or a witness, after notice to the parties and an opportunity to be heard, upon a showing of good cause, the presiding officer may order the quashing of a subpoena or subpoena duces tecum entirely, may 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 periods specified in  
2 subsections (a) and (b) upon a showing of good cause.

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

8 **§ 12052. Commission Meetings; General Procedures; Scope; Notice; Rescheduling of Meeting.**

9 ...

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

13 ...

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

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

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

20 ...

21 Note: Authority cited: Sections 19811, 19823, 19824, 19840 and 19841, Business and Professions Code. Reference:  
22 Sections 19816, 19823, 19824, 19856, 19870, 19871, 19876 and 19930, Business and Professions Code.  
23

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

25

26 **§ 12060. GCA Hearings.**

27 ...

28 (f) The complainant will provide to the applicant, subject to subsection (b) of Section 12056, at least  
29 45 calendar days prior to the GCA hearing, and the applicant must provide to the complainant, at least 30  
30 calendar days prior to the GCA hearing, the following items:

31 ...

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

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

1 information to be gained from the Commission member or advisor of the Commission is not available  
2 through any other sources.

3 (h)~~(g)~~ ...

4 (i)~~(h)~~ ...

5 (j)~~(i)~~ ...

6 (k)~~(j)~~ ...

7 (l)~~(k)~~ ...

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

14 (n)~~(m)~~ ...

15 (o)~~(n)~~ ...

16 Note: Authority cited: Sections 19811, 19823, 19824, 19840 and 19841, Business and Professions Code. Reference:  
17 Sections 19816, 19823, 19824, 19824.5, 19825, 19868, 19870, 19871 and 19876, Business and Professions Code;  
18 and Section 11512, Government Code.  
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## 20 CHAPTER 2. LICENSES AND WORK PERMITS

### 21 ARTICLE 1. INITIAL AND RENEWAL LICENSES AND WORK PERMITS

#### 22 § 12118. Objection to Local Work Permits.

23 ...

24  
25 (c) The Executive Director will schedule a GCA hearing, pursuant to subsection (a) of Section 12060  
26 with the following modifications:

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

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

30 (3) Subsection (k)~~(j)~~ of Section 12060 does not apply. Instead, the burden of proof will be on the  
31 Bureau.

32 ...

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