



INDUSTRY MATTERS

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Inside this issue:

Problem Gambling Awareness Month	2
Electronic Playing Books	2
Evidentiary Hearing 101	3
Public Records Requests	4

Commission leaders participate in CGA annual meeting

By Stacey Luna Baxter
Executive Director

Commissioner Lauren Hammond and I had the opportunity to speak to the members of the California Gaming Association (CGA) at their annual meeting on Nov. 7. The reoccurring theme throughout my remarks was encouraging members to get involved, and the earlier their involvement the better!

Whether it is providing suggestions on proposed regulation packages, sending in thoughts on areas of existing regulations that may need further clarification, identifying areas in need of regulation, or how we might improve information provided on our website, the California Gambling Control Commission (Commission) wants your input. Any and all suggestions or questions can be sent to Comments@cgcc.ca.gov.

In addition, I was asked to participate on the Title 31, Compliance and Licensing Panel. I had the pleasure of sharing the panel with Nathan DaValle, Assistant Bureau Chief for the Bureau of Gambling Control (Bureau), Art Van Loon, General Manager /Key Employee at The Tavern and The Saloon cardrooms, and Steve Giorgi, Industry Consultant (Giorgi and Associates) and former Commission Executive Director.

While Nathan, Steve, and Art spoke on the matters of Title 31 and Compliance, the questions directed to me focused on repeat licensing issues, "pet peeves" the Commission sees, what the cardrooms can do to help, and the evidentiary hearing process.

The repeat licensing issues the Commission has seen include the lack of disclosure, the timeliness of applications,



LEFT: CGCC Executive Director Stacey Luna Baxter (center left) joins a panel discussion on Title 31 and compliance during the California Gaming Association annual meeting Nov. 7. Art Van Loon (left), Steve Giorgi (center right), and Nathan DaValle (right) also participated. RIGHT: Commissioner Lauren Hammond delivers her remarks during the CGA annual meeting Nov. 7.



and applicants being unavailable during the licensing (initial or renewal) process to answer questions regarding their application or background. It should be the top priority of the applicants to ensure they successfully complete the licensing process.

Cardrooms can help their employees during the application process by reviewing with the employee the required forms, disclosures, and timeframes. With this assistance, we may be able to significantly reduce the number of late, incomplete and/or inaccurate applications.

In addition, the applicant, Designated Agent and Commission all receive the Bureau's report at least 45 days prior to being heard at a Commission meeting. Documentation for Commission consideration should be sent to both the Bureau and Commission as early as possible, and not the week of the Commission hearing. Sending documents at the last minute is not beneficial as it doesn't provide the

Commission, Bureau or Commissioners adequate time to review the information.

Thank you to the CGA, its President Kyle Kirkland and Executive Director Joe Patterson for welcoming us.

CGCC Calendar

Upcoming Meetings

- January 12
- January 26
- February 9
- February 23
- March 9
- March 23

Gaming Policy Advisory Committee
January 26

Upcoming State Holidays (Office Closed)

- January 2 (New Year's Day observed)
- January 16 (Martin Luther King, Jr. Day)
- February 20 (Presidents Day)
- March 31 (Cesar Chavez Day)

California Gambling Control Commission

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Jim Evans

Commissioner

Lauren Hammond

Commissioner

Trang To

Commissioner

Vacant

Commissioner

Vacant

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Stacey Luna Baxter

Deputy Director, Legislation & Regulatory Affairs

Anna Carr

Deputy Director, Licensing Division

Katherine Ellis

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Alana Carter

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“Make the Change!” awareness campaign urges problem gamblers, families to seek no-cost help

By Terri Sue Canale-Dalman

Chief, Dept. of Public Health, Office of Problem Gambling

March has been designated National Problem Gambling Awareness Month. The Office of Problem Gambling (OPG) and the California Gambling Control Commission, along with several government agencies, gambling industry representatives and non-profit organizations, join together to educate the public and raise awareness regarding signs and symptoms of gambling disorders and resources for help.



This year's theme “Make the Change,” urges gamblers and affected family members to take the first step to recovery by calling 1-800 GAMBLER (1-800-426-2537) for help. The helpline offers confidential assistance, including crisis management, interventions and treatment referrals, 24/7 - 365 days a year. OPG will soon mail posters and brochures directly to each casino.

OPG's treatment program, California

Gambling Education and Treatment Services (CalGETS), provides services for both the gambler and affected family members at no cost. CalGETS providers are trained by OPG to deal with the devastating impacts of a gambling disorder. CalGETS offers a myriad of services from self-help workbooks to residential care.

The OPG's Annual Training Summit is March 6-7, at the Doubletree by Hilton in Culver City. This event is open to the public and registration is FREE, although space is limited. Online registration is open, and additional information can be found at www.problemgambling.ca.gov.

OPG also offers responsible gambling training to gaming industry employees through the California Council on Problem Gambling for FREE! Trainers will work with individual casinos to ensure that the training meets the requirements of the responsible gambling regulations or Tribal State Compacts. For more information, or to schedule training, please contact the council directly at (714) 765-5804.



Proposed regulatory action would offer electronic playing books option to TPPPS

By Josh Rosenstein

Legislative & Regulatory Affairs Division

The Commission will consider final adoption related to proposed electronic playing books regulations utilized by Third-Party Providers of Proposition Player Services (TPPPS) and gambling establishments during the Jan. 12 Commission meeting that begins at 10 a.m.



Playing books record each session of play performed by TPPPS or a gambling establishment player. These records are used to document each player's bank activity. This information is also used by the Bureau of Gambling Control to confirm that there are no acts of collusion

or unsuitable, unfair, or illegal practices that would harm patrons or impair the integrity of controlled gambling.

This proposed action was drafted to supplement the current requirement that TPPPS and gambling establishments maintain playing books for all sessions of play with an option to do so electronically. It includes the criteria and approvals necessary to ensure that an electronic playing book system is properly secure. It will combine playing book requirements into a new chapter.

The Notice of Proposed Regulatory Action, Initial Statement of Reasons, Modified Text, and Comment Summary with Proposed Responses can be found on the [CGCC website under the Regulations tab](#).

EVIDENTIARY HEARINGS 101: PART 2 OF 3

Chief Counsel dissects hearings for applicants, details preparation, subpoenas, & expectations

By **R. Todd Vlaanderen**
Chief Counsel

This is the second in a three part series of articles that will review the California Gambling Control Commission's (Commission) administrative hearing processes. The first article (October 2016) presented a broad overview of the Commission procedures for Gambling Control Act (GCA) hearings on applications. This article discusses how to prepare for a GCA hearing and what to expect at the hearing. The last article in the series will discuss disciplinary hearings at the Office of Administrative Hearings.



General GCA Hearing Information

After your application is referred to a hearing, and the applicant has returned the notice of defense, the Commission will send a notice of hearing telling you the date, time and location of the hearing. The notice of hearing will also identify the name and contact information for the Commission's presiding officer and administrative hearings coordinator (Coordinator). GCA hearings are held at the Commission offices in Sacramento with the commissioners sitting as the judges. Representatives for the Bureau of Gambling Control (Bureau) will present the Bureau's case. You will present your case for suitability, or you may choose to have someone represent you. This is often an attorney, but it can also be a non-attorney designated agent.

There is no fee for an administrative hearing, but you will have to pay your own expenses such as the cost of legal representation, transportation, and the preparation of your evidence. Even if you are denied your license, you will not be ordered to pay the Bureau's hearing costs.

Neither you nor the Bureau are allowed to communicate with the commissioners while your application and the Commission's decision are pending. You may contact Commission staff only if you include the Bureau on the communication and do not discuss the substance of the case. Discussing the merits of the case with Commission staff or the commissioners without including the Bureau is considered ex parte communication and is against the rules.

Preparing for the Hearing

At the hearing, *you have the burden of proving* you are a person of good character, honesty, integrity, and are suitable for the license/permit. Gather the documents and witnesses

you need to present at the hearing. All documents you plan to use at the hearing and your list of witnesses must be provided to the Bureau at least 45 days before the hearing.

If you need to subpoena witnesses or documents, you can use the subpoena/subpoena duces tecum form from the Commission's website. Attorneys are authorized to issue subpoenas, but if you represent yourself or are represented by a non-attorney, you must ask the Commission's presiding officer to issue it. All subpoenas and subpoenas duces tecum shall be served at least 30 days in advance of the requested date of appearance and at least 30 days before the hearing.

If you have a matter that needs to be addressed before the hearing, such as a request for a subpoena, an evidentiary issue, or a possible motion, please contact the coordinator or presiding officer listed on your notice of hearing.

If you wish to make a motion before the hearing, it should be mailed or faxed to the presiding officer and the coordinator. While there is not a specific form for motions, motions should include your case number, your name, address, and telephone number. Remember, you should copy the Bureau's attorney on any communications you send to the presiding officer or coordinator.

Prehearing conferences by telephone between all the parties and the presiding officer are usually scheduled and included in your notice of hearing. At the prehearing conference you will learn even more details about the hearing process.

At the Hearing

The administrative hearing is your opportunity to provide evidence and speak to the commissioners directly. You will offer documents into evidence and call witnesses like a traditional trial, but it is a little less formal. If you need an interpreter, please contact the coordinator as far in advance as possible, and one will be provided. Most hearings are done in an hour or two, but some may continue for a day or more.

Remember, the burden is on you to present evidence proving you are a person of good character, honesty, integrity, and are suitable to receive your license. Bring any witnesses and documents that you believe support your case. For documents, you will need to bring the original plus nine copies.

The hearing is open to the public and will also be available for the public to view as it happens on the Commission's website. The Commission will make an audio recording that will be posted to the website shortly after the hearing. The commissioners will decide the case in private, will issue a decision, and will mail it to you within 75 days after the hearing.

There is additional information about hearings on the Commission's website at www.cgcc.ca.gov, including pictures of the hearing room.

HAIL AND FAREWELL

Commissioners **Tiffany Conklin** and **Roger Dunstan** announced Dec. 8 that they will not be seeking re-appointment after their terms expired on Dec. 31, 2016. Commission Staff would like to thank Tiffany and Roger for their exceptional work, leadership, and commitment to maintaining the integrity of controlled gaming in California. Best of luck to you both!

Alana Carter joined the Gambling Control Commission on Oct. 24, replacing Julie Fisher as the Deputy Director of Administration. Prior to the Commission, Alana served more than 15 years with the California Department of Justice, where she was most recently the Administrative Manager for the Bureau of Medi-Cal Fraud and Elder Abuse. She has a Bachelor's and Master's Degree in Criminal Justice, from California State University, Sacramento. Welcome to the Commission!

CALIFORNIA GAMBLING CONTROL COMMISSION

2399 Gateway Oaks Drive, STE 220
Sacramento, CA 95833-4231
Phone: (916) 263-0700
www.cgcc.ca.gov



Comments, suggestions, questions or ideas for future articles or newsletter topics are always accepted and can be submitted directly to the Commission at the address above or by emailing them to epetosky@cgcc.ca.gov.

Public Records Act: *How to request CGCC documents*

By Shana Marquez
Licensing Division

The California Gambling Control Commission hosts a wealth of public information on its website, ranging from meeting minutes, proposed and approved regulations, license and registration numbers, documents regarding legislation, pleading documents, and decisions.



The vast majority of what the Commission does can be found on our website, www.cgcc.ca.gov.

However, not all documents that are handled by the Commission are available to the public. While the California Public Records Act allows members of the public to request documents from state agencies, with limited exceptions the Commission's records are exempt from

disclosure under the California Public Records Act, the Gambling Control Act, and the Tribal-State Gaming Compacts. For example, memos written by Commission staff are exempt from public records requests.

Commission records that can be disclosed include records of proceedings at regular and special meetings of the Commission and records of Commission action on all applications for licenses. When a member of the public makes a request, Commission staff will review the requested records to determine whether those exemptions apply before the records can be provided.

In light of the Governor's Reorganization Plan No. 2, requests for copies of applications should be made to the Bureau of Gambling Control, regardless of when the application was submitted. Requests for copies of licenses and approval letters can be made to the Commission.

While there is not a specific form for the requests, they can be submitted in writing via email to publicrecords@cgcc.ca.gov, faxed to (916) 263-0499, or through regular mail to:

California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Attention: Public Records Coordinator

For questions regarding Public Records Act Requests, you may call Pamela Mathauser, the Public Records Coordinator, at (916) 263-8111.

Livestream Commission Hearings

Starting Jan. 1, Commission hearings will be available to livestream from anywhere via the [CGCC website](http://www.cgcc.ca.gov). This applies to evidentiary hearings as well as regularly scheduled meetings.