

BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

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In the Matter of the Application for Approval  
of Gambling Establishment Key Employee  
License for:  
  
Jan Robin Beverley  
  
Applicant.

CGCC Case No. CGCC-2021-1118-14

**DEFAULT DECISION AND ORDER**

Hearing Date: Thursday, March 10, 2022  
Time: 10:00 a.m.

1. This matter was scheduled for hearing before the California Gambling Control Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, and held via Zoom video conference, on Thursday, March 10, 2022 at 10:00 a.m.

2. Jan Beverley (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about August 7, 2017, the Bureau of Gambling Control (Bureau) received an renewal Application for Gambling Establishment Key Employee License (Application) from Applicant.

4. On or around September 25, 2017, the Bureau issued its Cardroom Key Employee Renewal Background Investigation Report in which it concluded that Applicant was not qualified for licensure pursuant to Business and Professions Code section 19857, subdivisions (a) and (b), and disqualified from licensure pursuant to Business and Professions Code section 19859, subdivision (a). The Bureau recommended that the Commission deny Applicant’s Application.

5. On or about November 16, 2017, the Commission considered Applicant’s Application and elected to refer it to an evidentiary hearing to be conducted as an Administrative Procedures Act (APA) hearing and consolidated with a pending renewal application and accusation relating to her former employer, Stanley Penn, doing business as the Lucky Lady Card Room.

1 6. On November 18, 2021, the Commission considered and voted to retract the APA  
2 hearing referral and re-refer the application to a Gambling Control Act hearing before the  
3 Commission.

4 7. Applicant received notice of Commission consideration of her Application in two  
5 ways. First, Commission staff mailed an evidentiary hearing referral letter to Applicant’s address  
6 of record via regular mail and certified mail on November 23, 2021 which included a blank  
7 Notice of Defense form with instructions to return it to the Commission within 21 days of service  
8 or else the Commission may issue a default decision.

9 8. The Commission received a completed Notice of Defense form from Applicant on  
10 or about December 22, 2021. On the Notice of Defense form, Applicant waived her right to an  
11 evidentiary hearing. (Exhibit A).

12 9. Second, Applicant further received notice of the hearing through a hearing notice  
13 sent by certified mail on January 21, 2022 to Applicant’s address of record and stated that the  
14 hearing was set to occur on Thursday, March 10, 2022 at 10:00 a.m.

15 **DETERMINATION OF ISSUES**

16 10. An application to receive a license constitutes a request for a determination of the  
17 applicant’s general character, integrity, and ability to participate in, engage in, or be associated  
18 with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)

19 11. In addition, the burden of proving Applicant’s qualifications to receive any license  
20 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

21 12. At an evidentiary hearing pursuant to Business and Professions Code sections  
22 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to  
23 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

24 13. An application will be denied if the Commission finds that the applicant has not  
25 satisfied the requirements of Business and Professions Code section 19857. (Cal. Code Regs., tit.  
26 4, § 12040, subd. (a)(1).)

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1 14. Title 4, CCR section 12052, subdivision (c), provides in pertinent part:

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

5 \* \* \*

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

8 \* \* \*

9 (F) The waiver of an evidentiary hearing, failure of the  
10 applicant to submit a Notice of Defense, or failure by the  
11 applicant to appear at an evidentiary hearing, may result in  
a default decision or a hearing without applicant  
participation in accordance with Section 12057.

12 15. Title 4, CCR section 12057, subdivision (a), provides in pertinent part:

13 (a) When an applicant fails to submit a completed Notice of Defense,  
14 CGCC-CH1-03 (New 5/20) according to the timelines on the form,  
15 affirmatively waives his, her, or its right to an evidentiary hearing, or he,  
she, or it fails to appear at an evidentiary hearing, the Commission will,  
16 based on the interests of justice and judicial economy:

17 (1) Issue a default decision after the consideration of the Bureau  
18 report, any supplemental reports by the Bureau, and any other  
documents or testimony provided or which may be provided to the  
19 Commission before the decision is issued;

20 16. The Commission takes official notice of the Bureau report, any supplemental  
21 reports by the Bureau and any other documents or testimony already provided to it in this matter  
22 as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR  
23 section 12052, subdivision (c)(2)(F).

24 17. The Commission has jurisdiction to adjudicate this case by default.

25 18. The Commission may deny Applicant’s Application based upon the Bureau report,  
26 any supplemental reports by the Bureau and any other documents or testimony already provided  
27 to it, pursuant to CCR sections 12052, subdivision (c)(2)(F) and 12057, and Business and  
28 Professions Code sections 19857 and 19859.

1           19.     The Commission may further also deny Applicant’s Application based upon  
2 Applicant’s failure to prove to the Commission that she is qualified to receive a license or other  
3 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,  
4 CCR section 12060, subdivision (i).

5           20.     Therefore, as the Applicant returned a Notice of Defense form waiving her right to  
6 an evidentiary hearing, did not attend the default hearing, and did not submit any information or  
7 evidence in favor of granting the Application, Applicant did not meet her burden of  
8 demonstrating why a license should be issued pursuant to Business and Professions Code section  
9 19856, subdivision (a) and Title 4, CCR section 12060, subdivision (i). By failing to meet  
10 Applicant’s burden of proving her qualifications for licensure, Applicant has failed to satisfy the  
11 Commission that she is a person that is in all other respects qualified to be licensed pursuant to  
12 Business and Professions Code section 19857, subdivision (c). As a result, the Commission finds  
13 that pursuant to California Code of Regulations, Title 4, sections 12040, subdivision (a)(1),  
14 12052, subdivision (c)(2)(F), and 12057, Applicant’s Application is subject to denial.

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

Title 4, CCR section 12064, subdivision (a) and (b) provide, in part:

(a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, an applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may request reconsideration by the Commission within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is later.

(b) A request for reconsideration shall be made in writing to the Commission, copied to the Bureau, and shall state the reasons for the request, which must be based upon either:

- (1) Newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission’s issuance of the decision or at the hearing on the matter; or,
- (2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

Business and Professions Code section 19870, subdivision (e) provides:

A decision of the commission denying a license or approval, or imposing any condition or restriction on the grant of a license or approval may be reviewed by petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure shall not apply to any judicial proceeding described in the foregoing sentence, and the court may grant the petition only if the court finds that the action of the commission was arbitrary and capricious, or that the action exceeded the commission's jurisdiction.

Title 4, CCR section 12066, subdivision (c) provides:

A decision of the Commission denying an application or imposing conditions on a license shall be subject to judicial review as provided in Business and Professions Code section 19870, subdivision (e). Neither the right to petition for judicial review nor the time for filing the petition shall be affected by failure to seek reconsideration.

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**ORDER**

1. JAN BEVERLEY’S Application for Approval of Gambling Establishment Key Employee License is DENIED.

2. JAN BEVERLEY may not apply to the Commission or the Bureau for any type of license or work permit for one (1) year after the effective date of this Order.

This Order is effective on Monday, April 11, 2022.

Dated: 3/10/2022 Signature:   
38D0AB38C651466...  
Paula LaBrie, Chair

Dated: 3/10/2022 Signature:   
3D1DB086F9274AA...  
Cathleen Galgiani, Commissioner

Dated: 3/10/2022 Signature:   
2B4CE9520F8845C...  
Eric Heins, Commissioner

Dated: 3/10/2022 Signature:   
7722F4571120449...  
William Liu, Commissioner

Dated: 3/10/2022 Signature:   
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Edward Yee, Commissioner

State of California

California Gambling Control Commission

**Notice of Defense**

CGCC-CH1-03 (New 05/20)

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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.

Jan Beverley

CGCC-2021-1118-14

**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 THE FOLLOWING:

I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU

**SECTION 2: HEARING WAIVER**

PLEASE ONLY ANSWER THE FOLLOWING IF A HEARING IS NOT REQUESTED UNDER SECTION 1 ABOVE AND IF APPLICABLE:

1  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)

I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)

2 THE WAIVER OF MY RIGHT TO AN EVIDENTIARY HEARING INCLUDES A WAIVER OF THE FOLLOWING ASSOCIATED RIGHTS:

- 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

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.

Notice of Defense

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**SECTION 3: LANGUAGE PREFERENCE**

PLEASE ANSWER ONE OF THE FOLLOWING (IF YOU REQUIRE ASSISTANCE, PLEASE CONTACT THE COMMISSION AT (916) 263-0700):

- I UNDERSTAND ENGLISH AND HAVE READ AND UNDERSTAND THIS FORM.
- I DO NOT UNDERSTAND ENGLISH AND HAVE HAD AN INTERPRETER READ AND EXPLAIN THIS FORM TO ME.
- 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:

- 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:

- 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:

- 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:

- I REQUEST THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED TO ME VIA EMAIL, INSTEAD OF VIA MAIL.
- 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)
JAN BEVERLEY	Jan Beverly	N/A	12-10-21