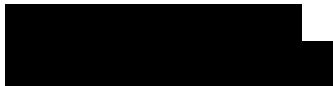


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Attorneys for Complainant

10 **BEFORE THE**
 11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
 12 **STATE OF CALIFORNIA**

14 **In the Matter of the Accusation Against:**
 15 **DUSTEN SEAN PERRY**
 16 
 17
 18 **Key Employee License No. GEKE-001462**
 19 **Respondent.**

BGC Case No. HQ2017-00003A
STIPULATED SETTLEMENT;
DECISION AND ORDER

21 **PURPOSE OF THIS STIPULATED SETTLEMENT**

22 This Stipulated Settlement resolves the Accusation in the above matter. The Accusation
 23 seeks revocation of Dusten Sean Perry’s (Respondent) state key employee license for violations
 24 of, and lack of suitability for continued licensing under, the Gambling Control Act (Act) (Bus. &
 25 Prof. Code, § 19800 et seq.) and the regulations adopted thereunder.

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PARTIES

1. Wayne J. Quint, Jr. (Complainant) filed and served the Accusation solely in his official capacity as the Director of the California Department of Justice, Bureau of Gambling Control (Bureau). Yolanda Morrow (Complainant) is currently the Bureau’s Director and is signing this Stipulated Settlement solely in her official capacity.

2. Respondent holds state key employee license number GEKE-001462, which is inactive. The California Gambling Control Commission (Commission) issued this license, which expired and became inactive on August 31, 2018.

JURISDICTION

3. Respondent was served with the Accusation, as well as a Statement to Respondent (Gov. Code, § 11505, subd. (b)), copies of Government Code sections 11507.5, 11507.6 and 11507.7, and two copies of the Notice of Defense form (Gov. Code, §§ 11505 & 11506). A true and correct copy of the Accusation is attached hereto as Exhibit A.

4. Respondent served a timely Notice of Defense with respect to the Accusation.

ADVISEMENT AND WAIVERS

5. Respondent has carefully reviewed, and has had time and opportunity to discuss with legal counsel, the legal and factual allegations in the Accusation. Respondent has also carefully reviewed, and has had time and opportunity to discuss with legal counsel, this Stipulated Settlement. Respondent fully understands the terms and conditions contained within this Stipulated Settlement and the effects thereof.

6. Respondent is fully aware of his legal rights in this matter, including: the right to a hearing on all the allegations in the Accusation; the right to be represented by counsel of his choice at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to apply for reconsideration and court review of an adverse decision; and all other rights afforded by the California Administrative Procedure Act (Gov. Code, § 11370 et seq.), the Act, and all other

1 applicable state and federal laws, including, without limitation, title 42 United States Code
2 section 1983.

3 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth in paragraph 6 above as it specifically pertains to this matter, withdraws his
5 request for a hearing on the Accusation, and agrees to be bound by this Stipulated Settlement.

6 **STIPULATED AGREEMENT OF SETTLEMENT**

7 8. For the purposes of resolving the Accusation and for any other matter now or in the
8 future involving the Commission, the Bureau, or licensed gambling, Respondent admits that all
9 the factual and legal allegations in the Accusation are true, accurate, and complete.

10 9. Respondent understands and agrees that the admissions made in paragraph 8 above
11 may be entered into evidence in any legal proceeding brought or prosecuted by the Commission
12 or the Bureau, or any successor agency, as if those admissions were made under oath and penalty
13 of perjury. The admissions made by Respondent herein are only for the purposes of this
14 proceeding, or any future administrative proceedings in which the Bureau, the Commission, or
15 any successor agency is involved, and shall not be otherwise admissible in any criminal or civil
16 proceeding.

17 10. Respondent's state gambling license expired and became inactive on August 31,
18 2018. By signing this Stipulated Settlement and subject to adoption of this Stipulated Settlement
19 by the Commission, Respondent agrees that he will not apply for, and that he shall be deemed
20 ineligible during his lifetime to hold, any license or registration issued under the Act or any other
21 law relating to gambling in the state; nor will the Respondent conduct or engage in any activity
22 that is under the Commission's, the Bureau's, or any successor agency's jurisdiction. Respondent
23 further agrees that he shall not provide services, directly or indirectly, as a designated agent for,
24 or as a consultant to, any licensee, registrant, or applicant under the Act or any other law relating
25 to gambling in the state.

26 11. The parties agree that this Stipulated Settlement fully resolves their dispute
27 concerning the Accusation, and that no further penalties, fines, or costs shall be sought against
28 Respondent by Complainant based solely upon the allegations contained within the Accusation.

1 12. This Stipulated Settlement shall be subject to adoption by the Commission.
2 Respondent understands and specifically agrees that counsel for the Complainant, and the
3 Bureau's staff, may communicate directly with the Commission regarding this Stipulated
4 Settlement, without notice to, or participation by, Respondent or his counsel, and that no such
5 communication shall be deemed a prohibited ex parte communication. Respondent specifically
6 acknowledges and agrees that such communications are permissible pursuant to Government
7 Code section 11430.30, subdivision (b).

8 13. By signing this Stipulated Settlement, Respondent understands and agrees that he
9 may not withdraw his agreement or seek to rescind the Stipulated Settlement prior to the time the
10 Commission considers and acts upon it. If the Commission fails to adopt this Stipulated
11 Settlement as its Decision and Order, this Stipulated Settlement shall be of no force or effect, and,
12 except for actions taken pursuant to this paragraph and paragraph 12 above, it shall be
13 inadmissible in any legal action between the parties. The Commission's consideration of this
14 Stipulated Settlement shall not disqualify it from any further action regarding Respondent's
15 licensure, including, but not limited to, disposition of the Accusation by a decision and order
16 following a hearing on the merits.

17 14. The parties agree that a photocopy, facsimile or electronic copy of this Stipulated
18 Settlement, including copies with signatures thereon, shall have the same force and effect as an
19 original.

20 15. In consideration of the above admissions and stipulations, the parties agree that the
21 Commission may, without further notice or formal proceeding, issue and enter the Decision and
22 Order adopting this Stipulated Settlement.

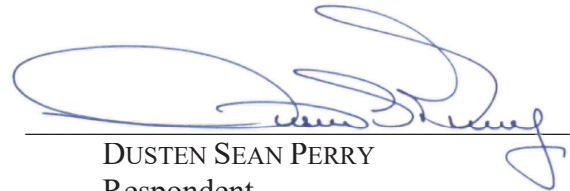
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ACCEPTANCE

Respondent has carefully read and considered the above Stipulated Settlement. Respondent has had time and opportunity to discuss its terms and effects with legal counsel. Respondent enters into this Stipulated Settlement voluntarily, knowingly, intelligently; and agrees to be bound by its terms.

Dated: January 19, 2023



DUSTEN SEAN PERRY
Respondent

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COMPLAINANT’S ACCEPTANCE

Dated: ~~January~~ ^{February} 1, 2023

Yolanda Morrow
YOLANDA MORROW, Director
Bureau of Gambling Control
California Department of Justice

The foregoing Stipulated Settlement is hereby respectfully submitted for consideration by the California Gambling Control Commission.

Dated: February 2, 2023

ROB BONTA
Attorney General of California
SARA J. DRAKE
Senior Assistant Attorney General
T. MICHELLE LAIRD
Supervising Deputy Attorney General

Jeremy Stevens
Digitally signed by
Jeremy Stevens
Date: 2023.02.02
19:42:07 -08'00'
JEREMY STEVENS
Deputy Attorney General
Attorneys for Complainant

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DECISION AND ORDER OF THE COMMISSION

The California Gambling Control Commission hereby adopts the foregoing Stipulated Settlement of the parties for the case of *In the Matter of the Accusation Against: Dusten Sean Perry*, BGC Case No. HQ2017-00003A, as its final Decision and Order in these matters to be effective upon execution below by its members.

IT IS SO ORDERED.

Dated: 4/20/2023 
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PAULA LABRIE, Chairperson

Dated: 4/20/2023 
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ERIC HEINS, Commissioner

Dated: 4/20/2023 
14B4AD3B90F8462...
EDWARD YEE, Commissioner

Dated: 4/20/2023 
3D1DB086F9274AA...
CATHLEEN GALGIANI, Commissioner

Dated: 4/20/2023 
7722F4571120449...
WILLIAM LIU, Commissioner

Exhibit A

1 XAVIER BECERRA
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 2 SARA J. DRAKE
 Senior Assistant Attorney General
 3 WILLIAM P. TORNGREN
 Deputy Attorney General
 4 State Bar Number 58493
 NEIL D. HOUSTON
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 Telephone: (916) 210-7812
 8 Fax: (916) 327-2319
 E-mail: Neil.Houston@doj.ca.gov
 9 *Attorneys for the Bureau of Gambling Control*



10
 11 **BEFORE THE**
 12 **CALIFORNIA GAMBLING CONTROL COMMISSION**
 13 **STATE OF CALIFORNIA**

14
 15 **In the Matter of the Accusation Against:**

BGC Case No. BGC-HQ2017-00003A

16 **DUSTEN SEAN PERRY**

OAH No. _____



ACCUSATION

19
 20 **Key Employee License No. GEKE-001462**

**Place: Office of Administrative Hearings
 2349 Gateway Oaks Drive, Suite 200
 Sacramento, CA 95833**

21 **Respondent.**

22
 23 Complainant alleges as follows:

24 **PARTIES**

25 1. Wayne J. Quint, Jr. (Complainant) brings this Accusation solely in his official
 26 capacity as Director of the California Department of Justice, Bureau of Gambling Control
 27 (Bureau).
 28

1 2. On August 12, 2010, the California Gambling Control Commission (Commission)
2 approved Dusten Sean Perry's (Respondent) initial application for a key employee license, and
3 issued license number GEKE-001462 to Respondent for the period from August 12, 2010 to
4 August 31, 2012.

5 3. Respondent's key employee license was renewed by the Commission on August 9,
6 2012, August 14, 2014, and August 13, 2016, and will expire on August 31, 2018, unless
7 renewed.

8 4. At all times relevant herein, Respondent has been employed by the Clovis 500 Club,
9 located at 711 W. Shaw Avenue, Suites 112-300, Clovis, CA 93612. At the time of the events
10 alleged herein, Respondent was employed by the Clovis 500 Club as its general manager.

11 **FIRST CAUSE FOR REVOCATION**

12 **(Disqualified--Failure to Provide Information as Required)**

13 5. Respondent's key employee license is subject to revocation under California Code of
14 Regulations, title 4, section 12568, subdivision (c), and Business and Professions Code sections
15 19857, subdivision (b) and 19859, subdivision (b), in that: (a) on or about June 29, 2017, and
16 thereafter, Respondent failed to respond to requests for certain financial information made by
17 Bureau agents acting on Complainant's behalf; (b) on or about August 7, 2017, Respondent failed
18 to respond to additional requests for financial information made by Bureau agents acting on
19 Complainant's behalf; (c) on or about August 14, 2017, Respondent declined to provide bank
20 account information requested by Bureau agents acting on Complainant's behalf; and (d) on or
21 about August 16, 2017, Respondent was uncooperative and declined to permit Bureau agents
22 acting on Complainant's behalf to perform a chip and cash count at the Clovis 500 Club. (See
23 Bus. & Prof. Code, §§ 19801, subds. (h), (i) & (k), 19811, subd. (b), 19823, subds. (a)(1) & (2),
24 19824, subd. (d), 19826, subds. (c) & (e), 19857, subd. (b), 19859, subds. (a) & (b), 19866,
25 19944, 19971; Cal. Code Regs., tit. 4, §§ 12554, subds. (a), (d)(1) & (5), 12568, subds. (c)(3) &
26 (4), Cal. Code Regs., tit. 11, § 2053, subds. (a) & (b).)

JURISDICTION

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6. Business and Professions Code section 19811 provides, in part:

(b). Jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operations of gambling establishments is vested in the commission.

7. Business and Professions Code section 19823 provides:

(a) The responsibilities of the commission include, without limitation, all of the following:

(1) Assuring that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

(2) Assuring that there is no material involvement, directly or indirectly, with a licensed gambling operation, or the ownership or management thereof, by unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

(b) For the purposes of this section, "unqualified person" means a person who is found to be unqualified pursuant to the criteria set forth in Section 19857, and "disqualified person" means a person who is found to be disqualified pursuant to the criteria set forth in Section 19859.

8. Business and Professions Code section 19824 provides, in part:

The commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of this chapter, including, without limitation, the power to do all of the following:

* * *

(d) Take actions deemed to be reasonable to ensure that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities.

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9. Business and Professions Code section 19826 provides, in part:

The department^[1] . . . shall have all of the following responsibilities:

* * *

(c) To investigate suspected violations of this chapter or laws of this state relating to gambling

* * *

(e) To initiate, where appropriate, disciplinary actions as provided in this chapter. In connection with any disciplinary action, the department may seek restriction, limitation, suspension, or revocation of any license or approval, or the imposition of any fine upon any person licensed or approved.

10. California Code of Regulations, title 4, section 12554, subdivisions (a) and (d) provide, in part:

(a) Upon the filing with the Commission of an accusation by the Bureau recommending revocation, suspension, or other discipline of a holder of a license, registration, permit, finding of suitability, or approval, the Commission shall proceed under Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

* * *

(d) Upon a finding of a violation of the Act,^[2] any regulations adopted pursuant thereto, any law related to gambling or gambling establishments, violation of a previously imposed disciplinary or license condition, or laws whose violation is materially related to suitability for license, registration, permit, or approval, the Commission may do any one or more of the following:

(1) Revoke the license, registration, or permit.

* * *

(5) Impose any fine or monetary penalty consistent with Business and Professions Code sections 19930, subdivision (c), and 19943, subdivision (b).

¹ "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd. (h).)

² "Act" refers to the Gambling Control Act. (Cal. Code Regs., tit. 4, § 12002, subd. (m).)

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SPECIFIC STATUTORY AND REGULATORY PROVISIONS

11. Business and Professions Code section 19801 provides, in part:

(h) Public trust and confidence can only be maintained by strict comprehensive regulation of all persons, locations, practices, associations, and activities related to the operation of lawful gambling establishments and the manufacture and distribution of permissible gambling equipment.

(i) All gambling operations, all persons having a significant involvement in gambling operations, all establishments where gambling is conducted, and all manufacturers, sellers, and distributors of gambling equipment must be licensed and regulated to protect the public health, safety, and general welfare of the residents of this state as an exercise of the police powers of the state.

* * *

(k) Any license or permit issued, or other approval granted pursuant to this chapter, is declared to be a revocable privilege, and no holder acquires any vested right therein or thereunder.

12. Business and Professions Code section 19857 provides, in part:

No gambling license shall be issued unless, based on all of the information and documents submitted, the commission is satisfied that the applicant is all of the following:

* * *

(b) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto.

13. Business and Professions Code section 19859 provides, in part:

The commission shall deny a license to any applicant who is disqualified for any of the following reasons:

(a) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.

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(b) Failure of the applicant to provide information, documentation, and assurances required by the Chief,³ or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria.

14. Business and Professions Code section 19866 provides:

An applicant for licensing or for any approval or consent required by this chapter, shall make full and true disclosure of all information to the department and the commission as necessary to carry out the policies of this state relating to licensing, registration, and control of gaming.

15. Business and Professions Code, section 19944 provides:

Any person who willfully resists, prevents, impedes, or interferes with the department or the commission or any of their agents or employees in the performance of duties pursuant to this chapter is guilty of a misdemeanor, punishable by imprisonment in a county jail for not more than six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

16. Business and Professions Code section 19971 provides:

This act is an exercise of the police power of the state for the protection of the health, safety, and welfare of the people of the State of California, and shall be liberally construed to effectuate those purposes.

17. California Code of Regulations, title 4, section 12568, provides, in part:

(c) A state gambling license, finding of suitability, or approval granted by the Commission, other than a work permit, and an owner license for a gambling establishment if the owner licensee has committed a separate violation from any violations committed by the gambling establishment shall be subject to revocation by the Commission on any of the following grounds:

* * *

(3) If the Commission finds the holder no longer meets any criterion for eligibility, qualification, suitability or continued operation, including those set forth in Business and Professions code sections 19857, 19858, or 19880, as applicable, or

³ Formerly referred to as the "Chief," the Complainant herein is now referred to as the "Director" of the Bureau of Gambling Control.

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(4) If the Commission finds the holder currently meets any of the criteria for mandatory denial of an application set forth in Business and Professions Code sections 19859 or 19860.

18. California Code of Regulations, title 11, section 2053 provides, in part:

(a) The Bureau may require a gambling establishment to present satisfactory evidence that there is adequate financing available to protect the public's health, safety and welfare.

(b) A gambling establishment shall maintain a separate, specifically designated, insured account with a licensed financial institution in an amount not less than the total value of the chips in use by the gambling establishment. The funds from that account may only be used to redeem the chips of that gambling establishment. That account may not be used as collateral, or encumbered or hypothecated in any fashion. Alternatively, the Bureau may allow the gambling establishment to provide some other form of security acceptable to the Bureau, in lieu of maintaining the required account.

COST RECOVERY

19. Business and Professions Code, section 19930 provides, in part:

(b) If, after any investigation, the department is satisfied that a license, permit, finding of suitability, or approval should be suspended or revoked, it shall file an accusation with the commission in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

* * *

(d) In any case in which the administrative law judge recommends that the commission revoke, suspend, or deny a license, the administrative law judge may, upon presentation of suitable proof, order the licensee or applicant for a license to pay the department the reasonable costs of the investigation and prosecution of the case.

(1) The costs assessed pursuant to this subdivision shall be fixed by the administrative law judge and may not be increased by the commission. When the commission does not adopt a proposed decision and remands the case to the administrative law judge, the administrative law judge may not increase the amount of any costs assessed in the proposed decision.

(2) The department may enforce the order for payment in the superior court in the county in which the administrative hearing was held. The right of enforcement shall be in addition

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to any other rights that the division may have as to any licensee to pay costs.

(3) In any judicial action for the recovery of costs, proof of the commission's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

* * *

(f) For purposes of this section, "costs" include costs incurred for any of the following:

(1) The investigation of the case by the department.


(2) The preparation and prosecution of the case by the Office of the Attorney General.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Commission issue a decision:

1. Revoking Respondent's Key Employee Gambling License, license number GEKE-001462.
2. Imposing fines and monetary penalties against Respondent, in an amount according to proof to the extent allowed by law.
3. Awarding Complainant the costs of investigation and the costs of bringing this Accusation before the Commission, pursuant to Business and Professions Code section 19930, subdivisions (d) and (f), in a sum according to proof; and
4. Taking such other and further action as the Commission may deem appropriate.

Dated: September 7, 2017



 WAYNE J. QUINT, JR., Director
 Bureau of Gambling Control
 California Department of Justice