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

14 **In the Matter of the Statement of Issues
Against:**

BGC Case No. HQ2012-00020AL

16 **KEITH MILLER**
17 **5090 Brookdale Circle**
18 **Fairfield, CA 94534**

DEFAULT DECISION AND ORDER
(Gov. Code, § 11520)

19 **LICENSE NUMBER GEOW-003097**

22 **FINDINGS OF FACT**

23 1. On or about July 6, 2013, Wayne J. Quint, Jr. (Complainant), solely in his official
24 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control
25 (Bureau), filed a Statement of Issues in BGC Case No. HQ2012-00020AL (Statement of Issues)
26 against Keith Miller (Respondent) before the California Gambling Control Commission
27 (Commission) setting forth the bases for denying Respondent's Application for a State Gambling
28 License (application), license number GEOW-003097, to renew his endorsement on the license

1 for Napa Valley Casino, license number GEGE-001279, which is located in American Canyon,
2 California.¹

3 2. On or about June 20, 2013, before it was filed with the Commission, the Statement of
4 Issues Package² initially was sent to Respondent at his address of record by certified mail return
5 receipt requested. That mailing, however, was returned, marked "unclaimed," on or about July
6 17, 2013.

7 3. On or about September 19, 2013, the Statement of Issues was served by personal
8 service on Respondent.³ A copy of the Certificate of Service by Personal Service is attached as
9 Exhibit B and incorporated herein by reference.

10 4. To date, Respondent has failed to file a Notice of Defense to the Statement of Issues
11 or made any type of oral or written request for a hearing to appeal or challenge the proposed
12 denial of his application.

13 JURISDICTION

14 5. Government Code section 11504 provides in pertinent part:

15 A hearing to determine whether a right, authority, license, or
16 privilege should be granted, issued, or renewed shall be initiated by
filing a statement of issues.

17 6. Government Code section 11506, subdivision (c), provides in pertinent part:

18 The respondent shall be entitled to a hearing on the merits *if the*
19 *respondent files a notice of defense*, and the notice shall be deemed a
20 specific denial of all parts of the accusation not expressly admitted.
21 *Failure to file a notice of defense shall constitute a waiver of*
respondent's right to a hearing, but the agency in its discretion may
nevertheless grant a hearing.

22 ¹ A copy of the Statement of Issues is attached as Exhibit A and incorporated herein by
23 reference.

24 ² Also served with the Statement of Issues were a Statement to Respondent (Gov. Code, §
25 11505, subd. (b)), a Request for Discovery (Gov. Code, § 11507.6), copies of Government Code
26 sections 11507.5, 11507.6 and 11507.7, and two copies of the Notice of Defense form (Gov.
Code, §§ 11505 & 11506) for Respondent's use. Hereinafter, "Statement of Issues Package"
includes and refers to the Statement of Issues and the documents served and filed with it.

27 ³ Respondent personally was served at his address of record, 5090 Brookdale Circle,
28 Fairfield, California.

1 (Italics added.)

2 7. Government Code section 11520, subdivision (a) provides:

3 If the respondent either fails to file a notice of defense or to
4 appear at the hearing, the agency may take action based upon
5 respondent's express admissions or upon other evidence and
6 affidavits may be used as evidence without any notice to
7 respondent; and where the burden of proof is on the respondent to
8 establish that respondent is entitled to the agency action sought, the
9 agency may take action without taking evidence.

8 **DETERMINATION OF ISSUES**

9 8. Based on the foregoing findings of fact, Respondent's application is subject to denial.

10 9. Service of the Statement of Issues Package was proper and in accordance with the
11 law.

12 10. As a result of Respondent's failure to file a Notice of Defense to the Statement of
13 Issues, or make any type of oral or written request for a hearing, the Commission has jurisdiction
14 to adjudicate this case by default and to order the denial of Respondent's application.

15 11. The Commission is authorized to deny Respondent's application based upon the legal
16 and factual allegations set forth in the Statement of Issues and Respondent's failure to meet his
17 burden of proving his qualifications to receive the requested state gambling license. Respondent
18 is unqualified for and disqualified from the requested state gambling license pursuant to Business
19 and Professions Code sections 19857 and 19859. Respondent failed to provide information and
20 documentation requested by the Bureau and the Commission. Respondent supplied information
21 that was misleading as to a material fact pertaining to the qualification criteria. Among other
22 things, Respondent's application disclosed federal tax liens exceeding \$433,000 and a state tax
23 lien exceeding \$95,000. An investigation revealed that those liens arose as result of Respondent's
24 failure to pay taxes. Respondent's application materially overstated his net worth by valuing his
25 interest in Napa Valley Casino at \$5 million when, in fact, the market value of that interest was
26 substantially less. When directed by the Commission to provide information, Respondent failed
27 to so. When requested by the Bureau to provide information, Respondent failed to do so. Prior to
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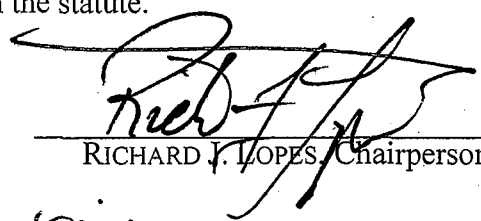
1 submitting his application, Respondent failed to comply with conditions previously placed on his
2 license by the Commission.

3 **ORDER**

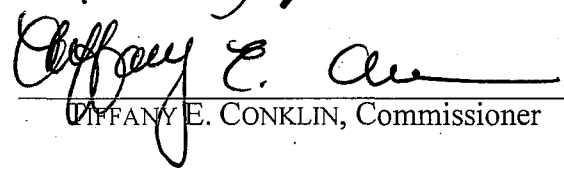
4 Based upon the foregoing Findings of Fact and Determination of Issues, IT IS ORDERED
5 that Respondent Keith Miller's application for a State Gambling License, license number GEOW-
6 003097, to renew his endorsement on the license for Napa Valley Casino, license number GEGE-
7 001279, is hereby denied.

8 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
9 written motion requesting that this Default Decision and Order be vacated and stating the grounds
10 relied on within seven (7) days after service of this Default Decision and Order on Respondent.
11 The Commission in its discretion may then vacate this Default Decision and Order and grant a
12 hearing on a showing of good cause, as defined in the statute.

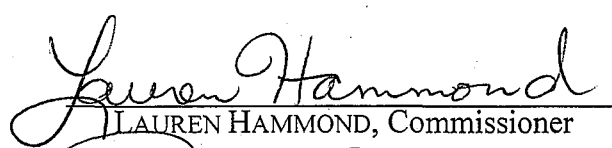
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14 Dated: 12/12/13


RICHARD J. LOPES, Chairperson

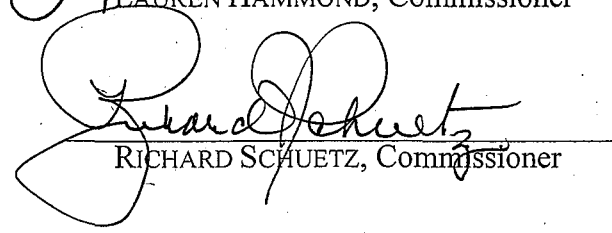
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16 Dated: 12/12/2013


TIFFANY E. CONKLIN, Commissioner

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19 Dated: 12/12/13


LAUREN HAMMOND, Commissioner

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21 Dated: 12/12/13


RICHARD SCHUETZ, Commissioner

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