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11 **BEFORE THE**
12 **CALIFORNIA GAMBLING CONTROL COMMISSION**
13 **STATE OF CALIFORNIA**
14

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

16 **Scott Gerald Smith**
17 
18 

19 Work Permit No.: GEWP-001829

20 Respondent.

CGCC No: CGCC-ACC-2017-0407

BGC No.: BGC-HQ2016-00001AL

~~PROPOSED~~
DEFAULT DECISION AND ORDER

21
22
23
24 **FINDINGS**

25 1. On or about April 5, 2017, Wayne J. Quint, Jr., solely in his official capacity as the
26 Director of the California Department of Justice, Bureau of Gambling Control (Bureau), filed
27 with the California Gambling Control Commission (Commission) and served upon Scott Gerald
28 Smith (Respondent) at his address of record, the Accusation in this matter.

1 a notice of defense shall constitute a waiver of respondent's right to
2 a hearing, but the agency in its discretion may nevertheless grant a
3 hearing.

4 7. To date, Respondent has failed to file a Notice of Defense or to request in any other
5 manner a hearing on the merits of the Accusation or to contest the revocation of his work permit.

6 8. Government Code section 11520, subdivision (a), provides in pertinent part:

7 If the respondent . . . fails to file a notice of defense . . . the
8 agency may take action based upon the respondent's express
9 admissions or upon other evidence and affidavits may be used as
evidence without any notice to respondent

10 9. Pursuant to Government Code section 11520, the Commission finds Respondent is in
11 default. The Commission will take action without further hearing and, based upon the relevant
12 evidence as indexed in Attachment A, as well as taking official notice of the records and
13 documents in its possession, finds the charges and allegations in the Accusation, separately and
14 collectively, are true and accurate by a preponderance of the evidence. (Cal. Code. Regs., tit. 4, §
15 12554, subd. (c).)

16 **DETERMINATION OF ISSUES**

17 10. Based upon the foregoing Findings, Respondent has subjected his work permit,
18 number GEWP-001829, to discipline.

19 11. The Commission has jurisdiction to adjudicate this case by default.

20 12. The Commission is authorized to revoke Respondent's work permit, number
21 GEWP-001829, in that on or about August 8, 2016, Respondent was convicted of a felony.
22 Respondent was convicted of violating Vehicle Code section 23152, subdivision (a)/23550,
23 subdivision (a) (driving under the influence having three or more prior, separate violations for
24 driving under the influence), a felony, in the case of *People v. Scott Gerald Smith* (Super. Ct.
25 Stanislaus County, 2016, No. 1498784). (Bus. & Prof. Code, §§ 19850, 19857, subds. (a) & (b),
26 19859, subd. (c); Cal. Code. Regs., tit. 4, §§ 12105, subd. (a), & 12558, subd. (b).)

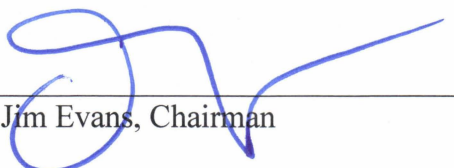
ORDER

IT IS SO ORDERED that work permit, number GEWP-001829, issued to Respondent Scott Gerald Smith is hereby REVOKED.

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

This Order is effective on Aug 14, 2017.

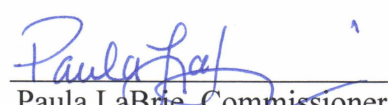
Dated: 7-13-17

Signature: 
Jim Evans, Chairman

Dated: 7-13-17

Signature: 
Lauren Hammond, Commissioner

Dated: 7.13.17

Signature: 
Paula LaBrie, Commissioner

Dated: 7-13-17

Signature: 
Trang To, Commissioner

ATTACHMENT A

INDEX

No.	Documents	Bates No.
1	Accusation; Statement to Respondent; Request for Discovery, copies of Gov. Code, §§ 411507.5, 11507.6 & 11507.7, two copies of Notice of Defense form; Certificate of Service by Certified Mail Service, dated April 5, 2017; and Certificate of Service by Certified Mail Service, dated April 5, 2017 and Notice of Defense, dated April 28, 2017, with return receipt.	001 - 027
2	California Gambling Control Commission Approvals: a. October 31, 2013, Commission approval of Scott Smith's initial work permit, valid though March 31, 2014. b. June 27, 2014, Commission approval of Scott Smith's application to renew his work permit, valid though March 31, 2016. c. March 11, 2016, Commission approval of Scott Smith's application to renew his work permit, valid though March 31, 2018.	028 - 029 030 031
3	A redacted copy of California Highway Patrol's Driving Under the Influence Arrest - Investigation Report, file number F143-465-16, dated February 7, 2017, regarding the arrest of Scott Gerald Smith.	032 - 038
4	A redacted, certified copy of Stanislaus County Sherriff's Department's Booking Register and In Custody Report regarding Scott Gerald Smith incarceration in the county jail.	039 - 041
5	A redacted copy of the Criminal Complaint in the case of <i>People v. Scott Gerald Smith</i> (Super. Ct. Stanislaus County, 2016, No. 1498784).	042 - 043
6	A copy of the Stanislaus County Superior Court's Minute Order reflecting Scott Gerald Smith's conviction, upon a plea of nolo contendere, of violating Vehicle Code section 23152, subdivision (a)/23550, subdivision (a) (driving under the influence having three or more prior, separate violations for driving under the influence), a felony, in the case of <i>People v. Scott Gerald Smith</i> (Super. Ct. Stanislaus County, 2016, No. 1498784).	044
7	A copy of the Stanislaus County Superior Court's Probation & Mandatory Supervision Order and Terms, dated August 8, 2016.	045
8	A redacted copy of the Department of Justice's Subsequent Arrest Notification form.	046
9	Declaration of Deputy Attorney General Ronald Diedrich.	047 - 048