

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval
of Initial Work Permit Regarding:

SUSAN HOOKER

Respondent.

BGC Case No. BGC-HQ2020-000036SL
CGCC Case No. CGCC-2020-1119-7B

DECISION AND ORDER

Hearing Date: May 11, 2021
Time: 10:00 a.m.

This matter was heard by 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 May 11, 2021.

Jeremy Stevens, Deputy Attorney General, State of California (DAG Stevens), represented complainant Stephanie Shimazu, Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Applicant Susan Hooker (Hooker) appeared on her own behalf.

During the evidentiary hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing with the Application for Initial Regular Work Permit/Temporary Work Permit and the Bureau’s Initial Background Investigation Report, the Bureau’s Statement of Reasons, Hooker’s signed Notice of Defense, and the Commission’s Conclusion of Prehearing Conference letter.

During the evidentiary hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Bureau:

- (1) Statement to Respondent dated 3/12/2021; Statement of Reasons dated 3/12/2021; Business & Professions Code 19870 & 19871; California Code of Regulations, title 4, section 12060; Certificate of Service dated

- 1 3/12/2021; Notice of Defense signed 11/28/2020, Bates Nos. BGC001-023;
- 2 (2) CGCC Referral to Evidentiary Hearing dated 11/23/2020; CGCC Notice of
- 3 Hearing with Attachments A & B, dated 2/18/2021, Bates Nos. BGC024-
- 4 049;
- 5 (3) Application for Initial Regular Work Permit for Susan Corine Hooker
- 6 dated 8/14/2019 & 8/22/2019; Work Permit Questionnaire dated
- 7 8/15/2019, Bates Nos. BGC050-055;
- 8 (4) BGC Initial Background Investigation Report, Level III, for Susan Corine
- 9 Hooker, Outlaws Card Parlour, dated September 2020, with attachments,
- 10 Bates Nos. BGC056-068;
- 11 (5) CGCC Correspondence and Memorandum, Bates Nos. BGC069-077;
- 12 (6) License History and Certification of Records, Bates Nos. BGC078-079;
- 13 (7) Court Documents with Police Report, conviction date: 7/6/2016, Case No.
- 14 CR16-1003DV; Yuma Police Department Summary and City of Yuma
- 15 Municipal Court certified documents, Bates Nos. BGC080-123; and
- 16 (8) BGC Correspondence and E-mails, Bates Nos. BGC124-163.

17 The record was closed and the matter was submitted on May 11, 2021.

18 FINDINGS OF FACT

19 **Procedural History**

20 1. On or about August 23, 2019, the Bureau received an Application for Initial Regular

21 Work Permit/Temporary Work Permit and Work Permit Questionnaire (collectively, Application)

22 from Hooker to work as a food and beverage server in Outlaws Card Parlour, a five-table

23 cardroom located in Atascadero.

24 2. On or about August 27, 2019, the Commission issued Temporary Work Permit

25 number GEWP-002897 to Hooker. The Commission extended the Temporary Work Permit on

26 December 18, 2019, April 8, 2020, and August 17, 2020.

27 3. On or about September 23, 2020, the Commission received a Level III Work Permit

28

1 Initial Background Investigation Report on Hooker from the Bureau. In this report, the Bureau
2 recommends that the Commission deny Hooker's Application.

3 4. On or about September 28, 2020, the Commission sent a Notice of Cancellation of
4 Temporary Work Permit to Hooker pursuant to CCR section 12128(b)(2).

5 5. At its November 19, 2020 meeting, the Commission referred consideration of
6 Hooker's Application to a Gambling Control Act (GCA) evidentiary hearing to be held pursuant
7 to CCR section 12060.

8 6. On or about December 3, 2020, the Commission received from Hooker a signed notice
9 of defense requesting an evidentiary hearing on the consideration of her Application.

10 7. On or about January 29, 2021, the Bureau sent a Statement of Reasons to Hooker via
11 certified mail. In the Statement of Reasons, the Bureau requests that the Commission deny
12 Hooker's Application.

13 8. On or about February 18, 2021, the Commission sent a Notice of Hearing, via certified
14 mail, to Hooker and DAG Stevens. The hearing was set for May 11, 2021.

15 9. On or about March 18, 2021, the noticed Prehearing Conference was held before
16 Presiding Officer Jason Pope, Attorney III of the Commission. DAG Stevens attended on behalf
17 of the Bureau. Hooker appeared on her own behalf.

18 10. On or about March 23, 2021, the Commission sent a Conclusion of Prehearing
19 Conference letter, via e-mail, to Hooker and DAG Stevens.

20 11. The Commission heard this matter via Zoom video conference on May 11, 2021. The
21 Bureau was represented by DAG Stevens. Hooker appeared on her own behalf.

22 **Work History in Controlled Gambling**

23 12. Hooker was employed as a food and beverage server at Outlaws Card Parlour from
24 October 2018 to June 2020.

25 13. There was no evidence presented that Hooker has had any derogatory employment-
26 related issues while working in controlled gambling.

27 ///
28 ///

1 **Criminal History**

2 14. On or about July 27, 2016, Hooker was convicted by the Yuma Municipal Court in
3 Arizona, upon a plea of guilty, of violating Arizona Revised Statutes section 13-2810(A)(2),
4 disobeying or resisting the lawful order, process, or other mandate of a court, a misdemeanor, in
5 Case Number 2016-00044292. Hooker was sentenced to three years of probation, ordered to
6 attend 26 domestic violence classes, and to pay fines. Hooker successfully completed her three
7 years of probation, attended all of the required domestic violence classes, and paid off all of the
8 fines. Hooker also disclosed the conviction on her Application.

9 15. The incident leading to the conviction occurred at approximately 12:30 a.m. on July 6,
10 2016. Hooker and her friend went to her ex-boyfriend's residence in violation of a valid Order of
11 Protection that he had against Hooker.

12 16. In a written statement to the Bureau dated April 23, 2020, Hooker wrote that she was
13 in a five-year relationship with her ex-boyfriend that suddenly ended. Hooker's ex-boyfriend put
14 a restraining order against her. About a month later, Hooker's ex-boyfriend was calling her kids
15 and father and asking about her. As a result, even though Hooker was aware of the Order of
16 Protection, she thought it would be okay to go see him. Hooker and her friend went to his
17 residence and rang the doorbell, and when he did not answer, she went to the back door to talk to
18 him. He told Hooker to leave and she did. He called the police and Hooker voluntarily turned
19 herself in the following day.

20 17. The police report from the incident contains a narrative written by the police officer
21 based upon a conversation with Hooker's ex-boyfriend. According to this written narrative,
22 Hooker's ex-boyfriend was sleeping when he heard his bedroom door open and realized it was
23 Hooker. She was crying and wanted to talk to him, and he could tell from the way she was acting
24 that she was intoxicated. He told her to leave and began escorting her out of the front of the
25 residence. As he was escorting Hooker out of the residence, he noticed Hooker's friend. He
26 escorted both of them out the front door and locked it. As he walked by the kitchen, he noticed
27 that his sunglasses were broken and that there was liquid outside of the refrigerator and mustard
28

1 splattered inside the refrigerator. He told the police that it was Hooker's friend who broke the
2 sunglasses and splattered the mustard. Hooker's ex-boyfriend also provided a written statement
3 that is substantially consistent with the narrative contained in the police report.

4 18. Hooker provided written responses to additional Bureau inquiries regarding the
5 incident on July 6, August 20, and October 14, 2020.

6 19. On July 6, 2020, Hooker sent an email to the Bureau addressing the incident. Hooker
7 wrote that she did not include information about her friend in her initial statement because she
8 thought that the investigation only pertained to her. She also wrote that she was unaware of the
9 property damage caused by her friend until after she was arrested. Hooker stated that she really
10 thought that she and her ex-boyfriend would get back together since he was calling her family.
11 She stated that it was a bad call on her part and that she regretted going to his residence.

12 20. On August 20, 2020, Hooker sent another email to the Bureau further explaining her
13 statement that she had turned herself in to the police the day after the incident. Hooker wrote that
14 she knew she had broken the restraining order so she went to the police station the next day and
15 attempted to turn herself in at approximately 8:00 a.m. The police told her to call back after 10:00
16 p.m. to speak with the officer in charge of the investigation. She called the police after 10:00 p.m.
17 and provided them with her current location and the police came and arrested her.

18 21. On October 14, 2020, Hooker wrote a final email to the Bureau. Hooker explained that
19 she was unaware that her friend damaged her ex-boyfriend's property until she was arrested, and
20 that she did not initially provide that information because she thought the Bureau was only
21 investigating her. Hooker also stated that she turned herself in to the police the next day and was
22 told to call back because the investigating officer did not come in until 10:00 p.m. Hooker states
23 that she went to her sister's house and waited until 10:00 p.m., called the police, and two officers
24 arrived and arrested her.

25 22. There were videos of a portion of the incident showing the front door of her ex-
26 boyfriend's residence. The videos showed Hooker and her friend ringing the doorbell, and then
27 Hooker and her friend exiting the residence through the front door. The videos also showed
28

1 Hooker's friend hugging her after leaving her ex-boyfriend's residence because Hooker was upset
2 after their encounter.

3 23. According to the Yuma Municipal Court's Release Questionnaire regarding the
4 incident, there was no firearm or other weapon involved, no threats, no injuries, and no previous
5 incidents.

6 24. Hooker's testimony during the evidentiary hearing was consistent with her written
7 statements to the Bureau.

8 25. There was no evidence presented that Hooker had previously or subsequently violated
9 the Order of Protection or had any previous or subsequent criminal convictions.

10 **Assessment of Suitability**

11 26. As a result of the Bureau's background investigation, there are two issues of concern
12 regarding Hooker's suitability for a work permit. The first concern involves Hooker's
13 misdemeanor conviction for violating a valid Order of Protection. The second concern involves
14 the accuracy and completeness of her responses to the Bureau and testimony regarding the
15 circumstances surrounding the incident that led to her conviction.

16 *First Concern: Misdemeanor Conviction for Violating an Order of Protection*

17 27. It is undisputed that Hooker violated an Order of Protection against her, which led to
18 her misdemeanor conviction for violation of a court order. However, the concerns raised by this
19 incident and conviction are significantly mitigated by a number of factors.

20 28. First, Hooker testified that based on the actions of her ex-boyfriend calling her family
21 and asking about her, that she thought it would be okay to see him. While this does not justify her
22 violation of the Order of Protection, the reasons she provided for the violation demonstrate that
23 there was no intent to harass or harm her ex-boyfriend. Second, Hooker left her ex-boyfriend's
24 residence without incident and there were no weapons, threats, or injuries involved, which
25 supports Hooker's testimony that the purpose of her visit was reconciliation and not harassment
26 or violence. Third, Hooker realized her mistake and voluntarily went to the police station to turn
27 herself in. After being told that the investigating officer would not be available until after 10:00
28

1 p.m., Hooker called the police and provided her address so that they could arrest her. She was
2 arrested without incident and plead guilty to violation of a court order. This demonstrates full
3 acceptance of responsibility for the incident. Fourth, Hooker successfully completed the terms of
4 probation, attended the 26 domestic violence classes, and paid all of the fines. Finally, there was
5 no evidence presented of any prior or subsequent violation of the Order of Protection or prior or
6 subsequent criminal convictions.

7 *Second Concern: Accuracy and Completeness of Her Disclosures and Testimony Regarding the*
8 *Incident Leading to Her Conviction*

9 29. Hooker disclosed the misdemeanor conviction on her Application. In her subsequent
10 responses to the Bureau, Hooker provided reasonable detail regarding the circumstances
11 surrounding the incident that led to her conviction. Hooker's written statements are credible and
12 supported by the police report and court documents. There was no attempt by Hooker to conceal
13 any information related to the incident.

14 30. During the evidentiary hearing, Hooker provided detailed and candid testimony
15 regarding the incident, which was consistent with her written statements to the Bureau. Hooker
16 also expressed genuine remorse for the incident.

17 31. Overall, the concerns regarding Hooker's misdemeanor conviction for violation of a
18 court order are sufficiently mitigated by several factors: the circumstances surrounding the
19 incident demonstrate that she did not violate the Order of Protection to harass or harm her ex-
20 boyfriend; she accepted responsibility for the incident; she fulfilled all of the terms of probation;
21 she expressed genuine remorse for the incident; and there was no evidence submitted that she had
22 previously or subsequently violated the Order of Protection or had any other criminal convictions.

23 32. Additionally, Hooker disclosed the conviction on her Application and demonstrated
24 honesty and candor through her written statements to the Bureau and her testimony during the
25 evidentiary hearing.

26 33. Therefore, Hooker has met her burden of demonstrating that she is a person of good
27 character, honesty, and integrity.
28

1 42. The burden of proof is always on the applicant to prove his, her, or its qualifications to
2 receive any license or other approval under the GCA. CCR section 12060(i).

3 43. No gambling license shall be issued unless, based on all of the information and
4 documents submitted, the commission is satisfied that the applicant is a person of good character,
5 honesty, and integrity. Business and Professions Code section 19857(a).

6 44. No gambling license shall be issued unless, based on all of the information and
7 documents submitted, the commission is satisfied that the applicant is a person whose prior
8 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
9 public interest of this state, or to the effective regulation and control of controlled gambling, or
10 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
11 the conduct of controlled gambling or in the carrying on of the business and financial
12 arrangements incidental thereto. Business and Professions Code section 19857(b).

13 45. No gambling license shall be issued unless, based on all of the information and
14 documents submitted, the Commission is satisfied that the applicant is a person that is in all other
15 respects qualified to be licensed as provided in this chapter. Business and Professions Code
16 section 19857(c).

17 46. The GCA is an exercise of the police power of the state for the protection of health,
18 safety, and welfare of the people of the State of California, and shall be liberally construed to
19 effectuate those purposes. Business and Professions Code section 19971.

20 47. A criminal conviction, and the facts and circumstances surrounding the incident
21 leading to the conviction, can have a negative impact on an applicant's suitability for licensure.
22 First, the conviction, and fact and circumstances of the incident leading to the conviction, may
23 lead to a determination that the applicant lacks good character, honesty, and integrity. Second, the
24 conviction, and facts and circumstances of the incident leading to the conviction, may lead to a
25 determination that the applicant poses a risk to the public interest of the state or to the effective
26 regulation and control of controlled gambling.

27 48. The failure of an applicant to provide accurate, complete, and truthful information on
28

1 an application for licensure, in response to Bureau inquiries, and while testifying at an evidentiary
2 hearing, can also have a negative impact on the applicant's suitability for licensure. Conversely,
3 an applicant demonstrates good character, honesty, and integrity through providing accurate,
4 complete, and truthful information on applications for licensure, in response to Bureau inquiries,
5 and while testifying at an evidentiary hearing.

6 49. Based on the factual findings of this Decision, Hooker's criminal conviction for
7 violation of a court order is insufficient to demonstrate a lack of good character, honesty, or
8 integrity, or that she poses a risk to the public interest of this state or to the effective regulation
9 and control of controlled gambling.

10 50. Hooker demonstrated good character, honesty, and integrity by submitting a complete
11 and accurate Application; through her honest and candid statements to the Bureau and while
12 testifying at the evidentiary hearing; by accepting responsibility and expressing remorse for the
13 incident that led to the conviction; and by successfully completing all of the terms of probation.

14 51. As a result, Hooker has met her burden of demonstrating that she is a person of good
15 character, honesty and integrity pursuant to Business and Professions Code section 19857(a).

16 52. Hooker has also met her burden of demonstrating that she is a person whose prior
17 activities, reputation, habits, and associations do not pose a threat to the public interest of this
18 state, or to the effective regulation and control of controlled gambling, or create or enhance the
19 dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of
20 controlled gambling or in the carrying on of the business and financial arrangements incidental
21 thereto pursuant to Business and Professions Code section 19857(b).

22 53. Finally, Hooker has met her burden of demonstrating that she is not disqualified from
23 receiving an Initial Work Permit pursuant to Business and Professions Code section 19859.

24 54. Based on the foregoing, Hooker is qualified to receive an Initial Work Permit.

25 ///
26 ///

ORDER

1. Susan Hooker's Application for Initial Work Permit is APPROVED.
2. No costs are awarded.
3. Each side to pay its own attorneys' fees.

This Order is effective on June 23, 2021.

Dated: 6/23/21 Signature: P. LaBrie
Paula LaBrie, Chair

Dated: 6/23/21 Signature: Cathleen Galgiani
Cathleen Galgiani, Commissioner

Dated: 6/23/2021 Signature: Eric Heins
Eric Heins, Commissioner

Dated: 6/23/21 Signature: Edward Yee
Edward Yee, Commissioner