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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCCC-2018-0208-5D

In the Matter of the Application for Third-Party  
Proposition Player Services Player License for:

CLAUDIA CARMONA  
Registration No. 016124

Applicant.

**DEFAULT DECISION AND ORDER**

Hearing Date: August 30, 2018

Time: 1:30 p.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 section 12060, in Sacramento, California, on August 30, 2018.

2. The Bureau of Gambling Control (Bureau) was represented by Deputy Attorney General Ronald Diedrich with the Indian and Gaming Law Section, Department of Justice Attorney General's Office.

3. Claudia Carmona (Applicant) failed to appear and was not represented at the hearing.

4. During the administrative hearing, Presiding Officer Jason Pope took official notice of the following:

(a) Notice of Hearing and Prehearing Conference with enclosures including Applicant's Application and the Bureau Report, dated April 12, 2018, served by certified mail, return receipt requested;

(b) Applicant's Notice of Defense;

(c) Bureau's Statement of Reasons;

(d) Conclusion of Prehearing Conference letter dated July 25, 2018.

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

- 1) Statement of Reasons; Statement to Respondent; copies of Bus. & Prof. Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, § 12060; April 20, 2018, Certificate of Service by Certified Mail Service; and Notice of Defense, dated February 26, 2018, Bates Nos. 001-028;
- 2) Notices sent by the Commission:
  - a. February 14, 2018, Referral of Third-Party Proposition Player Services License Application to an Evidentiary Hearing for Claudia Carmona, sans enclosure, Bates Nos. 029-030;
  - b. April 12, 2018, Notice of Hearing, with attachments and proof of service, Bates Nos. 031-045;
  - c. July 25; 2018, Conclusion of Prehearing Conference, Bates Nos. 046-050;
  - d. January 16, 2018, California Gambling Control Commission, Licensing Division Memorandum for the February 8, 2018 Commission Meeting, Bates Nos. 051-052.
- 3) Redacted copies of Claudia Carmona's Application for Third Party Proposition Player Services License for Supervisor, Player or Other Employee and Level I Supplemental Information (collectively, Application), Bates Nos. 053-063;
- 4) A redacted copy of the Bureau's December 27, 2017, Third-Party Player Background Investigation Report regarding Claudia Carmona, Bates Nos. 064-072;
- 5) Redacted copy of the court records for the 2013 conviction in the case of *People v. Claudia Carmona* (Sup. Ct. San Joaquin County, 2013, No. ST060724A), Bates Nos. 073-085;
- 6) Redacted copy of the court records for the 2014 conviction in the case of *People v. Claudia Carmona* (Sup. Ct. San Joaquin County, 2014, No. SF127133A) Bates Nos. 086-100;
- 7) Redacted copy of the February 28, 2018, California Department of Motor

1 Vehicle's records regarding Claudia Lucero Carmona, Bates Nos. 101-102.

2 6. The matter was submitted on August 30, 2018

3 **FINDINGS OF FACT**

4 7. On or about November 13, 2015, the Bureau received an application for Third-  
5 Party Proposition Player Services License for Supervisor, Player or Other Employee, dated  
6 November 7, 2015, and a Level I Supplemental Information forms, dated October 25, 2015  
7 (collectively, Application) from Applicant to allow for her employment as a third-party  
8 proposition player for Qualified Player Services, LLC.

9 8. On or about October 16, 2015, The Commission issued Applicant a registration,  
10 number TPPL-016124, as a proposition player. Applicant's registration currently expires on  
11 October 13, 2019.

12 9. On or about December 27, 2017, the Bureau submitted a Third Party Player  
13 Background Investigation Report in which it concluded that Applicant was unqualified for  
14 licensure pursuant to Business and Professions Code section 19857 and California Code of  
15 Regulations, title 4, section 12218.11(e). The Bureau recommended that the Commission deny  
16 Applicant's application.

17 10. At the February 8, 2018 Commission meeting, the Commission referred  
18 consideration of Applicant's Application to an evidentiary hearing pursuant to California Code of  
19 Regulations, title 4, section 12060.

20 11. Commission staff received a signed Notice of Defense form from Applicant on  
21 February 28, 2018 requesting an evidentiary hearing signed February 26, 2018. (Exhibit A)

22 12. Commission staff mailed a Notice of the Hearing sent certified mail on April 12,  
23 2018 to Applicant's address of record which included Exhibit A and stated that the hearing was  
24 set to occur on August 30, 2018 at 1:30 p.m. Commission staff received a confirmation receipt  
25 showing the letter was received by Juan Carmona at Applicant's address on April 14, 2018.

26 13. On July 24, 2018, Jason Pope, Presiding Officer for the forthcoming hearing,  
27 conducted a pre-hearing conference with Deputy Attorney General Ronald Diedrich in  
28

1 attendance. Applicant was not present and no one appeared on her behalf. On July 25, 2018, a  
2 letter confirming this conference was mailed out to the parties.

3 14. At the August 30, 2018 hearing, Applicant was not present, and submitted no  
4 evidence on behalf of her application.

5 **DETERMINATION OF ISSUES**

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

9 16. In addition, the burden of proving Applicant's qualifications to receive any license  
10 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

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

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

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

19 \* \* \*

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

22 \* \* \*

23 (F) The waiver of an evidentiary hearing, or failure of  
24 the applicant to submit a Notice of Defense, or failure of an applicant  
to appear at an evidentiary hearing, may result in:

25 1. A default decision being issued by the  
26 Commission based upon the Bureau report, any supplemental reports  
by the Bureau and any other documents or testimony already  
provided or which might be provided to the Commission . . . .

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19. Title 4, CCR section 12205, subdivision (a) states in pertinent part:

Any regular registration issued in accordance with this chapter shall be subject to cancellation pursuant this this section. A registration shall be cancelled if the Commission determines after a noticed hearing that the registration is ineligible for registration...

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

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

\* \* \*

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

\* \* \*

(F) The waiver of an evidentiary hearing, or failure of the applicant to submit a Notice of Defense, or failure of an applicant to appear at an evidentiary hearing, may result in:

1. 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 might be provided to the Commission . . . .

21. The Commission took official notice of the items identified under paragraph 4, and received into evidence Bureau Exhibits 1-7 identified under paragraph 5 which were provided to it in this matter pursuant to Business and Professions Code section 19870, subdivision (a) and Title 4, CCR section 12052, subdivision (c)(2)(F)(1).

22. The Commission has jurisdiction to adjudicate this case by default.

23. The Commission may deny Applicant’s application based upon the Bureau report, any supplemental reports by the Bureau and any other documents or testimony already provided to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions Code sections 19857 and 19859.

24. The Commission may further also deny Applicant’s application based upon Applicant’s failure to prove to the Commission Applicant is qualified to receive a license or other

1 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,  
2 CCR section 12060(i).

3 25. Therefore, as the Applicant did not attend the default hearing, and did not submit  
4 any information or evidence in favor of granting Applicant's Application, Applicant did not meet  
5 her burden of demonstrating why a license should be issued pursuant to Business and Professions  
6 Code section 19856(a) and Title 4, CCR section 12060(i). The Commission further finds that  
7 pursuant to California Code of Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1),  
8 Applicant's Application is subject to denial.

9 26. In addition, as Applicant's application is subject to denial, Applicant would no  
10 longer be eligible for a registration under Title 4, CCR section 12204, subdivision (d) and  
11 Applicant's current registration is subject to cancellation pursuant to Title 4, CCR section 12205,  
12 subdivision (a).

#### 13 NOTICE OF APPLICANT'S APPEAL RIGHTS

14 Applicant has the following appeal rights available under state law:

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

16 (a) After the Commission issues a decision following a GCA hearing conducted  
17 pursuant to Section 12060, an applicant denied a license, permit, registration, or  
18 finding of suitability, or whose license, permit, registration, or finding of  
19 suitability has had conditions, restrictions, or limitations imposed upon it, may  
20 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.

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

23 (1) Newly discovered evidence or legal authorities that could not  
reasonably have been presented before the Commission's issuance of the  
24 decision or at the hearing on the matter; or,

25 (2) Other good cause which the Commission may decide, in its sole  
discretion, merits reconsideration.

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

27 A decision of the commission denying a license or approval, or imposing any  
28 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

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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, subsection (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**

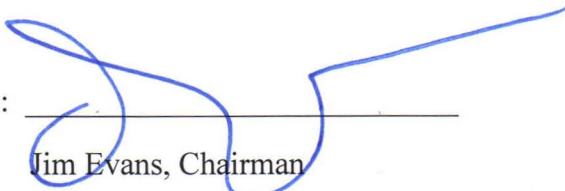
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2 1. Claudia Carmona's Application for Approval of Initial Third-Party Proposition  
3 Player Services Player License is DENIED.

4 2. Claudia Carmona's Third-Party Player Registration, No. TPPL-016124 is  
5 cancelled.


6 3. Claudia Carmona may not apply to the Commission or the Bureau for any type of  
7 license, registration or work permit for one (1) year after the effective date of this Order.

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9 This Order is effective on October 22, 2018.

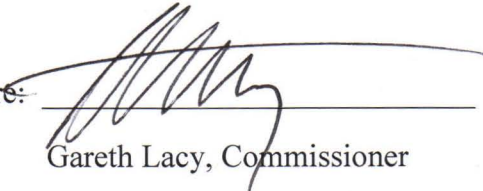
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12 Dated: 9/20/2018

Signature:   
Jim Evans, Chairman

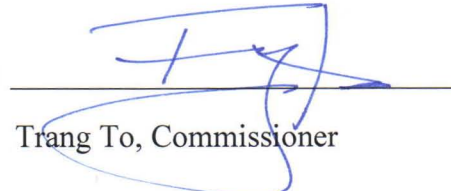
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15 Dated: 9/20/2018

Signature:   
Paula LaBrie, Commissioner

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18 Dated: 9/20/2018

Signature:   
Gareth Lacy, Commissioner

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21 Dated: 9/20/18

Signature:   
Trang To, Commissioner