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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2017-1116-13B

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

**DEFAULT DECISION AND ORDER**

KYLE H. BAISA

TPPL-017913

Applicant.

Hearing Date: Thursday, July 26, 2018  
Time: 10:00 a.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 (CCR) section 12060, in Sacramento, California, on Thursday, July 26, 2018.

2. Kyle H. Baisa (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about May 11, 2017, the Bureau of Gambling Control (Bureau) received an Application for Approval of Third-Party Proposition Player Services License for Supervisor, Player or Other Employee from Applicant.

4. Applicant was issued a Third-Party Player Registration, Registration No. TPPL-017913 which was valid until June 30, 2018.

5. On or about September 28, 2017, the Bureau issued its Third-Party Player Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's application

6. On or about November 20, 2017, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12060, subdivision (b).



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

5 \* \* \*

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

9 \* \* \*

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

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

17 15. An applicant for an owner, supervisor or player registration is ineligible for a  
18 registration if they have had an application denied under Title 4, CCR Chapter 2.1 or the  
19 Gambling Control Act. (Cal. Code Regs., tit. 4, § 12204, subd. (d).)

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

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

25 17. The Commission takes official notice of the Bureau report, any supplemental  
26 reports by the Bureau and any other documents or testimony already provided to it in this matter  
27 as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR  
28 section 12052, subdivision (c)(2)(F)(1).

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

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

23 20. The Commission may further also deny Applicant's application based upon

1 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other  
2 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,  
3 CCR section 12060(i).

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

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

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

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

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

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

- (1) Newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission’s issuance of the decision or at the hearing on the matter; or,
- (2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

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

A decision of the commission denying a license or approval, or imposing any 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 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, subdivision (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**

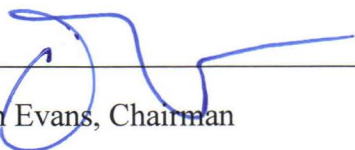
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3 1. Kyle Baisa's Application for Approval of Initial Third-Party Proposition Player  
4 Services License for Supervisor, Player or Other Employee is DENIED.

5 2. Kyle Baisa's Third-Party Player Registration, No. TPPL-017913 is cancelled.


6 3. Kyle Baisa 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.  
8

9 This Order is effective on 7/26/18.


10  
11 Dated: 7/26/18

Signature:   
Jim Evans, Chairman

12  
13  
14 Dated: 7/26/18

Signature:   
Paula LaBrie, Commissioner

15  
16  
17 Dated: 7/26/18

Signature:   
Trang To, Commissioner

**Mathauser, Pamela**

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**From:** Kyle Baisa <k\_baisa@yahoo.com>  
**Sent:** Saturday, April 28, 2018 12:56 PM  
**To:** Mathauser, Pamela; Patterson, Kate; David Tierney  
**Subject:** CGCC-2017-1116-13B withdrawal of hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

I wish to cancel my request for a administrative hearing as I will no longer be employed with Pt Gaming I will be laid off as of today 04/18/2018

Best Regards,  
Kyle Baisa