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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2019-0221-11A

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

DEFAULT DECISION AND ORDER

JIMENA ELIZABETH MEJIA

Hearing Date: Thursday, August 29, 2019
Time: 10:00 a.m.

Applicant.

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, August 29, 2019 at 10:00 a.m.

2. Jimena Elizabeth Mejia (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about November 15, 2016, the Bureau of Gambling Control (Bureau) received an Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, and a Level I Supplemental Information form (collectively referred to as Application) from Applicant.

4. On or about September 25, 2018, the Bureau issued its Third-Party Player Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Professions Code section 19857, subdivisions (a) and (b) and disqualified for licensure pursuant to Business and Professions Code section 19859, subdivisions (b) and (d). The Bureau recommended that the Commission deny Applicant's Application.

5. On February 21, 2019, the Commission considered Applicant's Application and voted to refer the matter to an evidentiary hearing pursuant to CCR section 12060(b).

6. Applicant received notice of the Commission's consideration of Applicant's

1 Application when Commission staff mailed an evidentiary hearing referral letter via certified mail
2 to Applicant's address of record on or about February 26, 2019, which included a blank Notice of
3 Defense form with instructions to return it to the Commission within 15 days of receipt or the
4 Commission may issue a default decision.

5 7. Applicant timely submitted a signed Notice of Defense form requesting an
6 evidentiary hearing on the consideration of her Application.

7 8. Applicant thereafter received notice of the hearing through a hearing notice sent
8 via certified mail on or about June 19, 2019 to Applicant's address of record which stated that the
9 hearing was set to occur on Monday, September 9, 2019 at 10:00 a.m.

10 9. On July 24, 2019 the Bureau submitted a Statement of Reasons alleging that
11 Applicant was unqualified for licensure pursuant to Business and Professions Code section
12 19857, subdivisions (a) and (b).

13 10. On August 1, 2019 Applicant submitted a new Notice of Defense form waiving
14 her right to an evidentiary hearing on the consideration of her Application. (Exhibit A). The
15 Commission then removed the evidentiary hearing on Applicant's Application from the
16 September 9, 2019 calendar and set a default hearing on Applicant's Application for Thursday,
17 August 29, 2019 at 10:00 a.m.

18 **DETERMINATION OF ISSUES**

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

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

24 13. At an evidentiary hearing pursuant to Business and Professions Code sections
25 19870 and 19871 and CCR section 12060 the burden of proof rests with the applicant to
26 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

27 14. An applicant for an owner, supervisor or player license is ineligible for a license if
28

1 they have failed to meet the requirements of Business and Professions Code sections 19856 or
2 19857. (Cal. Code Regs., tit. 4, § 12218.11, subd. (e).)

3 15. CCR section 12052, subdivision (c), provides in pertinent part:

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

7 * * *

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

10 * * *

11 (F) The waiver of an evidentiary hearing, or failure of
12 the applicant to submit a Notice of Defense, or failure of an applicant
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
by the Bureau and any other documents or testimony already
provided or which might be provided to the Commission

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

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

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

22 18. The Commission takes official notice of the Bureau report, any supplemental
23 reports by the Bureau and any other documents or testimony already provided to it in this matter
24 as required by Business and Professions Code section 19870(a) and CCR section
12052(c)(2)(F)(1).

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

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

3 21. The Commission may also deny Applicant's Application based upon Applicant's
4 failure to prove to the Commission that Applicant is qualified to receive a license or other
5 approval as required by Business and Profession Code section 19856(a) and CCR section
6 12060(i).

7 22. Therefore, as the Applicant submitted a written waiver of her right to an
8 evidentiary hearing, did not attend the default hearing, and did not submit any information or
9 evidence in favor of granting her Application, Applicant did not meet her burden of
10 demonstrating why a license should be issued pursuant to Business and Professions Code section
11 19856(a) and CCR section 12060(i). The Commission further finds that pursuant to CCR section
12 12052(c)(2)(F)(1), Applicant's Application is subject to denial.

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

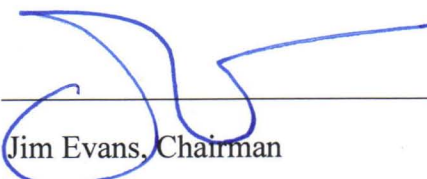
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2 1. JIMENA MEJIA'S Application for Approval of Third-Party Proposition Player
3 Services License is DENIED.

4 2. JIMENA MEJIA'S Registration number TPPL-018397 is cancelled.

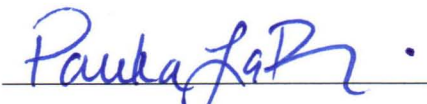
5 3. JIMENA MEJIA may not apply to the Commission or the Bureau for any type of
6 license, registration, or work permit for one (1) year after the effective date of this Order.

7 This Order is effective on August 29, 2019.


8
9 Dated: 8/29/19

Signature: 
Jim Evans, Chairman

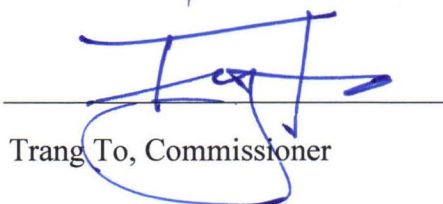
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12 Dated: 8/29/19

Signature: 
Paula LaBrie, Commissioner

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15 Dated: 8/29/19

Signature: 
Gareth Lacy, Commissioner

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18 Dated: 8/29/19

Signature: 
Trang To, Commissioner



State of California
 California Gambling Control Commission
 2399 Gateway Oaks Drive, Suite 220
 Sacramento, CA 95833-4231
 (916) 263-0700; Fax: (916) 263-0452
 www.cgcc.ca.gov

NOTICE OF DEFENSE CGCC – ND – 002 (New 01/14)

In the Matter of:

CGCC No.

Failure to submit this Notice of Defense to the California Gambling Control Commission (Commission) and the Bureau of Gambling Control (Bureau) may result in a default decision being issue by the Commission. The Notice of Defense is due:

- **Within 15 calendar days of receipt, if provided by Commission staff or the Bureau; or,**
- **Within 15 calendar days of the date of service, if provided with the Notice of Hearing.**

(Please select one of the following:)										
1	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">A</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td>I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)</td> </tr> <tr> <td style="text-align: center;">B</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>I waive my right to an evidentiary hearing. (See Box 2)</td> </tr> <tr> <td style="text-align: center;">C</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.</td> </tr> </table>	A	<input type="checkbox"/>	I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)	B	<input checked="" type="checkbox"/>	I waive my right to an evidentiary hearing. (See Box 2)	C	<input type="checkbox"/>	I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.
A	<input type="checkbox"/>	I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)								
B	<input checked="" type="checkbox"/>	I waive my right to an evidentiary hearing. (See Box 2)								
C	<input type="checkbox"/>	I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.								
2	<p>The waiver of my right to an evidentiary hearing includes a waiver of the following associated rights:</p> <ul style="list-style-type: none"> The right to be heard at the hearing The right to a copy of the hearing’s governing procedure The right to discovery The right to present oral evidence The right to present and examine witnesses The right to introduce relevant exhibits The right to cross-examine opposing witnesses The right to impeach witnesses The right to offer rebuttal evidence The right to challenge evidence used against me The right to request reconsideration following the decision’s issuance The right to petition for review of the decision under Section 1085 of the Code of Civil Procedure <p>The waiver of an evidentiary hearing may result in 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 may be provided to the Commission, or that the hearing may continue to occur on the originally noticed date without applicant participation.</p>									

 (Initial Here)

3	<input checked="" type="checkbox"/>	I understand English or have had an interpreter read and explain this form to me in _____ <div style="text-align: right; font-size: small;">(Language)</div>
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NOTICE OF DEFENSE

(Please select one of the following:)	
4	<input type="checkbox"/> I am represented by counsel, whose name, address and telephone number appear below:
	Name:
	Mailing Address:
	City, State and Zip Code:
	Telephone Number:
<input type="checkbox"/> I am not represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be provided to the Commission and the Bureau so that counsel will be on the record to receive legal notices, pleadings, and other papers.	

Signature: _____



Date: 08/01/2019

Relationship to Gambling Enterprise: _____ (N/A if Individual signing on own behalf)