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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

Christine Amber Werner

Applicant.

CGCC Case No. CGCC-2021-0506-7B
BGC Case No. BGC-HQ2021-00024SL

**NOTICE CORRECTING CLERICAL
ERROR; DECISION AND ORDER**

Hearing Date: Tuesday, December 14, 2021
Time: 10:00 a.m.

WHEREAS the Decision and Order signed by the Commissioners in this proceeding with signatures dated January 6, 2022, and attached as **Exhibit A**, contains a clerical error on page 7, line 9 in the year of the effective date of the Decision and Order.

WHEREAS the effective date of the Decision and Order should be “February 7, 2022” rather than “February 7, 2021.”

The effective date of the Decision and Order shall be deemed amended, nunc pro tunc, to read “2022” rather than “2021.”

Dated: February 10, 2022

Signature: _____



Russell Johnson, Presiding Officer

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BEFORE THE
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Christine Amber Werner

Applicant.

CGCC Case No. CGCC-2021-0506-7B
BGC Case No. BGC-HQ2021-00024SL

DECISION AND ORDER

Hearing Date: Tuesday, December 14, 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 Tuesday, December 14, 2021 at 10:00 a.m.

Neil Houston, Deputy Attorney General, State of California (DAG Houston), represented complainant Yolanda Morrow, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Applicant Christine Werner (Werner) did not attend the evidentiary hearing.

During the evidentiary hearing, Presiding Officer Russell Johnson took official notice of the following documents: the Notice of Agenda and Commission Meeting for December 14, 2021; the Commission’s Notice of Hearing with enclosures (1) Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee and (2) the Bureau’s Third-Party Player Initial Background Investigation Report; the Commission’s Conclusion of Prehearing Conference letter; the Bureau’s Statement of Reasons; and Werner’s signed Notice of Defense.

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

1. Statement to Respondent; Statement of Reasons; copies of Bus. & Prof. Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4,

- 1 §12060; and October 27, 2021, Certificate of Service by Certified
- 2 Mail Service, Bates Nos. 001-022;
- 3 2. Notices of Defense, Bates Nos. 023-024;
- 4 3. Notices from the Commission:
- 5 a. May 11, 2021, Referral of Application for Third-Party Proposition
- 6 Player Worker Type License to an Evidentiary Hearing-Christine
- 7 Werner, Bates Nos. 025-026;
- 8 b. July 30, 2021, Notice of Hearing and Prehearing Conference, with
- 9 Attachments A & B, Bates Nos. 027-043;
- 10 c. November 1, 2021, Conclusion of Prehearing Conference, Bates Nos.
- 11 044-054;
- 12 4. Application for Third-Party Proposition Player Services License for
- 13 Supervisors, Players or Other Employee, dated June 27, 2020, for
- 14 Christine Werner, Bates Nos. 055-062;
- 15 5. Bureau of Gambling Control Report and Attachments, March 2021 –
- 16 Third-Party Player Initial Background Investigation Report, Bates
- 17 Nos. 063-071;
- 18 6. Commission Licensing Division Notice and Memorandum:
- 19 a. Notice of Scheduled Commission Meeting, dated April 26,
- 20 2021, Bates No. 072;
- 21 b. Licensing Division Staff Memorandum re Christine Werner-
- 22 Commission Meeting May 6, 2021, Bates Nos. 073-075;
- 23 7. Registration and License History, Bates No. 076;
- 24 8. Certification of Records, Bates No. 077;
- 25 9. Designated Agent Form, Bates No. 078;
- 26 10. Bureau Correspondence/Emails, Bates Nos. 079-083;
- 27 11. Employment Correspondence from Blackstone Gaming, Inc.:
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- a. Employment Verification, dated December 11, 2020, Bates Nos. 084-085;
- b. Email, dated February 22, 2021, Bates Nos. 086-091.

The record closed and the matter was submitted on December 14, 2021.

FINDINGS OF FACT

- 1. On or about December 28, 2018, Werner was issued third party player registration number TPPL-022562, which is valid through December 31, 2022.
- 2. On or about September 3, 2020, the Bureau of Gambling Control (Bureau) received an initial Application for Approval of Third-Party Proposition Player Services License for Supervisor, Player or other Employee for Werner and a Level I Supplemental Information form dated June 27, 2021 (collectively “Application”). The Application identified Werner’s job title as a Banker for L.E. Gaming, Inc. (L.E. Gaming).
- 3. On or around March 5, 2021, the Bureau issued its Third-Party Player Initial Background Investigation Report. In this report, the Bureau recommends that the Commission deny Werner’s Application.
- 4. On or about May 6, 2021, the Commission considered Werner’s Application and voted to refer it to an evidentiary hearing pursuant to CCR section 12054, subsection (a).
- 5. On or about May 24, 2021, the Commission received a signed notice of defense from Werner requesting an evidentiary hearing on the consideration of her Application.
- 6. On or about July 30, 2021, the Commission sent a Notice of Hearing to Werner, Designated Agent Melissa Ezaki of L.E. Gaming (DA Ezaki), and DAG Houston. The hearing was set for December 14, 2021 at 10:00 am.
- 7. On October 27, 2021, the Bureau sent a Statement of Reasons to Werner by Certified Mail. The Commission received the Statement of Reasons from the Bureau on October 28, 2021. In the Statement of Reasons, the Bureau requests that the Commission deny Werner’s Application and cancel her third-party player registration.
- 8. On November 1, 2021, the noticed Prehearing Conference was held before Presiding Officer Russell Johnson, Attorney III of the Commission. DAG Houston attended on

1 behalf of the Bureau. Werner did not attend and no one attended on her behalf.

2 9. On November 2, 2021, the Commission sent a Conclusion of Prehearing
3 Conference letter, via U.S. Mail and E-mail, to Werner, DA Ezaki, and DAG Houston.

4 10. On December 14, 2021, the evidentiary hearing on Werner's Application
5 commenced before the Commission. The Bureau was represented throughout the hearing by DAG
6 Houston. Werner did not attend the hearing.

7 **Assessment of Werner's Suitability for Licensure**

8 *Failure to Meet Burden of Proving Qualifications for Licensure*

9 11. The burden of proving his or her qualifications to receive any license is on the
10 applicant. Werner did not attend the evidentiary hearing or submit any information or evidence in
11 support of her Application during the hearing. As a result of Werner's lack of attendance and
12 participation in the evidentiary hearing, and her failure to submit any information or evidence in
13 support of her Application during the hearing, Werner has failed to meet her burden of proving
14 her qualifications for licensure.

15 12. All documentary and testimonial evidence submitted by the parties that is not
16 specifically addressed in this Decision and Order was considered but not used by the Commission
17 in making its determination on Werner's Application.

18 **LEGAL CONCLUSIONS**

19 13. Division 1.5 of the Business and Professions Code, the provisions of which govern
20 the denial of licenses on various grounds, does not apply to licensure decisions made by the
21 Commission under the Gambling Control Act. Business and Professions Code section 476,
22 subsection (a).

23 14. Public trust and confidence can only be maintained by strict and comprehensive
24 regulation of all persons, locations, practices, associations, and activities related to the operation
25 of lawful gambling establishments and the manufacture and distribution of permissible gambling
26 equipment. Business and Professions Code section 19801, subsection (h).

27 15. The Commission has the power to deny any application for a license, permit, or
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1 approval for any cause deemed reasonable by the Commission. Business and Professions Code
2 section 19824, subsection (b).

3 16. The burden of proving his or her qualifications to receive any license from the
4 Commission is on the applicant. Business and Professions Code section 19856, subsection (a).

5 17. An application to receive a license constitutes a request for a determination of the
6 applicant's general character, integrity, and ability to participate in, engage in, or be associated
7 with, controlled gambling. Business and Professions Code section 19856, subsection (b).

8 18. At an evidentiary hearing pursuant to Business and Professions Code sections
9 19870 and 19871 and CCR section 12060, subsection (i), the burden of proof rests with the
10 applicant to demonstrate why a license should be issued.

11 19. An application will be denied if the Commission finds that the applicant has not
12 satisfied the requirements of Business and Professions Code section 19857. CCR section 12040,
13 subsection (a)(1).

14 20. A TPPPS registration includes all conditions of a temporary license provided in
15 CCR section 12122, subsections (a), (b), (d) and (e). Upon issuance or denial of a license by the
16 Commission, the temporary license will become void and cannot be used thereafter. CCR sections
17 12130, subsection (d) and 12122, subsection (d).

18 21. Therefore, as Werner did not attend the evidentiary hearing, and did not submit
19 any information or evidence in favor of granting her Application, Werner did not meet her burden
20 of demonstrating why a license should be issued pursuant to Business and Professions Code
21 section 19856, subsection (a) and CCR section 12060, subsection (i). By failing to meet her
22 burden of proving her qualifications for licensure, Werner has failed to satisfy the Commission
23 that she is a person that is in all other respects qualified to be licensed pursuant to Business and
24 Professions Code section 19857, subsection (c). As a result, the Commission finds that pursuant
25 to CCR sections 12040, subsection (a)(1), 12052, subsection (c)(2)(F), and 12057, subsection (c),
26 Werner's Application is subject to denial.

27 22. In addition, as Applicant's Application is subject to denial, Werner's current
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1 registration is void pursuant to CCR section 12122, subsection (d) and cannot be used hereafter.

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NOTICE OF APPLICANT’S APPEAL RIGHTS

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Werner has the following appeal rights available under state law:

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

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(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.

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(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:

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- (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.

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

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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.

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Title 4, CCR section 12066, subsection (c) provides:

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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, subsection (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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1. CHRISTINE WERNER’S Application for Approval of Third-Party Proposition Player Service License for Supervisor, Player or Other Employee is DENIED.

2. CHRISTINE WERNER’S Third Party Player Registration No. TPPL-022562 is void and cannot be used hereafter.

3. CHRISTINE WERNER may not apply to the Commission or the Bureau for any type of license or work permit for one (1) year after the effective date of this Order.

This Order is effective on February 7, 2021.

Dated: 1/6/2022 Signature: 
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Paula LaBrie, Chair

Dated: 1/6/2022 Signature: 
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Cathleen Galgiani, Commissioner

Dated: 1/6/2022 Signature: 
7722F4571120449...
William Liu, Commissioner

Dated: 1/6/2022 Signature: 
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Edward Yee, Commissioner