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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

RICHARD JEFFREY DONDIEGO

Applicant.

CGCC Case No. CGCC-2020-0416-11Gii

DEFAULT DECISION AND ORDER

Hearing Date: Thursday, August 27, 2020
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, August 27, 2020 at 10:00 a.m.

2. Richard Jeffrey Dondiego (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about January 22, 2019, the Bureau of Gambling Control (Bureau) received an Application for Approval of Third-Party Proposition Player Services License from Applicant.

4. Applicant has a valid Third-Party Player Registration, Registration No. TPPL-022640 which expires on January 31, 2021.

5. On or around March 4, 2020, 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 Professions Code section 19859. The Bureau recommended that the Commission deny Applicant's application.

6. On or about April 16, 2020, the Commission considered Applicant's application and elected to refer Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12054, subdivision (a).

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

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

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

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

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

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

21 16. The Commission has jurisdiction to adjudicate this case by default.

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

26 18. The Commission may further also deny Applicant's application based upon
27 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other
28 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,
CCR section 12060(i).

Therefore, as the Applicant returned a Notice of Defense form waiving his right to
a hearing, did not attend the default hearing, and did not submit any information or evidence in
favor of granting Applicant's Application, Applicant did not meet Applicant's burden of

1 demonstrating why a license should be issued pursuant to Business and Professions Code section
2 19856(a) and Title 4, CCR section 12060(i). The Commission further finds that pursuant to
3 California Code of Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's
4 Application is subject to denial.

5 20. In addition, as Applicant's application is subject to denial, Applicant would no
6 longer be eligible for a registration under Title 4, CCR section 12204, subdivision (d) and
7 Applicant's current registration is subject to cancellation pursuant to Title 4, CCR section 12205,
8 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. RICHARD JEFFREY DONDIEGO's Application for Approval of Initial Third-
4 Party Proposition Player Services License is DENIED.

5 2. RICHARD JEFFREY DONDIEGO's Third-Party Player Registration, No. TPPL-
6 022640 is cancelled.

7 3. RICHARD JEFFREY DONDIEGO's may not apply to the Commission or the
8 Bureau for any type of license, registration or work permit for one (1) year after the effective date
9 of this Order.

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11 This Order is effective on Sept 28, 2020

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13 Dated: 8-27-2020


Signature:  _____

14 Jim Evans, Chairman

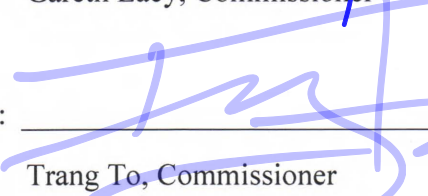
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16 Dated: 8/27/2020

Signature:  _____
17 Paula LaBrie, Commissioner

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19 Dated: 8/27/20

Signature:  _____
20 Gareth Lacy, Commissioner

21
22 Dated: 8/27/20

Signature:  _____
23 Trang To, Commissioner

CGCC
20 JUN 8 AM 10:20



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 (Rev. 12/18)

In the Matter of:

CGCC No.

Richard Dondiego

CGCC-2020-0416-11Gii

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 must be received by the Commission and Bureau within 21 days of service by the Commission or Bureau.

SECTION 1: HEARING REQUEST

PLEASE ANSWER THE FOLLOWING:

I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU.

SECTION 2: HEARING WAIVER

PLEASE ONLY ANSWER THE FOLLOWING IF A HEARING IS NOT REQUESTED UNDER SECTION 1 ABOVE AND IF APPLICABLE:

1 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 I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)

I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)

2 THE WAIVER OF MY RIGHT TO AN EVIDENTIARY HEARING INCLUDES A WAIVER OF THE FOLLOWING ASSOCIATED RIGHTS:

- 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

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.

SECTION 3: LANGUAGE PREFERENCE

PLEASE ANSWER ONE OF THE FOLLOWING (IF YOU REQUIRE ASSISTANCE, PLEASE CONTACT THE COMMISSION AT (916) 263-0700):

<input type="checkbox"/>	I UNDERSTAND ENGLISH AND HAVE READ AND UNDERSTAND THIS FORM.	
<input type="checkbox"/>	I DO NOT UNDERSTAND ENGLISH AND HAVE HAD AN INTERPRETER READ AND EXPLAIN THIS FORM TO ME.	
<input type="checkbox"/>	I WILL REQUIRE AN INTERPRETER AT THE HEARING.	INTERPRETER LANGUAGE:

SECTION 4: REPRESENTED BY AN ATTORNEY

PLEASE ONLY ANSWER THE FOLLOWING IF YOU ARE REPRESENTED BY AN ATTORNEY:

<input type="checkbox"/>	I AM REPRESENTED BY AN ATTORNEY, WHOSE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS APPEAR BELOW:	
	NAME:	
	MAILING ADDRESS:	
	CITY, STATE AND ZIP CODE:	
	TELEPHONE NUMBER:	
	EMAIL ADDRESS:	
<input type="checkbox"/>	MY ATTORNEY REQUESTS THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED VIA EMAIL, INSTEAD OF VIA MAIL.	

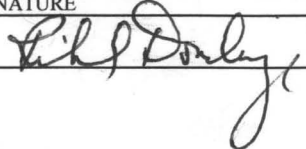
SECTION 5: SELF-REPRESENTED (WITH OR WITHOUT LAY REPRESENTATION)

PLEASE ANSWER THE FOLLOWING IF YOU ARE NOT REPRESENTED BY AN ATTORNEY OR IF YOU HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE:

<input type="checkbox"/>	I AM NOT REPRESENTED BY AN ATTORNEY. IF AND WHEN AN ATTORNEY IS RETAINED, IMMEDIATE NOTIFICATION OF THE ATTORNEY'S NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS WILL BE PROVIDED TO THE COMMISSION AND THE BUREAU SO THAT THE ATTORNEY WILL BE ON THE RECORD TO RECEIVE LEGAL NOTICES, PLEADINGS, AND OTHER PAPERS. MY ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS APPEAR BELOW:	
	MAILING ADDRESS:	
	CITY, STATE AND ZIP CODE:	
	TELEPHONE NUMBER:	
	EMAIL ADDRESS:	
<input type="checkbox"/>	I REQUEST THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED TO ME VIA EMAIL, INSTEAD OF VIA MAIL.	
<input type="checkbox"/>	I WILL HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE DURING THE HEARING.	

SECTION 6: SIGNATURE

PLEASE FILL OUT THE FOLLOWING. FOR CAPACITY PLEASE LIST THE RELATIONSHIP TO THE APPLICANT (I.E. OWNER, OFFICER, DIRECTOR, MANAGING MEMBER, GENERAL PARTNER, ETC. WRITE N/A IF INDIVIDUAL SIGNING ON OWN BEHALF. LAY REPRESENTATIVES MAY NOT COMPLETE THIS SECTION ON BEHALF OF THE APPLICANT).

PRINTED NAME	SIGNATURE	CAPACITY	DATE (MM/DD/YYYY)
Richard Dondego		N/A	5/31/2020