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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

TEAYNA MARIE STEPHENS
Registration No. TPPL-022818

Applicant.

CGCC Case No. GCADS-TPPL022818
BGC Case No. BGC-HQ2020-00012SL

DECISION AND ORDER

Hearing Date: October 30, 2020
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(b), in Sacramento, California, on October 30, 2020.

Paras Modha, Deputy Attorney General, State of California, represented complainant Stephanie K. Shimazu, Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California (Complainant).

Teayna Stephens (Applicant) was present at the hearing on her own behalf without representation.¹

During the evidentiary hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing and attachments, the Bureau's Statement of Reasons, the signed Notice of Defense, and the Conclusion of Prehearing conference letter.

During the administrative hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Complainant as identified in the table of contents:

(1) Statement to Respondent; Statement of Reasons; Email Correspondence on June 19, 2020 re Notice of Hearing and Prehearing Conference dates, excerpts from the Business and Professions Code and Code of Regulations and, Declaration of Service by Certified Mail, Bates Nos. 0001-0025;

(2) Application and Supplemental Information, Bates Nos. 0026-0044;

¹ Applicant's Designated Agent, David Tierney, appeared at the hearing and made a brief public comment on her behalf prior to the commencement of the hearing. However, Applicant represented herself without assistance throughout the course of the hearing.

- 1 (3) Reports and Attachments, Bates Nos. 0045-0052;
- 2 (4) March 16, 2020 Referral of Application to an Evidentiary Hearing and Notice of
- 3 Defense form, Bates Nos. 0053-0057;
- 4 (5) Registration History, Bates Nos. 0058-0059;
- 5 (6) Certification of Records, Bates Nos. 0060-0061;
- 6 (7) Court Documents with Certified Police Report; Conviction Dates: 04/26/2016; Case
- 7 Number: STK-CR-MI-2015-12035, Bates Nos. 0062-0071;
- 8 (8) Correspondence between Applicant, Applicant's Designated Agent, and the Bureau,
- 9 Bates Nos. 0072-0088;
- 10 (9) Appointment of Designated Agent for Owners and Proposition Players, Bates Nos.
- 11 0089-0090.

12 During the administrative hearing, Presiding Officer Jason Pope accepted into evidence

13 the following exhibit offered by the Applicant:

14 (A) September 22, 2020 Letter of Reference by Charlsie R. Hudson.

15 The hearing concluded on October 30, 2020, but the administrative record was left open

16 for the Commissioners to consider whether to request legal briefing from the parties regarding the

17 question of whether Applicant was convicted of a crime involving moral turpitude. However,

18 ultimately, further briefing was not requested and the administrative record was closed by the

19 Presiding Officer and the matter was submitted for Commission consideration on November 5,

20 2020.

21 FINDINGS OF FACT

22 1. On or about April 26, 2016, Applicant was convicted of violating Penal Code section

23 594, subdivision (a), vandalism with damages in excess of \$400, a misdemeanor, in the case of

24 *People v. Teayna Stephens* (San Joaquin County Sup. Ct., No. STK-CR-MI-2015-0012035).

25 2. On or about February 25, 2019, the Bureau received Applicant's Application for a

26 Third-Party Proposition Player Services Player License and a Level I Supplemental Information

27 form (collectively, Application) to allow for her employment as a third-party proposition player at

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1 PT Gaming, LLC (PT Gaming), a licensed third-party proposition player services provider.

2 3. Applicant has been employed by PT Gaming since January 18, 2019 as a proposition
3 player, for which she was issued a registration, number TPPL-022818.

4 4. On or about January 24, 2020, the Bureau sent a Third-Party Player Background
5 Investigation Report to the Commission in which the Bureau recommended that Applicant's
6 Application for a license be denied because she was convicted of a misdemeanor crime of moral
7 turpitude within 10 years of submitting her application and by state law the Commission must
8 therefore deny her application.

9 5. On or about March 16, 2020, the Commission's Executive Director referred
10 consideration of Applicant's Application to an evidentiary hearing to be conducted as a Gambling
11 Control Act hearing pursuant to California Code of Regulations Title 4, Division 18, Chapter 1,
12 section 12060.

13 6. Applicant submitted to the Commission a Notice of Defense requesting a hearing on or
14 about May 19, 2020.

15 7. The Commission heard Case No. CGCC-GCADS-TPPL022818 on October 30, 2020.
16 Deputy Attorney General Paras Modha represented the Bureau and the Applicant appeared
17 representing herself.

18 8. After considering the evidence presented at the hearing, the Commission does not find
19 Applicant to have bad character, lack integrity, or otherwise pose a threat to the public or to the
20 effective regulation of controlled gambling. However, state law requires that the Commission
21 deny a license application for anyone who has been convicted of certain types of misdemeanor
22 crimes in the past ten years:

23 "The commission shall deny a license to any applicant who is disqualified for any
24 of the following reasons:

25 (d) Conviction of the applicant for *any misdemeanor involving dishonesty or moral*
26 *turpitude with the 10-year period immediately preceding the submission of the*
27 *application...*"

28 Business and Professions Code section 19859 (emphasis added).

1 9. Applicant was convicted of misdemeanor vandalism on April 26, 2016. Misdemeanor
2 vandalism was held to be a crime involving moral turpitude by the California Court of Appeal,
3 Fourth District, in the published portion of the decision in *People v. Muniz* (2011) 198
4 Cal.App.4th 1324 (review granted Dec. 14, 2011, S196916, review dism. Oct. 17, 2012).²

5 10. Applicant's April 26, 2016 conviction for violation of Penal Code 594, subdivision
6 (a), vandalism, occurred within the 10-year period immediately prior to the submission of her
7 Application and she has not obtained relief from that conviction pursuant to California Penal
8 Code sections 1203.4, 1203.4a, or 1203.45.

9 11. All documentary and testimonial evidence submitted by the parties that is not
10 specifically addressed in this Decision and Order was considered but not used by the Commission
11 in making its determination on Applicant's Application.

12 LEGAL CONCLUSIONS

13 12. Division 1.5 of the Business and Professions Code, the provisions of which govern
14 the denial of licenses on various grounds, does not apply to licensure decisions made by the
15 Commission under the Gambling Control Act. Business and Professions Code section 476,
16 subdivision (a).

17 13. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
18 and 19871 and Title 4, CCR section 12060(b), the burden of proof rests with the applicant to
19 prove his or her qualifications to receive any license under the Gambling Control Act. Title 4,
20 CCR section 12060(i); Business and Professions Code section 19856, subdivision (a).

21 14. The Commission has the responsibility of assuring that licenses, approvals, and
22 permits are not issued to, or held by, unqualified or disqualified persons. Business and
23 Professions Code section 19823, subdivision (a)(1)A "disqualified person" means a person who is
24 found to be disqualified pursuant to the criteria set forth in Business and Professions Code section
25 19859. Business and Professions Code section 19823, subdivision (b).

26 15. Business and Profession Code 19859, subdivision (d) disqualifies any person from

27 ² *Muniz* is only partially certified for publication, however the determination that
28 misdemeanor vandalism is a crime involving moral turpitude under the least adjudicated elements
test is contained in the published portion of the decision.

1 licensure--thereby requiring that the Commission deny the license--when there is a conviction for
2 any misdemeanor involving moral turpitude within the 10 year period immediately before the
3 application was submitted. Section 19859, subdivision (d) does not direct the Commission to
4 consider the facts and circumstances of how a crime was committed, but only to look at the
5 existence of a conviction.

6 16. In the published portion of *People v. Muniz* (2011) 198 Cal.App.4th 1324, the
7 California Court of Appeal, Fourth District, held misdemeanor vandalism is a crime involving
8 moral turpitude under the least adjudicated elements test.

9 17. Applicant's April 26, 2016 conviction occurred within the 10-year period
10 immediately prior to the submission of her Application and she has not obtained relief from that
11 conviction pursuant to California Penal Code sections 1203.4, 1203.4a, or 1203.45.

12 18. Therefore, Applicant is disqualified from licensure pursuant to California Business
13 and Professions Code section 19859, subdivision (d) and the ruling in *Muniz*.

14 19. As a result of the Commission's denial of Applicant's application her current
15 registration is void pursuant to Title 4, CCR section 12122, subdivision (d) and cannot be used
16 hereafter.

17 20. Should Applicant obtain relief from her April 26, 2016 conviction pursuant to
18 California Penal Code sections 1203.4, 1203.4a, or 1203.45, or upon the expiration of ten years
19 from the date of the conviction, Applicant may immediately reapply for a temporary or permanent
20 license or a work permit available pursuant to the Gambling Control Act or Commission
21 regulations.

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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. A request for reconsideration must be:

(1) Made in writing to the Commission, copied to the Complainant. The Bureau may provide a written response to the Commission within 10 calendar days of receipt of the request; and

(2) Received by the Commission and Complainant within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is earlier.

(b) A request for reconsideration must 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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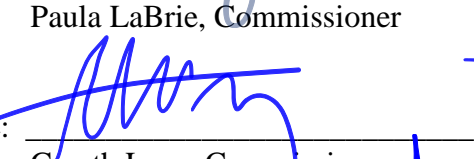
1. Teayna Stephens' Application for a Third-Party Proposition Player Services Player License is DENIED.
2. Teayna Stephens' Third-Party Player Registration, No. TPPL-022818 is void and cannot be used hereafter.
3. Should Applicant obtain relief from her April 26, 2016 conviction pursuant to California Penal Code sections 1203.4, 1203.4a, or 1203.45, or upon the expiration of ten years from the date of the conviction, Applicant may immediately apply for any license or work permit available pursuant to the Gambling Control Act or Commission regulations.
4. No costs are to be awarded.
5. Each side to pay its own attorneys' fees.

This Order is effective on February 8, 2021.

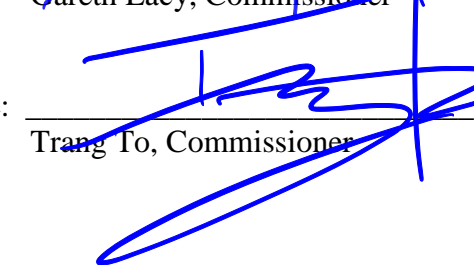
Dated: 1/7/21

Signature: 
Paula LaBrie, Commissioner

Dated: 1/7/21

Signature: 
Gareth Lacy, Commissioner

Dated: 1/7/21

Signature: 
Trang To, Commissioner