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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2020-1029-14E

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

Sandra Ramirez

Applicant.

**DEFAULT DECISION AND ORDER**

Hearing Date: Thursday, March 11, 2021  
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, March 11, 2021 at 10:00 a.m.

2. Sandra Ramirez (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about December 24, 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 Supervisor, Registration No. TPSU-001781 which expires on April 30, 2021.

5. On or around July 6, 2020, the Bureau issued its Third-Party Player Background Investigation Report in which it concluded that Applicant was qualified for licensure pursuant to Business and Professions Code section 19857 and not disqualified under Business and Professions Code section 19859. The Bureau recommended that the Commission approve Applicant's application.

6. On or about On October 29, 2020, the Commission considered Applicant's application and elected to refer it to an evidentiary hearing pursuant to Title 4, CCR section

1 12054, subdivision (a).

2 7. Applicant received notice of Commission consideration of Applicant's application  
3 in several ways. First, Commission staff mailed an evidentiary hearing referral letter to  
4 Applicant's address of record via regular mail and certified mail on November 2, 2020 which  
5 included a blank Notice of Defense form with instructions to return it to the Commission within  
6 15 days of receipt or else the Commission may issue a default decision. Commission staff  
7 received no response. (Exhibit A)

8 8. Second, Applicant further received notice of the hearing through a hearing notice  
9 sent certified mail on January 27, 2021 to Applicant's address of record which included Exhibit A  
10 and stated that the hearing was set to occur on Thursday, March 11, 2021 at 10:00 a.m.

11 **DETERMINATION OF ISSUES**

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

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

17 11. At an evidentiary hearing pursuant to Business and Professions Code sections  
18 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to  
19 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

20 12. An application will be denied if the Commission finds that the applicant has not  
21 satisfied the requirements of Business and Professions Code section 19857. (Cal. Code Regs., tit.  
22 4, § 12040(a)(1).)

23 13. Title 4, CCR section 12052, subdivision (c), provides in pertinent part:

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

27 \* \* \*

28 (2) If the application is to be scheduled at an evidentiary

1 hearing, pursuant to subsections (a) or (b) of Section 12060, the  
2 notice of hearing shall inform the applicant of the following:

3 \* \* \*

4 (F) The waiver of an evidentiary hearing, failure of the  
5 applicant to submit a Notice of Defense, or failure by the  
6 applicant to appear at an evidentiary hearing, may result in  
7 a default decision or a hearing without applicant  
8 participation in accordance with Section 12057.

9 14. Title 4, CCR section 12057, subdivision (a), provides in pertinent  
10 part:

11 (a) When an applicant fails to submit a completed Notice of Defense,  
12 CGCC-ND-002 (Rev. 12/18) according to the timelines on the form,  
13 affirmatively waives his, her, or its right to an evidentiary hearing, or  
14 he, she, or it fails to appear at an evidentiary hearing, the  
15 Commission will, based on the interests of justice and judicial  
16 economy:

17 (1) Issue a default decision after the consideration of the Bureau  
18 report, any supplemental reports by the Bureau, and any other  
19 documents or testimony provided or which may be provided to the  
20 Commission before the decision is issued;

21 15. A TPPPS registration includes all conditions of a temporary license provided in  
22 subsections (a), (b), (d) and (e) of Section 12122. (Cal. Code Regs., tit. 4, § 12130, subd. (d).)

23 16. Upon issuance or denial of a license by the Commission, the temporary license  
24 will become void and cannot be used thereafter. (Cal. Code Regs., tit. 4, § 12122, subd. (d).)

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).

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 sections 12052, subdivision (c)(2)(F) and 12057, and Business and  
22 Professions Code sections 19857 and 19859.

23 20. The Commission may further also deny Applicant's application based upon  
24 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other

1 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,  
2 CCR section 12060(i).

3 21. Therefore, as the Applicant did not return a Notice of Defense form, did not attend  
4 the default hearing, and did not submit any information or evidence in favor of granting  
5 Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a  
6 license should be issued pursuant to Business and Professions Code section 19856(a) and Title 4,  
7 CCR section 12060(i). By failing to meet Applicant's burden of proving Applicant's  
8 qualifications for licensure, Applicant has failed to satisfy the Commission that Applicant is a  
9 person that is in all other respects qualified to be licensed pursuant to Business and Professions  
10 Code section 19857(c). As a result, the Commission finds that pursuant to California Code of  
11 Regulations, Title 4, sections 12040, subdivision (a)(1), 12052, subdivision (c)(2)(F), and 12057,  
12 Applicant's Application is subject to denial.

13 22. In addition, as Applicant's application is subject to denial, Applicant's current  
14 registration is void pursuant to Title 4, CCR section 12122, subdivision (d).

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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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1. SANDRA RAMIREZ' Application for Approval of Initial Third-Party Proposition Player Services License is DENIED.

2. SANDRA RAMIREZ' Third-Party Player Registration, No. TPSU-001781 is void.


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

This Order is effective on Monday, April 12, 2021.

Dated: 3/11/21

Signature:   
Paula LaBrie, Chair

Dated: 3/11/2021

Signature:   
Eric Heins, Commissioner

Dated: 3/11/21

Signature:   
Edward Yee, Commissioner

**DECLARATION OF SONNY XIONG**

I, Sonny Xiong, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Sandra Ramirez's case has been assigned to me for processing.

On November 2, 2020, I mailed a Gambling Control Act hearing referral letter to Sandra Ramirez at [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Sandra Ramirez that consideration of her application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-ND-002) with instructions to return the Notice of Defense to the Commission within 21 days of receipt in order to preserve their right to an administrative hearing.

Today is December 7, 2020 and I have not received the Notice of Defense form or any communication from Sandra Ramirez regarding a request for a Gambling Control Act hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Executed on December 7, 2020, in Sacramento, California.



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Sonny Xiong