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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

CGCC Case No. CGCC-2022-0811-10A
BGC Case No. BGC-HQ2022-00019SL0

MARY LOCK

DECISION AND ORDER

Hearing Date: March 15, 2023
Time: 10:00 a.m.

Applicant.

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, via Zoom video conference, on March 15, 2023.

Applicant Mary Lock (Lock) appeared on her own behalf during the evidentiary hearing.

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

During the evidentiary hearing, Presiding Officer Russell Johnson (PO Johnson), Attorney III of the Commission, took official notice of the following documents: the Commission’s Notice and Agenda of Commission Hearing; the Commission’s Conclusion of Prehearing Conference letter; the Commission’s Notice of Hearing with attachments (A) Lock’s Application for Employee Category License, and (B) the Bureau’s Third-Party Worker Initial Background Investigation Report; the Bureau’s Statement of Reasons; and Lock’s signed Notice of Defense.

During the evidentiary hearing, PO Johnson accepted into evidence Exhibits 1-17, Bates Nos. Complainant 0001-0156, offered by the Bureau and identified on the Bureau’s Evidentiary Exhibit Index, pursuant to a stipulation between the parties.

PO Johnson closed the administrative record and the matter was submitted for decision on March 15, 2023.

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FINDINGS OF FACT

Procedural History

1. In September 2021, Lock began working as a third-party proposition player for Blackstone Gaming, LLC (Blackstone), a licensed provider of third-party proposition player services (TPPPS).

2. On or about September 7, 2021, the Bureau received an Application for Employee Category License and a Commission Supplemental Information form (collectively, Application) from Lock.

3. On or about September 20, 2021, the Commission issued a Third-Party Worker Temporary License, number TPWK-002177, to Lock.

4. On or about June 3, 2022, the Commission received the Bureau’s Third-Party Worker Initial Background Investigation Report on Lock. In this report, the Bureau alleges that Lock was convicted of a misdemeanor offense and provided untrue and misleading information concerning the circumstances that led to the conviction and recommends that the Commission deny the Application.

5. On or about August 11, 2022, the Commission voted to refer the consideration of Lock’s Application to a Gambling Control Act evidentiary hearing pursuant to CCR sections 12060(a) and 12054(a)(4).

6. On or about August 12, 2022, the Commission sent a letter, via regular and certified mail, to Lock notifying her that the Commission referred the consideration of her Application to an evidentiary hearing.

7. On or about September 9, 2022, the Commission received a Notice of Defense form signed by Lock requesting an evidentiary hearing on the consideration of her Application.

8. On or about October 19, 2022, the Commission sent a Notice of Hearing, via e-mail, to Lock and DAG Freund. The hearing was set for March 15, 2023 at 10:00 a.m.

9. On or about November 22, 2022, the Bureau sent a Statement of Reasons to Lock and the Commission. In the Statement of Reasons, the Bureau alleges two causes for denial of the Application based on Lock’s convictions of two misdemeanor offenses in July 2021 for driving

1 under the influence of alcohol and vehicular hit and run, and providing untrue or misleading
2 information to the Bureau regarding the circumstances leading to the vehicular hit and run
3 conviction.

4 **Lock’s Employment History in Controlled Gambling**

5 10. Lock’s only employment in the controlled gambling industry has been as a third-party
6 proposition player for Blackstone. Lock began working for Blackstone on September 3, 2021 and
7 remains employed. There was no evidence presented of any derogatory information relating to
8 Lock’s work history in controlled gambling.

9 **Lock’s Criminal History**

10 11. On July 30, 2021, Lock was convicted by the Los Angeles County Superior Court of
11 misdemeanor violations of California Vehicle Code sections 23152(b), driving under the
12 influence (DUI) with a blood alcohol level of .08 percent or higher, and 20002(a), hit and run
13 with property damage.

14 12. Lock disclosed both convictions on her Application. Lock additionally disclosed that
15 she was on probation for a period of three years due to the convictions.

16 **Long Beach Police Department Report**

17 13. During the course of its background investigation, the Bureau obtained a copy of the
18 Long Beach Police Department Report (Police Report) concerning the incident leading to Lock’s
19 convictions. The Police Report identifies that on July 7, 2019, Lock was arrested after colliding
20 with multiple parked vehicles.

21 14. The Police Report was prepared by Officer Torres-Ramirez, who arrived with her
22 partner, Officer Galloway, after a call concerning a drunk driver. When Officers Torres-Ramirez
23 and Galloway arrived on the scene, another officer (Officer Dougan) was already on the scene
24 and speaking with Lock, who was still sitting in the driver’s seat of her vehicle.

25 15. Officer Torres-Ramirez’s Police Report summarizes the discussion between Lock and
26 Officer Dougan as: “Lock indicated she was aware that she collided into several cars. Lock did
27 not stop to exchange information because she ‘got nervous.’ Lock stated she eventually stopped
28 because her vehicle’s axel was damaged as a result of the collision, and she was unable to

1 continue driving.”

2 16. The next portion of the Police Report discusses contact between Officer Torres-
3 Ramirez and Lock, which provides that Lock agreed to participate in a field sobriety test, after
4 which she was placed in handcuffs and transported to a booking facility. Lock submitted to a
5 breathalyzer test and was escorted to jail without incident.

6 17. The Police Report also includes information from an interview conducted by Officer
7 Galloway with a bystander. The bystander reported that he was inside his residence and heard a
8 loud noise. The bystander went outside, observed Lock’s vehicle driving off and that several
9 vehicles, including his own, had damage. The bystander got in his vehicle and followed Lock
10 until she came to a complete stop. The bystander reports that he watched Lock remain in the
11 driver’s seat until officers arrived.

12 **Lock’s Statements to the Bureau Concerning Convictions**

13 18. On February 2, 2022, Bureau staff requested that Lock provide a signed and dated
14 statement describing in detail the events leading up to the incident that resulted in her convictions.

15 19. Lock responded to the Bureau’s request by providing court records, proof that she
16 completed a 3-month DUI program on April 6, 2021, and the requested signed statement (Lock’s
17 First Statement). Lock’s First Statement provided, in part: “I was only a few blocks from home
18 until I turned down a street and fell asleep. I side swiped 3 parked cars. Panicked and drove off
19 for a second and stopped because I knew what I did was wrong and waited for police to arrive.
20 But because I did drive off, it was a hit and run.”

21 20. On April 4, 2022, Bureau staff requested that Lock provide a further statement
22 explaining the discrepancy between statements attributed to Lock in the Police Report that she
23 only stopped after leaving the scene because her vehicle’s axel was damaged and she was unable
24 to continue driving, and Lock’s First Statement asserting that she stopped voluntarily and waited
25 for police to arrive because she knew what she did was wrong.

26 21. Lock provided two further statements to the Bureau concerning the alleged
27 discrepancy. On April 12, 2022, (Lock’s Second Statement) provided that: “I apologize for the
28 discrepancy in my statement. To the best of my recollection, I was not aware that my axel was

1 damaged to the point I was no longer able to operate my vehicle. I don't recall being informed of
2 the severity of the axels [sic] damage. I was forced to stop because my axel was damaged and
3 unable to continue driving.”

4 22. On August 9, 2022, Lock provided a further statement (Lock's Third Statement),
5 attempting to further explain the asserted discrepancy: “I Mary Lock provided a different
6 response because I did not recall the reason I stopped was because of my axel. I recalled stopping
7 because I panicked. I apologize for the misunderstanding. It was a very traumatizing experience
8 that happened 3 years ago. I understand that the statement I previously made contradicted
9 myself.”

10 **Lock's Testimony During the Evidentiary Hearing**

11 23. Lock testified that on the night at issue, she had been drinking at a bar where she
12 worked as a bartender. Lock had approximately four to five beers and believed she was sober
13 enough to safely drive home.

14 24. Lock testified that on the drive home, she fell asleep at the wheel. After falling asleep,
15 Lock sideswiped three cars. The impact from the collision woke Lock up. Lock testified that she
16 saw a male bystander standing at the side of his vehicle after the collision.

17 25. Lock testified that after the collision she was startled and her “car felt tight in the
18 wheel,” but she was still able to control the steering wheel and continue driving. Lock drove for
19 one to two blocks and realized she should stop and pulled over.

20 26. After Lock had already stopped, the bystander, who had gotten into his car and
21 followed her, parked behind her and yelled, “you need to stop.” Lock told the bystander that she
22 was already stopped. Lock did not step out of her vehicle to inspect the damage. Lock waited in
23 her vehicle until police asked her to exit and take a sobriety test. Lock was arrested and her
24 vehicle was towed sometime afterwards.

25 27. Lock disputed that she told responding officers that she was forced to stop driving due
26 to axel damage. Lock testified that “I wouldn't even know what that [the axel] is,” but she
27 assumes that the officer suggested there was axel damage and she agreed.

28 28. Lock testified that after spending four to five hours in jail, she was released. Lock's

1 car was towed from impound to her own mechanic. Lock’s insurance paid to repair her car and
2 the other vehicles damaged in the incident. Lock is not exactly sure what was done to repair her
3 vehicle, but the work was done and Lock still drives the vehicle.

4 29. Lock testified that after her arrest, she saw that the Police Report concluded that there
5 was axel damage and her front bumper was missing. However, Lock explained that she did not
6 have independent knowledge that the axel was damaged outside of the Police Report, and also did
7 not recall seeing that her bumper was missing.

8 30. Lock explained that when she filled out the Application and wrote the First Statement,
9 she explained everything the way she remembered it, but she also provided the Bureau with a
10 copy of the Police Report when she submitted the Application.

11 31. Regarding Lock’s Second Statement, she testified that she included the information
12 she recalled about the incident, but added an additional sentence to the end stating the vehicle was
13 no longer drivable due to the axel because the requests from the Bureau indicated that was the
14 correct information. Thus, Lock attempted to provide what she remembered and believed to be
15 true concerning the incident, while also acknowledging that the Bureau’s inquiries asserted that
16 Lock’s vehicle was no longer drivable due to the axel.

17 32. Lock testified that she completed court mandated classes and requirements of her
18 sentence as quickly as she could. Lock testified that she is deeply sorry for the incident leading to
19 her convictions and is thankful she did not hurt anyone. Lock has no other criminal convictions.

20 PERTINENT LEGAL AUTHORITY

21 33. Division 1.5 of the Business and Professions Code, the provisions of which govern the
22 denial of licenses on various grounds, does not apply to licensure decisions made by the
23 Commission under the Gambling Control Act (Act). Business and Professions Code section
24 476(a).

25 34. The Act is an exercise of the police power of the state for the protection of the health,
26 safety, and welfare of the people of the State of California, and shall be liberally construed to
27 effectuate those purposes. Business and Professions Code section 19971.

28 35. Public trust and confidence can only be maintained by strict and comprehensive

1 regulation of all persons, locations, practices, associations, and activities related to the operation
2 of lawful gambling establishments. Business and Professions Code section 19801(h).

3 36. The Commission has the responsibility of assuring that licenses are not issued to,
4 or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a
5 manner that is inimical to the public health, safety, or welfare. Business and Professions Code
6 section 19823(a)(1).

7 37. An “unqualified person” means a person who is found to be unqualified pursuant
8 to the criteria set forth in Section 19857, and “disqualified person” means a person who is found
9 to be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions
10 Code section 19823(b).

11 38. The Commission shall have all powers necessary and proper to enable it fully and
12 effectually to carry out the policies and purposes of this chapter. Business and Professions Code
13 section 19824.

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

17 40. The Commission has the power to take actions deemed to be reasonable to ensure
18 that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled
19 gambling activities. Business and Professions Code section 19824(d).The burden of proving his
20 or her qualifications to receive any license from the Commission is on the applicant. Business and
21 Professions Code section 19856(a), CCR section 12060(j).

22 41. An application to receive a license constitutes a request for a determination of the
23 applicant’s general character, integrity, and ability to participate in, engage in, or be associated
24 with, controlled gambling. Business and Professions Code section 19856(b).

25 42. In reviewing an application for any license, the commission shall consider whether
26 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the
27 license will undermine public trust that the gambling operations with respect to which the license
28 would be issued are free from criminal and dishonest elements and would be conducted honestly.

1 Business and Professions Code section 19856(c).

2 43. No gambling license shall be issued unless, based on all of the information and
3 documents submitted, the Commission is satisfied that the applicant is a person of good character,
4 honesty, and integrity. Business and Professions Code section 19857(a).

5 44. No gambling license shall be issued unless, based on all of the information and
6 documents submitted, the Commission is satisfied that the applicant is a person whose prior
7 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
8 public interest of this state, or to the effective regulation and control of controlled gambling.
9 Business and Professions Code section 19857(b).

10 45. The Commission shall deny a license to any applicant who is disqualified for
11 failure of the applicant to provide information, documentation, and assurances required by this
12 chapter or requested by the chief, or failure of the applicant to reveal any fact material to
13 qualification, or the supplying of information that is untrue or misleading as to a material fact
14 pertaining to the qualification criteria. Business and Professions Code section 19859(b).

15 ASSESSMENT OF LOCK'S SUITBILITY FOR LICENSURE

16 46. Based on the evidence presented, the Commission finds that Lock provided true and
17 accurate information to the Bureau regarding the circumstances leading to her convictions. Lock's
18 testimony that she stopped on her own volition, and not due to a broken axel, was credible. Lock
19 was able to continue driving after the collision, which supports her testimony that the vehicle was
20 still operable. Additionally, Lock testified that she did not know what the axel was and did not
21 leave her vehicle until instructed to do so by police for a sobriety test, after which she was
22 arrested. The Police Report corroborates this sequence of events, which gives further credibility
23 to Lock's testimony that she did not believe that axel damage had rendered the vehicle
24 inoperable, as she had not even left the vehicle to inspect the damage at the time she spoke to
25 Officer Dougan.

26 47. No evidence was offered to corroborate the information in the Police Report that the
27 vehicle was inoperable due to axel damage or that Lock had the knowledge to make this
28 determination at the time she spoke to Officer Dougan. Further, the Police Report was written by

1 Officer Torres-Ramirez, who arrived to the scene after Officer Dougan was already speaking to
2 Lock. It is possible that Officer Torres-Ramirez was paraphrasing, misinterpreting, speculating, or
3 was misinformed, as to the details of the discussion between Officer Dougan and Lock.

4 48. Further, Lock provided the Bureau with a copy of the Police Report, while also giving
5 three separate written statements to the Bureau regarding her recollection of events, in addition to
6 fully and accurately disclosing the convictions on her Application, all of which indicate that Lock
7 made every attempt to be forthcoming and honest in her communications with the Bureau.
8 Therefore, Lock is not disqualified from licensure under Business and Professions Code section
9 19859(b).

10 49. Further, Lock's convictions do not demonstrate that she may pose a threat to effective
11 regulation and control of gambling or reflect negatively on her character. Lock stopped very close
12 to the scene of the collision after awakening and coming to her senses, cooperated with
13 authorities, and her insurance paid to repair the other vehicles involved. Lock completed all terms
14 of her sentence in an expedient manner and disclosed on the Application that she remains on
15 probation. Lock is remorseful and appreciates the gravity of the incident. Lock has had no other
16 convictions or criminal history. Lock has had no disciplinary issues while working for Blackstone
17 or otherwise indicated that she would pose a threat to the effective regulation of controlled
18 gambling. Therefore, the Commission finds that Lock is suitable for licensure under Business and
19 Professions Code sections 19857(a) and (b).

20 50. All documentary and testimonial evidence submitted by the parties that is not
21 specifically addressed in this Decision and Order was considered but not used by the Commission
22 in making its determination on Lock's Application.

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ORDER

1. Mary Lock’s Application for Third-Party Proposition Player Services Player License is APPROVED.

2. No costs are awarded.

3. Each side to pay its own attorneys’ fees.

This Order is effective on May 4, 2023.

Dated: 5/4/2023 Signature: 
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Paula LaBrie, Chair

Dated: 5/4/2023 Signature: 
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Eric Heins, Commissioner

Dated: 5/4/2023 Signature: 
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Cathleen Galgiani, Commissioner

Dated: 5/4/2023 Signature: 
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William Liu, Commissioner

Dated: 5/4/2023 Signature: 
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Edward Yee, Commissioner