

BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Third-Party  
Proposition Player Services Worker License  
for:  
  
**Audrey Awalt**  
  
Applicant.

CGCC Case No. CGCC- 2023-0323-12C

**DEFAULT DECISION AND ORDER**

Hearing Date: June 22, 2023  
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, and held via Zoom video conference, on June 22, 2023, at 10:00 a.m.

2. Audrey Awalt (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On August 8, 2022, the Bureau of Gambling Control (Bureau) received an Application for Third-Party Proposition Player Services Worker Type License (Application) from Applicant to renew license number TPPL-024948.

4. Applicant’s license was set to expire on September 30, 2022.

5. On August 31, 2022, the Commission received the Bureau’s Third-Party Provider of Proposition Player Services Worker Renewal Background Investigation Report.

6. On March 23, 2023, the Commission considered Applicant’s Application and elected to refer it to an evidentiary hearing pursuant to title 4, CCR section 12054, subdivision (a)(4).

7. Applicant received notice of the Commission’s consideration of the Application in two ways. First, Commission staff mailed an evidentiary hearing referral letter to Applicant’s address of record via regular mail and certified mail on March 24, 2023, which included a blank Notice of Defense form with instructions to return it to the Commission within 30 days of service

1 or else the Commission may issue a default decision. The Commission’s staff did not receive a  
2 Notice of Defense form from the Applicant. (Exhibit A.)

3 8. Second, the Commission served a notice by certified mail on May 8, 2023, to  
4 Applicant’s address of record, with Exhibit A, notifying Applicant that due to failure to return the  
5 Notice of Defense form a hearing via Zoom video conference will be conducted on June 22,  
6 2023, at 10:00 a.m., where the Commission may issue a default decision without Applicant’s  
7 participation.

8 **DETERMINATION OF ISSUES**

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

12 10. In addition, the burden of proving an applicant’s qualifications to receive any  
13 license from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

14 11. At an evidentiary hearing pursuant to Business and Professions Code sections  
15 19870 and 19871 and title 4, CCR section 12060 the burden of proof rests with the applicant to  
16 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (j).)

17 12. An application will be denied if the Commission finds that the applicant has not  
18 satisfied the requirements of Business and Professions Code section 19857. (Cal. Code Regs., tit.  
19 4, § 12040, subd. (a)(1).)

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

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

25 \* \* \*

26 (2) If the application is to be scheduled at an evidentiary hearing,  
27 pursuant to subsections (a) or (b) of Section 12060, the notice of  
28 hearing shall inform the applicant of the following:

\* \* \*

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

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

5 (a) When an applicant fails to submit a completed Notice of Defense,  
6 CGCC-CH1-03 according to the timelines on the form, affirmatively  
7 waives his, her, or its right to an evidentiary hearing, or fails to appear at  
an evidentiary hearing, the Commission will, based on the interests of  
8 justice and judicial economy:

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

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

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

16 17. The Commission may deny Applicant's Application based upon the Bureau report,  
17 any supplemental reports by the Bureau and any other documents or testimony already provided  
18 to it, pursuant to title 4, CCR sections 12052, subdivision (c)(2)(F), and 12057, and Business and  
19 Professions Code section 19857.

20 18. The Commission may also deny Applicant's Application based upon failure to  
21 prove to the Commission that Applicant is qualified to receive a license or other approval as  
22 required by Business and Profession Code section 19856, subdivision (a), and title 4, CCR  
23 section 12060, subdivision (j).

24 19. A temporary license will be associated with an application for an initial license.  
25 Upon issuance or denial of an initial license by the Commission, the temporary license will  
26 become void and cannot be used thereafter pursuant to title 4, CCR section 12122, subdivisions  
27 (a) and (d).  
28

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

11 **NOTICE OF APPLICANT’S APPEAL RIGHTS**

12 Applicant has the following appeal rights available under state law:

13 Title 4, CCR section 12064, subdivision (a) and (b) provide:

14 (a) After the Commission issues a decision following a GCA hearing conducted  
 15 pursuant to Section 12060, an applicant denied a license, permit, registration, or  
 16 finding of suitability, or whose license, permit, registration, or finding of suitability  
 17 has had conditions, restrictions, or limitations imposed upon it, may request  
 reconsideration by the Commission. A request for reconsideration must be:

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

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

22 (b) A request for reconsideration must state the reasons for the request, which  
 23 must be based upon either:

24 (1) Newly discovered evidence or legal authorities that could not  
 25 reasonably have been presented before the Commission’s issuance of  
 26 the decision or at the hearing on the matter; or,

27 (2) Other good cause which the Commission may decide, in its sole  
 28 discretion, merits reconsideration.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Business and Professions Code section 19870, subdivision (f) 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, in part:

Neither the right to petition for judicial review nor the time for filing the petition will be affected by failure to seek reconsideration.

///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

1. AUDREY AWALT’S Application for Third-Party Proposition Player Services Worker Type License is DENIED.

2. AUDREY AWALT’S License Number TPPL-024948 is void and cannot be used hereafter.

3. ANNA AWALT 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 July 24, 2023.

Dated: 6/22/2023 Signature: 

Paula LaBrie, Chair

Dated: 6/22/2023 Signature: 

Cathleen Galgiani, Commissioner

Dated: 6/22/2023 Signature: 

Eric Heins, Commissioner

Dated: 6/22/2023 Signature: 

William Liu, 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. Audrey Awalt's case has been assigned to me for processing.

On March 24, 2023, I mailed a Gambling Control Act hearing referral letter to Audrey Awalt 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 Audrey Awalt that consideration of their 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-CH1-03) with instructions to return the Notice of Defense to the Commission within 30 days of receipt in order to preserve their right to an administrative hearing.

Today is April 24, 2023 and I have not received the Notice of Defense form or any communication from Audrey Awalt 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 April 24, 2023 in Sacramento, California.



---

Sonny Xiong