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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-TRKE-014594

In the Matter of the Application for Approval  
of Initial Tribal-State Compact Key Employee  
Finding of Suitability Regarding:

**DEFAULT DECISION AND ORDER**

Jeffrey-Jun Sambrano

Applicant.

Hearing Date: April 20, 2017  
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 April 20, 2017.

2. Jeffrey-Jun Sambrano (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about October 15, 2013, the Bureau of Gambling Control (Bureau) received an Application for Finding of Suitability Tribal Key Employee from Applicant.

4. On or about March 9, 2015, the Bureau issued its Tribal Key Employee Background Investigation Report in which it concluded that Applicant was disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's application.

5. On or about May 11, 2015, the Commission's Executive Director referred Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060, subdivision (a). Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record which included a blank Notice of Defense form with instructions to return it to the Commission within 15 days of receipt or else the Commission may issue a default decision. A copy of the letter was mailed to Applicant's Designated Agent.

1           6.       Commission staff received a signed Notice of Defense form from Applicant  
2 requesting an evidentiary hearing signed May 14, 2015. (Exhibit A)

3           7.       Commission staff mailed a Notice of the Hearing sent certified mail on August 14,  
4 2015 to Applicant's address of record which included Exhibit A and stated that the hearing was  
5 set to occur on January 26 – 27, 2016 at 10:00 a.m. A copy of the letter was mailed to  
6 Applicant's Designated Agent. Commission staff received the confirmation receipt signed by  
7 Applicant.

8           8.       On September 9, 2015, the Commission sent a corrected Notice of Hearing.

9           9.       On October 16, 2015, the Bureau submitted a Statement of Reasons in preparation  
10 for the forthcoming evidentiary hearing.

11          10.       On November 18, 2015, Jason Pope, Presiding Officer for the forthcoming  
12 hearing, conducted a pre-hearing conference with Deputy Attorney General Timothy Muscat, and  
13 Jarhett Blonien, Attorney for Jeffrey-Jun Sambrano who was not present. On November 20,  
14 2015, a letter confirming this conference was mailed out to the parties.

15          11.       On March 3, 2016, Commission Staff mailed a Notice of Continued Hearing to the  
16 Parties indicating the hearing had been moved to August 17-18, 2016 at 10:00 a.m.

17          12.       On August 15, 2016, the Commission received notice from Leonard Wilson,  
18 Executive Director of the United Auburn Tribal Gaming Agency that Jeffrey-Jun Sambrano had  
19 been suspended pending an investigation and requested the hearing be removed from the  
20 Commission's calendar until the Tribal Gaming Agency had completed its investigation.

21          13.       On December 22, 2016, the Commission received a letter from Jarhett Blonien,  
22 Attorney for Jeffrey-Jun Sambrano, indicating that Mr. Sambrano waived his right to an  
23 evidentiary hearing and withdrew his notice of defense submitted on May 14, 2015. The letter  
24 indicated he understood that this would result in the denial of his application. (Exhibit B).

25          14.       On December 30, 2016, the Commission sent out a Notice of Hearing without  
26 Applicant Participation with a copy of Exhibit B to Applicant's address of record and to Jarhett  
27 Blonien indicating the hearing was scheduled to be conducted on April 20, 2017.

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**DETERMINATION OF ISSUES**

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

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

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

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

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

\* \* \*

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

\* \* \*

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

1. 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 might be provided to the Commission . . . .

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

1           20.    The Commission has jurisdiction to adjudicate this case by default.

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

6           22.    The Commission may further also deny Applicant’s application based upon  
7 Applicant’s failure to prove to the Commission Applicant is qualified to receive either a work  
8 permit or a key employee license, as required by Business and Profession Code section 19856(a)  
9 and Title 4, CCR section 12060, subdivision (i).

10          23.    Therefore, as the Applicant submitted a Notice of Defense form, but then  
11 withdrew it and affirmatively waived his right to a hearing, did not attend the default hearing, and  
12 did not submit any information or evidence in favor of granting Applicant’s Application,  
13 Applicant did not meet Applicant’s burden of demonstrating why a finding of suitability should  
14 be issued pursuant to Business and Professions Code section 19856(a) and Title 4, CCR section  
15 12060(i). The Commission further finds that pursuant to California Code of Regulations, title 4,  
16 section 12052, subdivision (c)(2)(F)(1), Applicant’s Application is subject to denial.

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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, subsection (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, subsection (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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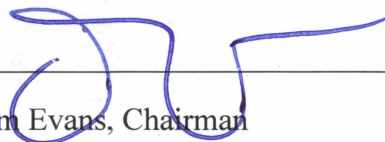
**ORDER**

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2 1. Jeffrey-Jun Sambrano's Application for Approval of Initial Tribal-State Compact  
3 Key Employee Finding of Suitability is DENIED.

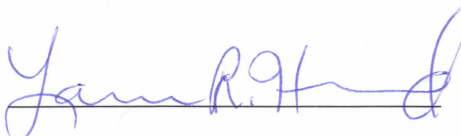
4 2. Jeffrey-Jun Sambrano may not apply to the Commission or the Bureau for any  
5 type of license, registration, or work permit for one (1) year after the effective date of this Order.

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7 This Order is effective on 4/20/2017.

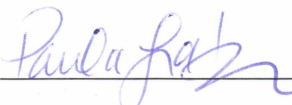
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10 Dated: 4/20/2017

Signature:   
Jim Evans, Chairman

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13 Dated: April 20, 2017

Signature:   
Lauren Hammond, Commissioner

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16 Dated: April 20, 2017

Signature:   
Paula Labrie, Commissioner

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19 Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
Trang To, Commissioner