BEFORE THE

CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval of Tribal Key Employee Finding of Suitability Regarding: RALPH CABADA, JR. Respondent.	BGC Case No. BGC-HQ2024-00002AL CGCC Case No. CGCC-2024-0125-10A **DECISION AND ORDER** Hearing Date: December 13, 2024 Time: 9:00 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, via Zoom video conference, on December 13, 2024.

Ralph Cabada, Jr. (Cabada) attended the hearing without representation.

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

During the evidentiary hearing, Presiding Officer Paras Modha (PO Modha), Attorney IV of the Commission, took official notice and admitted into the administrative record 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) Cabada's Application for Finding of Suitability Tribal Key Employee, and (B) the Bureau's Tribal Key Employee Initial Background Investigation Report; the Bureau's Statement of Reasons; and Cabada's signed Notice of Defense form.

During the evidentiary hearing, PO Modha accepted into evidence Exhibits 1-7, Bates Nos. BGC 0001-0194, offered by the Bureau and identified on the Bureau's Exhibit List, pursuant to a stipulation between the parties.

PO Modha also accepted into evidence Exhibits A-C, offered by Cabada, pursuant to a stipulation between the parties. Exhibit A is the front of a Fresno County Sheriff's Office Retired Correctional Officer identification card for Victor Prado. Exhibit B is the back of Victor Prado's

identification card. Exhibit C is a California Highway Patrol Police Retired Officer identification card for Peter Beckett.

PO Modha closed the administrative record and the matter was submitted for decision on December 13, 2024.

FINDINGS OF FACT

Procedural History

1. Cabada started working as a Security Sergeant, a key employee position, for Chukchansi Gold Resort & Casino (Chukchansi) in March 2018.

2. On or about March 26, 2018, the Bureau received an Initial Application for Finding of Suitability Tribal Key Employee and Tribal Key Employee Supplemental Background Investigation Information form (Supplemental) (collectively, Application) from Cabada to work as a Security Sergeant for Chukchansi.

3. On or about December 11, 2023, the Commission received a Level III Tribal Key Employee Initial Background Investigation Report (Background Report) on Cabada from the Bureau. In the Background Report, the Bureau states that Cabada has five misdemeanor convictions and provided untrue and misleading information regarding the circumstances surrounding one of the convictions. The Bureau also states that based on the circumstances surrounding one of the convictions, the Bureau does not believe Cabada is a person of good character, honesty, and integrity. Based on the foregoing, the Bureau recommends that the Commission deny Cabada's Application.

4. On January 25, 2024, the Commission voted to refer the consideration of Cabada's Application to a Gambling Control Act (GCA) evidentiary hearing pursuant to CCR sections 12054(a)(4) and 12060.

5. On or about January 26, 2024, the Commission sent a notice of its referral of Cabada's Application to a GCA hearing via certified and regular mail to Cabada. This notice included a Notice of Defense form with instructions to complete and return the Notice of Defense form to the Commission and Bureau within 30 calendar days if Cabada desired an evidentiary hearing.

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6. On or about February 26, 2024, the Commission received a signed Notice of Defense form from Cabada requesting an evidentiary hearing on the consideration of his Application. The Notice of Defense form included a request from Cabada that all notices and written communications concerning the evidentiary hearing be provided via email.

7. On July 17, 2024, the Commission sent a Notice of Hearing, via email, to Cabada and DAG Houston. The hearing was set for December 13, 2024, at 9:00 a.m. The Prehearing Conference was set for November 4, 2024, at 10:00 a.m.

8. On or about October 25, 2024, the Bureau sent a Statement of Reasons to Cabada, via email, and to the Commission. In the Statement of Reasons, the Bureau alleges two causes for denial.

a. First, the Bureau alleges that Cabada is ineligible for licensure because his prior conduct indicates that he is not a person of good character, honesty, and integrity, and his prior activities pose a threat to the public interest of this state or to the effective regulation and control of controlled gambling. The Bureau alleges that Cabada has five misdemeanor convictions that occurred within the 10-year period of the date of his Application. The Bureau alleges that Cabada's two convictions for driving under the influence of alcohol with a blood alcohol level of 0.08 percent or higher (DUI) and driving while his license is suspended for DUI constitute repeat offenses that may suggest a lack of respect for, or other unwillingness to comply with the laws of this State. The Bureau also alleges that the convictions evidence a disregard for the public health, safety, and welfare, and therefore pose a risk to the public interest of this State or to the effective regulation and control of controlled gambling.

b. Second, the Bureau alleges that Cabada is disqualified from licensure because he provided untrue and misleading information regarding the circumstances of his assault conviction. Based on the foregoing, the Bureau requests that the Commission deny Cabada's Application.

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9. On November 4, 2024, the noticed Prehearing Conference was held before PO Modha. Cabada attended without representation. DAG Houston attended on behalf of the Bureau.

10. On November 4, 2024, PO Modha sent a Conclusion of Prehearing Conference letter, via email, to Cabada and DAG Houston.

11. The Commission heard this matter via Zoom video conference on December 13, 2024. PO Modha closed the administrative record on December 13, 2024.

Cabada's Employment History in Controlled Gambling

12. Cabada worked as a Security Officer for Chukchansi from October 2005 to October 2014, and from May 2015 to March 2018.

13. Cabada worked as a Security Sergeant, a key employee position, for Chukchansi from March 2018 to the present.

14. There was no evidence presented that Cabada has had any derogatory employment history while working in controlled gambling.

Cabada's Criminal History

15. On February 11, 2009, Cabada was convicted by the Fresno County Superior Court of violating Vehicle Code section 23152(b), DUI, a misdemeanor.

16. On December 10, 2010, Cabada was convicted by the Fresno County Superior Court of violating Penal Code section 240, assault, a misdemeanor.

17. On March 20, 2012, Cabada was convicted by the Fresno County Superior Court of violating Vehicle Code section 23152(b), DUI with prior DUI, a misdemeanor.

18. On March 20, 2012, Cabada was also convicted by the Fresno County Superior Court of violating Vehicle Code section 14601.2(a), driving while license suspended for DUI, a misdemeanor.

19. On October 22, 2012, Cabada was convicted by the Fresno County Superior Court of violating Vehicle Code section 14601.2(a), driving while license suspended for DUI, a misdemeanor.

20. On November 1, 2017, the Fresno County Superior Court granted Cabada's petition to set aside and dismiss his assault conviction pursuant to Penal Code section 1203.4.

The Assault Conviction

21. On October 18, 2018, the Bureau requested that Cabada provide a written statement explaining the circumstances leading to his assault conviction.

22. On October 25, 2018, Cabada provided a written statement to the Bureau in response to its request. Cabada states that starting in March 2010, he was having a difficult time with his eldest daughter. Cabada had filed multiple missing person reports with the Fresno Police Department because his daughter kept running away from home. Cabada's daughter had been gone for several days when Cabada found out where she was staying. Cabada decided to go get his daughter and bring her home. When Cabada arrived at his daughter's location, Cabada told her that he was worried about her and intended to bring her home. Cabada's daughter refused to go with him and ran up the stairwell. Cabada followed her and grabbed her arm and began leading her down the stairs when she punched Cabada in the mouth. Cabada reacted by slapping his daughter. During the drive home, Cabada's daughter attempted to jump out of the moving vehicle. Cabada (who was not driving) attempted to stop her, but she continued to struggle and obtained bruises on her arm and leg. When they got home, Cabada called her mother and asked her to pick up their daughter. Approximately four days later, Cabada was arrested and later convicted of assault. Following the incident, Cabada sent his daughter to a Native American school in Oregon to complete high school. Since the incident they have rebuilt their relationship. Cabada also states that he has never had an issue with any of his other three children.

23. During its background investigation, the Bureau obtained the police report regarding Cabada's assault conviction. On December 6, 2022, the Bureau notified Cabada that the police report provided that his daughter and witnesses claim that Cabada engaged in much more physicality against his daughter, including pulling her by the hair, punching, kicking, and biting. The Bureau requested that Cabada provide additional information regarding the discrepancies between Cabada's October 25, 2018, written statement and the police report.

24. On December 8, 2022, Cabada provided a second written statement to the Bureau regarding the circumstances leading to his assault conviction. Cabada's December 8, 2022, written statement is virtually identical to his October 25, 2018, written statement.

25. The police report contains a statement from Cabada's daughter during the initial investigation, and statements from Cabada and his daughter during the follow-up investigation.

Initial Investigation

26. Following the incident, the police interviewed Cabada's daughter. According to the police report, she told police that she had Cabada's permission to visit and stay a few days with her friend. She stated that Cabada was upset and confronted her by the front door. She stated that Cabada pulled her by the hair, punched, kicked, and bit her. She stated that she fought back and struck him a few times but only because she was defending herself. When asked why Cabada was so upset, she said that she did not know and that she had permission to be away from the house for the weekend.

27. The police noticed that she had slight swelling about her left eye and light bruising, but did not require any medical attention. Following the interview with Cabada's daughter, the police confirmed that she was a reported runaway. The police concluded that Cabada pulled her down the stairway. The police also concluded that Cabada was upset and possibly overreacted, and struck the juvenile in excess using a closed hand and his feet. Cabada's daughter sustained minor, but visible, bruising and swelling where she was struck, including around her left eye, left side of her face, upper left arm, left lower back, left lower buttock, and right forearm. The police report also provides that Cabada admitted to hitting his daughter and that he overreacted by doing so.

Follow-up Investigation

28. During the follow-up investigation, Cabada told the police that he had custody of his daughter and her three siblings. Cabada stated that he had been having trouble with his daughter adjusting to his home and rules, and that she is constantly missing school and out of control. Cabada stated that his daughter called him on March 11, 2010, and she asked if she could hang out with her friend. Cabada allowed her to hang out with her friend but told her to be home by 8:00 p.m. Cabada received a text message from his daughter at 10:20 p.m. that she was at the movies. Cabada told her that she did not have permission to be at the movies. She told Cabada that she would return home as soon as the movie was over. She did not return home or answer her

phone. On March 12, 2010, Cabada reported her missing. Cabada finally made contact with his daughter's friend at 8:00 p.m. on Monday, March 15, 2010, and discovered her location.

29. Cabada arrived at his daughter's location. Cabada told her that she needed to go home with him, but she refused. Cabada grabbed her by the arm and walked her down the stairs. She began swinging at him. The police asked Cabada if he hit her, which Cabada denied. Upon being told that his daughter had bruises, Cabada then stated that he may have slapped her once on the face. Upon being advised that based on her injuries, it was more than a slap and definitely more than once, Cabada replied that he may have slapped her about five times but only because she tried to punch him. Cabada admitted he kicked her on her back, but only by accident. Cabada asked "I overreacted, right?" Cabada stated he was so worried about her that when he found her, he got mad because she ran away. Upon learning that she had a black eye as a result of the incident, Cabada stated "I understand. That was no reason to hit her like that."

30. One week after the incident, Cabada's daughter told police that she is a little out of control and sometimes would not go to school. She stated that she was supposed to return home by 8:00 p.m. on March 11, 2010, but told her friend's mother that she had permission from her parents to stay overnight at her friend's house. On March 15, 2010, Cabada arrived at her location to take her home. She stated that Cabada pulled her by the hair, punched, kicked, and bit her, including while they were in the vehicle.

Cabada's Application

31. Cabada's Application consists of two parts. The first part is two pages and requires the applicant to provide personal information. The instructions provide that the applicant "must provide truthful information in all your responses in this application" and "any misrepresentation or failure to disclose information required on this application may constitute sufficient cause for denial or revocation." The Application includes a Declaration, signed by Cabada on March 15, 2018, that the information contained in the Application is "true, accurate, and complete."

32. The second part of the Application is the Supplemental, which is seven pages and contains ten sections. The instructions on the Supplemental also provide that the applicant "must provide truthful information in all your responses in this form" and "any misrepresentation or

failure to disclose required information or documentation may constitute cause for denial or revocation." The Supplemental includes a Declaration, signed by Cabada on March 20, 2018, that the information contained in the Supplemental is "true, accurate, and complete."

33. Section (9) of the Supplemental requires an applicant to disclose their criminal history. Section (9) of the Supplemental specifically asks the applicant "Have you ever been **convicted** of a crime, pled guilty or plea of nolo contendere (no contest) to a crime?" (Emphasis in original.)

34. Cabada checked the box marked "yes" in Section (9) of the Supplemental.

35. For each conviction listed on the Supplemental, the applicant is required to provide the approximate date of the conviction, the court location, and the crime(s) for which the applicant was convicted.

36. Cabada disclosed all five of his misdemeanor convictions on his Supplemental, and provided the approximate dates of the convictions, the court locations, and the crimes for which he was convicted.

Melissa Avent's Testimony During the Evidentiary Hearing

37. Melissa Avent (Avent) is a Staff Services Manager I in the Tribal Key Employee Unit with the Bureau. Avent testified that she supervises nine staff that conduct background investigations for key employees in tribal casinos. Avent testified that she is familiar with the documents and records related to Cabada's Application. Avent testified that Cabada disclosed all of his convictions on the Supplemental. Avent testified that the Bureau's recommendation that the Commission deny Cabada's Application is based on the circumstances of his assault conviction and inconsistencies in his statements to the Bureau from the information contained in the police report.

Cabada's Testimony During the Evidentiary Hearing

38. During the evidentiary hearing, Cabada testified in great detail regarding his DUI convictions, his written statements to the Bureau regarding his assault conviction, the circumstances surrounding his assault conviction, his relationship with his family, and his employment with Chukchansi.

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DUI convictions

39. Cabada testified that he was "an idiot" for drinking and getting behind the wheel of a vehicle. He testified that he learned a lot during the DUI program and that he hardly ever consumes alcohol. He testified that his driver's license has been suspended since 2012, but that he is taking the required steps to get his driver's license back, including studying for his written driver's test.

Written statements to the Bureau regarding his assault conviction

40. Cabada testified that he has difficulty writing and prefers to provide information verbally. Cabada testified that he did not know what to write to respond to the Bureau's requests for written statements regarding the circumstances leading to his assault conviction. He testified that he responded honestly in his written statements to the Bureau.

Assault conviction

41. Cabada testified that he was a single father with full custody raising four children. He worked a lot and did not spend a lot of time with his children. He provided food and did the laundry and expected the children to be disciplined, go to school, and do their chores. He did not think about the children having personal issues. He testified that he might have placed too much responsibility on his daughter as the eldest child.

42. Cabada testified that he had conflicts with his daughter. She frequently ditched school and did not want to abide by his rules. She had run away from home, resulting in his filing two missing person reports.

43. Cabada testified that his intention on the day he went to his daughter's location was to bring his daughter home. He did not intend to get into a fight with her or hurt her. When Cabada arrived to bring his daughter home, she was upset and did not want to leave with him. Cabada recalls confronting his daughter but not pulling her by her hair. Cabada recalls that she punched him in the face and started fighting and that the confrontation escalated. He recalls that his daughter was trying to get out of the car. He does not agree with his daughter's statement that he was punching and hitting her while they were in the vehicle. Cabada testified that there was no excuse for what he did to his daughter and that he made a mistake and cannot change it. Cabada

testified that he takes full responsibility for his actions.

44. Cabada was shown the police report during the hearing and testified specifically on its content. Cabada testified that seeing the report improved his recollection a little bit. Cabada testified that he did not recall his conversation with the police officer. Cabada testified that he had filed two reports of his daughter running away and that he was worried about her well-being. Cabada testified that the confrontation with his daughter escalated quickly. Cabada testified that he does not recall everything that happened in the heat of the moment but acknowledged that he struck his daughter and should have called the police instead. He testified that he would agree with his daughter's statements more today after reading the report, but not on all accounts. He did not recall biting his daughter or kicking her. He recalled trying to push her into the vehicle and that she was fighting him the whole time. He tried to hold her down in the back seat.

45. Cabada testified that he regrets the incident and wishes that he could take it all back. He testified that he never intentionally hurt his children. He testified that he holds himself accountable. Cabada testified that following the incident, he sent his daughter to a private high school in Oregon and that she graduated.

46. Cabada also testified that he has matured since the incident. Cabada testified that he has been in therapy for two years, and that the therapy was not required by the court.

Cabada's relationships with his family

47. Cabada testified that there has never been any other physical altercation with any of his children. Cabada testified that he loves his children.

48. Cabada testified that he learned from the incident how to really talk to his other kids and that he started talking to them more. He testified that he placed another daughter who was having issues in school in counseling and sent her to a private school. Cabada testified that his children are all adults now and each graduated from high school.

49. Cabada testified that he holds no grudges toward his daughter and that their relationship has never been better. He testified that although they did not talk much following this incident, that they finally talked, and he apologized to her. They agreed that the incident was in the past and that they both made mistakes.

Employment with Chukchansi

50. Cabada testified that in his current position, he supervises 18-20 people. Cabada's job is to keep the casino staff and guests safe. He deals with unruly guests and prevents DUIs. There is a zero tolerance policy for having weapons on the property, so Cabada does not carry a firearm or other weapon.

Victor Prado's Testimony During the Evidentiary Hearing

51. Victor Prado (Prado) has known Cabada for approximately 2.5 years. Prado spent 20 years working in corrections for the Fresno County Sheriff's office. Like Cabada, Prado also works for Chukchansi as a Security Sergeant. Prado testified that Cabada mentored him in this role at Chukchansi. Prado testified that he has learned a lot from Cabada about working in the casino industry, especially regarding policies and procedures. Prado testified that the position requires a lot of responsibility in that they are responsible for the assets of the casino and the safety of staff and patrons. Prado testified that in their position they do not carry any weapons such as batons, guns, or pepper spray. Prado testified that the focus of the job is on de-escalation and the use of physical force is a last resort used very rarely.

52. Prado testified that based on his experience, Cabada is capable and suitable to work in casinos. Prado testified that he has seen body-cam footage and performed approaches together with Cabada, and that Cabada is calm, passive, and proficient at de-escalation. Prado testified that he believes Cabada would make a good correctional officer with how he is able to handle guests. Prado testified that Cabada is trustworthy, honest, and a leader. Prado testified that employees volunteer for Cabada outside of what is required while other staff do not receive any volunteers.

Peter Beckett's Testimony During the Evidentiary Hearing

53. Peter Beckett (Beckett) has known Cabada and worked with him for 17 years. Beckett worked for 19 years with the California Highway Patrol. In 2008, Beckett started working for Chukchansi. Beckett testified that Cabada is honest, trustworthy, and has good character. Beckett testified that Cabada is a good person and someone he can talk to. Beckett testified that as a law enforcement officer he has no problem working with Cabada. Beckett testified that he is aware of the incident that Cabada had with his daughter. Beckett testified that he knows Cabada's children

and that they and Cabada love each other.

Assessment of Cabada's Suitability for Licensure

54. For the reasons provided below, the Commission finds that Cabada has met his burden of proving that he is qualified to receive a tribal key employee finding of suitability. Therefore, cause exists to approve Cabada's Application.

Cabada did not provide untrue or misleading information in his written statements to the Bureau regarding the circumstances leading to his assault conviction

55. Cabada's written statements to the Bureau are very detailed and include much information that is corroborated by his daughter's statements and the police report. For example, Cabada states that he was having a difficult time with his daughter and Cabada's daughter admitted that she can be out of control and sometimes would not go to school. Cabada states that he had filed multiple missing person reports because his daughter kept running away from home and the police confirmed that Cabada's daughter was a reported runaway. Cabada states that he grabbed his daughter and led her down the stairs, that she struck him, that he slapped her, and that she attempted to exit the moving vehicle. Cabada's daughter told police that Cabada grabbed her by the hair and led her down the stairs, that he hit her, that she hit him in self-defense, and that she attempted to exit the moving vehicle. Additionally, Cabada's testimony that he responded honestly to the Bureau's inquiries was credible. Based on the foregoing, Cabada did not provide untrue or misleading information in his written statement to the Bureau regarding the circumstances leading to his assault conviction. Therefore, Cabada's Application is not subject to denial pursuant to Business and Professions Code section 19859(b) and CCR section 12040(a)(2).

Cabada's disclosure of his assault conviction on his Supplemental, written explanations to the Bureau, and testimony demonstrate an intent to provide true, accurate, and complete information

56. Cabada's written statements to the Bureau omit certain relevant details of the incident with his daughter, including that he hit and/or slapped his daughter multiple times, resulting in bruising to her face and body, and kicked his daughter at least once. However, Cabada's disclosure of his assault conviction on his Supplemental, his written explanations to the Bureau, and his testimony during the evidentiary hearing demonstrate an intent to provide true, accurate,

and complete information.

57. First, Cabada disclosed his assault conviction (and all of his other convictions) on his Supplemental. Cabada also provided all of the required information related to the assault conviction, including the approximate date of the conviction, the court location, and the crime for which he was convicted.

58. Second, Cabada's written statements to the Bureau are based on his memory of a traumatic and regretful incident that occurred approximately eight years ago. Cabada's testimony that he responded honestly and did not know what to write to respond to the Bureau's request for additional information was credible. Cabada's testimony that he prefers to provide information verbally rather than in writing is also credible. Despite that he was very emotional during the evidentiary hearing, Cabada testified in great detail and depth regarding the assault conviction and its impact on his relationship with his daughter. Therefore, Cabada's written statements appear to be based on his best recollection of the incident and his failure to provide certain details does not demonstrate an intent to mislead the Bureau.

59. Third, Cabada's written statements to the Bureau were detailed, largely corroborated by his daughter, and did not include untrue or misleading information. Additionally, Cabada was consistent in his written statements to the Bureau and his testimony regarding the assault conviction was also consistent with his written statements to the Bureau.

60. Fourth, when Cabada was shown the police report during the evidentiary hearing, Cabada testified that his recollection was somewhat improved. Cabada's testimony that he did not recall his statements to the police was credible and may account for why he omitted some of the details in his written statement that he provided to the police at the time of the incident. Cabada also testified that while he could not recall everything that happened in the heat of the moment during the incident, Cabada testified that he agrees more with his daughter's statements today, though not on all accounts. Cabada admitted that he and his daughter started fighting and the confrontation escalated quickly. Cabada also admitted that he tried to push his daughter into the vehicle and hold her down in the back seat. Finally, Cabada admitted that he struck his daughter.

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61. Overall, Cabada disclosed his assault conviction (and all of his other convictions) on his Supplemental, provided written explanations to the Bureau that appear to be based on his best recollection of the incident and did not demonstrate an intent to mislead the Bureau, and provided credible and detailed testimony during the evidentiary hearing. As a result, Cabada has demonstrated an intent to provide true, accurate, and complete information and his Application is therefore not subject to denial pursuant to Business and Professions Code section 19859(b) and CCR section 12040(a)(2).

Cabada met his burden of proving that he is a person of good character, honesty, and integrity

62. An applicant demonstrates good character, honesty, and integrity by providing truthful, accurate, and complete responses on their Application, in response to Bureau inquiries during the Bureau's background investigation, and while testifying during the evidentiary hearing. An applicant demonstrates good character and integrity by complying with the law. An applicant also demonstrates good character and integrity by accepting responsibility for their actions and demonstrating rehabilitation from past criminal behavior. Additionally, an applicant demonstrates good character, honesty, and integrity by engaging in honest, ethical, and legal conduct while working, particularly in controlled gambling.

63. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity by omitting pertinent information, or providing untrue, misleading, and/or contradictory information on their Application, in response to Bureau inquiries, and while testifying during the evidentiary hearing. An applicant demonstrates a lack of good character and integrity by failing to comply with the law, particularly with regard to repeated or egregious criminal actions. An applicant also demonstrates a lack of good character and integrity by failing to take responsibility for their actions and continuing with a pattern of criminal or other derogatory behavior. Additionally, an applicant demonstrates a lack of good character, honesty, and integrity by engaging in dishonest, unethical, or illegal conduct while working, particularly in controlled gambling.

64. Cabada was convicted of five misdemeanor offenses in a three year period from February 11, 2009, to March 20, 2012. These convictions include an assault, two DUIs, and two

violations for driving on a suspended license due to the DUIs. The DUI convictions demonstrate a disregard for the safety of others. The assault conviction is especially serious because it demonstrated a willingness to use physical force and resulted in actual harm to his daughter, who was a minor in his custody. Finally, the fact that Cabada's two convictions for DUI occurred within a three year period and his two convictions for driving on a suspended license occurred within a six month period demonstrates a failure to modify his behavior to comply with the law. This criminal history reflects poorly on Cabada's character. However, there is substantial evidence that supports a finding that Cabada currently has the requisite good character, honesty, and integrity to receive a finding of suitability.

65. Cabada disclosed all five of his misdemeanor convictions and provided all of the required information regarding the convictions on his Supplemental. Cabada provided detailed information regarding the circumstances leading to his assault conviction in his written statements to the Bureau. Although Cabada's written statements did not include all of the relevant details, his statements were based on his best recollection at the time, did not include untrue or misleading information, and did not demonstrate an intent to deceive the Bureau.

66. Cabada testified in detail during the evidentiary hearing regarding his DUI convictions, the assault conviction, and his relationship with his family. Regarding his DUI convictions, Cabada testified that he was "an idiot" for drinking and getting behind the wheel. During the hearing, Cabada took responsibility and expressed remorse for his actions during the incident with his daughter. There was no evidence presented that Cabada had any other physical altercations with his children or anyone outside of his family. After the incident with his eldest daughter, Cabada demonstrated care for his family by placing another daughter in counseling. Cabada testified proudly that all of his children are now adults, and each has graduated from high school. Cabada testified that he loves his children and would not intentionally hurt them. Cabada's testimony was sincere and credible.

67. Cabada demonstrated rehabilitation by not having any criminal convictions since October 22, 2012, a period of over 12 years. Cabada testified that he apologized to his daughter and that their relationship has never been better. Cabada has also taken the additional step of

going to counseling. Cabada's testimony that he has matured in the time since his criminal convictions is supported by his actions.

68. Cabada had two witnesses testify on his behalf. Prado testified that Cabada is trustworthy, honest, and a leader. Beckett testified that he has known Cabada for 17 years and that Cabada is trustworthy, honest, and has good character. Beckett also testified that he knows Cabada's children and that Cabada and his children love each other. The testimony of Prado and Beckett provides strong additional support that Cabada has the requisite good character, honesty, and integrity to receive a finding of suitability.

69. Lastly, there was no evidence presented that Cabada has had any derogatory work history in his nearly 20 years of working in controlled gambling. Instead, both Prado and Beckett testified in support of Cabada's helpfulness and proficiency at work.

70. Based on the foregoing, Cabada has met his burden of demonstrating that he is a person of good character, honesty, and integrity.

Cabada met his burden of proving that his prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto

71. An applicant's criminal record can pose a threat to the public interest of this state. DUIs pose a threat to the public interest of the state because it places the individual and others at risk for their safety and well-being. Driving on a suspended license, especially when done repeatedly, poses a threat to the public interest of this state because the driver does not have the proper credentials to operate a motor vehicle on public roads. Assault, especially against a minor, is a serious crime that poses a threat to the public interest of this state because it directly and negatively impacts the safety and well-being of an individual through actual physical harm to that individual.

72. However, Cabada's five misdemeanor convictions all took place between February 2009 and October 2012. There was no evidence of criminal behavior by Cabada since October 2012, a period of over 12 years. Cabada accepted responsibility for his DUI convictions. Cabada testified that he has learned a lot from the DUI program and that he hardly ever consumes

alcohol. Cabada testified that his driver's license has been suspended since 2012, but that he is taking the required steps to get his driver's license back, including studying for his written driver's test.

73. Cabada's assault on his eldest daughter occurred 14 years ago. The circumstances of that assault involved Cabada attempting to bring his daughter home after she had run away without informing Cabada. Cabada's testimony that his daughter did not want to return home with him and that their confrontation escalated quickly was credible. These unfortunate circumstances are extremely unlikely to be repeated, given that all of Cabada's children are now adults and that his relationship with his eldest daughter has never been better. Cabada accepted responsibility and expressed remorse for his actions, apologized to his daughter, and has been attending counseling for two years. As a result, the risk that Cabada will commit additional criminal violations is minimal.

74. Additionally, given that there was no evidence presented that Cabada has had any derogatory employment history during his approximately 20 years of work in controlled gambling, which includes dealing with unruly patrons, and the fact that two of his co-workers testified at the hearing and spoke highly of Cabada's character and proficiency in his role as Security Sergeant, the risk that Cabada's criminal record will pose a threat to the effective regulation and control of controlled gambling is also minimal.

75. Based on the foregoing, Cabada has met his burden of proving that his prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto.

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

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LEGAL CONCLUSIONS

Applicable Statutes and Regulations

77. Every Gaming Employee shall obtain, and thereafter maintain current, a valid tribal gaming license, which shall be subject to biennial renewal. Tribal-State Compact between the State of California and the Chukchansi Indians section 6.4.4(a).

78. The Tribal Gaming Agency shall require the applicant also to file an application with the State Gaming Agency, prior to issuance of a temporary or permanent tribal gaming license, for a determination of suitability for licensure under the Gambling Control Act. Investigation and disposition of that application shall be governed entirely by State law, and the State Gaming Agency shall determine whether the Applicant would be found suitable for licensure in a gambling establishment subject to that State Gaming Agency's jurisdiction. Tribal-State Compact between the State of California and the Chukchansi Indians section 6.5.6.

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

80. A "finding of suitability" means a finding that a person meets the qualification criteria described in subdivisions (a) and (b) of Section 19857, and that the person would not be disqualified from holding a state gambling license on any of the grounds specified in Section 19859. Business and Professions Code section 19805(j).

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

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

83. The Commission has the power to take actions deemed to be reasonable to ensure that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities. Business and Professions Code section 19824(d).

84. The burden of proving his or her qualifications to receive any license from the Commission is on the applicant. Business and Professions Code section 19856(a); CCR section 12060(k).

85. 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. Business and Professions Code section 19856(b).

86. In reviewing an application for any license, the Commission shall consider whether issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the license will undermine public trust that the gambling operations with respect to which the license would be issued are free from criminal and dishonest elements and would be conducted honestly. Business and Professions Code section 19856(c).

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

88. No gambling license shall be issued unless, based on all of the information and documents submitted, the Commission is satisfied that the applicant is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto. Business and Professions Code section 19857(b).

89. No gambling license shall be issued unless, based on all of the information and documents submitted, the Commission is satisfied that the applicant is a person that is in all other respects qualified to be licensed as provided in this chapter. Business and Professions Code section 19857(c).

90. The Commission shall deny a license to any applicant who is disqualified for failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the

supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria. Business and Professions Code section 19859(b).

91. An application will be denied if the Commission finds that the applicant has not satisfied the requirements of Business and Professions Code section 19857. CCR section 12040(a)(1).

92. An application will be denied if the Commission finds that any of the provisions of Business and Professions Code section 19859 apply to the applicant. CCR section 12040(a)(2).

93. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered, and is sufficient in itself to support a finding, if it is the sort of evidence upon which reasonable persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in a civil action. Business and Professions Code section 19871(a)(4); CCR section 12060(h)(2).

94. An applicant for licensing or for any approval or consent required by this chapter, shall make full and true disclosure of all information to the department and the commission as necessary to carry out the policies of this state relating to licensing, registration, and control of gambling. Business and Professions Code section 19866.

95. The Bureau relies, in large part, on the applicant's disclosures while conducting a background investigation. The failure to honestly, accurately, and completely disclose information on an application subverts the Bureau's efforts to conduct a thorough and complete investigation. Business and Professions Code sections 19826(a) and 19866.

96. Both the substance of an applicant's disclosures, and the truthfulness and thoroughness of an applicant's disclosures, are considered by the Bureau in making a recommendation as to the applicant's suitability for licensure, and by the Commission in making a determination whether to approve or deny a license application. Business and Professions Code sections 19824(a) and (d), 19826(a), and 19866.

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Approval of Cabada's Application

97. Cabada met his burden of proving that he is a person of good character, honesty, and integrity. Therefore, Cabada is qualified for licensure pursuant to Business and Professions Code section 19857(a).

98. Cabada met his burden of proving that his prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto. Therefore, Cabada is qualified for licensure pursuant to Business and Professions Code section 19857(b).

99. Cabada met his burden of proving that he is a person that is in all other respects qualified to be licensed as provided in the GCA. Therefore, Cabada is qualified for licensure pursuant to Business and Professions Code section 19857(c).

ORDER

1. Ralph Cabada, Jr.'s Initial Application for Finding of Suitability Tribal Key Employee is APPROVED.

2. No costs are awarded.

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

This Order is effective on February 20, 2025.

Dated: 2/20/2025 Signature: DocuSigned by: P. LaBrie 38D0AB38C651466...
Paula LaBrie, Chair

Dated: 2/20/2025 Signature: DocuSigned by: Stacey Luna Baxter 928DBCE0554B423...
Stacey Luna Baxter, Commissioner

Dated: 2/20/2025 Signature: DocuSigned by: Eric Heins 2B4CE9520F8845C...
Eric Heins, Commissioner

Dated: 2/20/2025 Signature: DocuSigned by: William Liu 7722F4571120449...
William Liu, Commissioner