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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval
of Tribal Key Employee Finding of Suitability
Regarding:

FREDDIE CABADA

Respondent.

BGC Case No. BGC-HQ2022-00022SL

CGCC Case No. CGCC-2022-0823-11B

DECISION AND ORDER

Hearing Date: March 16, 2023

Time: 10:00 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 March 16, 2023.

Respondent Freddie Cabada (Cabada) appeared on his own behalf during the evidentiary hearing.

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

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), 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) Cabada’s Application for Finding of Suitability Tribal Key Employee, and (B) the Bureau’s Background Investigation Report; the Bureau’s Statement of Particulars; and Cabada’s signed Notice of Defense form.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-10, Bates Nos. BGC 001-407, offered by the Bureau and identified on the Bureau’s Exhibit Index, pursuant to a stipulation between the parties.

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FINDINGS OF FACT

Procedural History

1. In November 2011, Cabada started working as a Slot Floor Person for the Chukchansi Gold Resort and Casino (Casino).

2. On or about September 9, 2020, the Bureau received an Initial Application for Finding of Suitability Tribal Key Employee and Supplemental Background Investigation Information form (Supplemental) (collectively, Application) from Cabada to work as a Slot Supervisor, a key employee position, at the Casino.

3. On or about July 6, 2022, the Commission received a Level II Tribal Key Employee Background Investigation Report (Background Report) on Cabada from the Bureau. In the Background Report, the Bureau states that Cabada was convicted of nine misdemeanor offenses, two of which he failed to disclose on his Supplemental, and filed for bankruptcy. However, the Bureau also states that Cabada disclosed the majority of his misdemeanor convictions and has not had any additional convictions since 2011. Based on the foregoing, the Bureau recommends that the Commission approve Cabada’s Application.

4. On or about August 23, 2022, the Commission voted to refer the consideration of Cabada’s Application to a Gambling Control Act (Act) evidentiary hearing pursuant to CCR sections 12060(a) and 12054(a)(4).

5. On or about August 24, 2022, the Commission sent a letter to Cabada, via certified and regular mail, notifying him that the Commission referred the consideration of his Application to an evidentiary hearing and included a blank Notice of Defense form.

6. On or about September 12, 2022, the Commission received a signed Notice of Defense form from Cabada requesting an evidentiary hearing on the consideration of his Application. On his Notice of Defense form, Cabada also requested that all notices and written communications for purposes of the evidentiary hearing be provided via e-mail instead of U.S. mail.

7. On or about November 2, 2022, the Commission sent a Notice of Hearing, via e-mail, to Cabada and DAG Waian. The hearing was set for March 16, 2023 at 10:00 a.m.

8. On or about February 1, 2023, the Bureau sent a Statement of Particulars to Cabada,

1 via e-mail and overnight courier, and to the Commission. In the Statement of Particulars, the
2 Bureau provides factors in aggravation and mitigation for the consideration of Cabada's
3 Application. The Bureau's factors of aggravation include Cabada's nine misdemeanor
4 convictions, which it states reflect poorly on his character, reputation, habits, and ability in
5 general to comply with laws and regulations. The Bureau's factors in mitigation include the
6 following: (1) that Cabada has no criminal convictions prior to October 19, 1999 or subsequent to
7 November 22, 2011; (2) that Cabada has completed all of his probation sentences and paid all
8 fines and fees resulting from the convictions; (3) that none of Cabada's convictions were for
9 conduct directly related to controlled gambling; (4) that Cabada has a spotless employment
10 history at the Casino since he started working there in November 2011; (5) that Cabada has not
11 violated any substantive provisions of the Act or Commission regulations; and (6) that Cabada
12 has been cooperative during the background investigation process and disclosed all but his oldest
13 two convictions. Based on the foregoing, the Bureau requests that the Commission take such
14 action as it may deem appropriate regarding Cabada's Application.

15 9. On or about February 1, 2023, the noticed Prehearing Conference was held before
16 PO Patterson. Cabada attended on his own behalf. DAG Waian attended on behalf of the Bureau.

17 10. On or about February 1, 2023, the Commission sent a Conclusion of Prehearing
18 Conference letter, via e-mail and regular mail to Cabada, and via e-mail to DAG Waian.

19 11. The Commission heard this matter via Zoom video conference on March 16, 2023. PO
20 Patterson closed the administrative record and the matter was submitted for decision on March
21 16, 2023.

22 **Cabada's Employment History in Controlled Gambling**

23 12. Cabada worked as a Slot Floor Person for the Casino from November 2011 to August
24 10, 2020, when Cabada assumed key employee duties as a Slot Supervisor. Cabada is currently
25 working at the Casino as a Slot Supervisor.

26 13. There was no evidence presented of any derogatory information relating to Cabada's
27 employment history in controlled gambling.

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1 **Cabada's Criminal History**

2 14. On or about October 19, 1999, Cabada was convicted by the Fresno County Superior
3 Court of violating Vehicle Code section 23152(b), driving under the influence (DUI) with a blood
4 alcohol level of 0.08 percent or higher, a misdemeanor, in the case *People v. Cabada*, Case
5 Number CT99905478-4. Cabada was sentenced to five days in jail and three years of probation,
6 and ordered to pay a fine.

7 15. On or about January 19, 2000, Cabada was convicted by the Fresno County Superior
8 Court of violating Penal Code section 273.5(a), inflicting corporal injury on a spouse/cohabitant,
9 a misdemeanor, in the case *People v. Cabada*, Case Number F00900118-1. Cabada was sentenced
10 to three years of probation, and ordered to complete an anger management program and pay a
11 fine. According to the police report, Cabada's ex-girlfriend stated that Cabada was upset
12 that she was out all night. When she came home, Cabada started hitting and kicking her, and
13 struck her in the head with a beer bottle. Cabada was not present when the police interviewed his
14 ex-girlfriend.

15 16. On or about November 5, 2002, Cabada was convicted by the Fresno County Superior
16 Court of violating Vehicle Code section 14601.2(a), driving with a license suspended for DUI, a
17 misdemeanor, in the case *People v. Cabada*, Case Number T00906050-0. Cabada was sentenced
18 to ten days in jail and two years of probation, and ordered to pay a fine.

19 17. On or about November 5, 2002, Cabada was convicted of violating Vehicle Code
20 section 14601.2(a), driving with a license suspended for DUI, a misdemeanor, in the case *People*
21 *v. Cabada*, Case Number T00906352-0. Cabada was sentenced to 30 days in jail and two years of
22 probation, and ordered to pay a fine.

23 18. On or about January 29, 2004, Cabada was convicted of violating Vehicle Code
24 section 14601.2(a), driving with a license suspended for DUI, a misdemeanor, in the case *People*
25 *v. Cabada*, Case Number CT03900714-7. Cabada was sentenced to 34 days in jail and three years
26 of probation, and ordered to pay a fine.

27 19. On or about January 29, 2004, Cabada was convicted of violating Vehicle Code
28 section 14601.2(a), driving with a license suspended for DUI, a misdemeanor, in the case *People*

1 v. *Cabada*, Case Number CT03907746-2. Cabada was sentenced to 30 days in jail and three years
2 of probation, and ordered to pay a fine.

3 20. On or about March 4, 2004, Cabada was convicted of violating Vehicle Code section
4 14601.5(a), driving with prior(s) while license suspended or revoked, a misdemeanor, in the case
5 *People v. Cabada*, Case Number CT04900686-7. Cabada was sentenced to 36 days in jail and
6 three years of probation, and ordered to pay a fine.

7 21. On or about June 19, 2006, Cabada was convicted of violating Vehicle Code section
8 23152(b), DUI with a blood alcohol level of 0.08 percent or higher, a misdemeanor, in the case
9 *People v. Cabada*, Case Number CT06904092-4. Cabada was sentenced to 20 days in jail and
10 three years of probation, and ordered to pay a fine.

11 22. On or about November 22, 2011, Cabada was convicted of violating Vehicle Code
12 section 14601.5(a), driving with a license suspended or revoked, chemical test refusal, a
13 misdemeanor, in the case *People v. Cabada*, Case Number M11919638. Cabada was sentenced to
14 three years of probation and ordered to pay a fine.

15 **Cabada's Application**

16 23. Cabada's Application consists of two parts. The first part is two pages and requests
17 applicant information. Cabada signed the first part of the Application on or about August 10,
18 2020.

19 24. The second part of the Application is the Supplemental, which is seven pages and
20 contains ten sections. The Supplemental requires that the applicant disclose, among other things,
21 their financial and criminal history information.

22 25. Section (8) of the Supplemental requires an applicant to disclose their financial history
23 information. On his Supplemental, Cabada disclosed that has filed for bankruptcy within the last
24 ten years.

25 26. Section (9) of the Supplemental requires an applicant to disclose their criminal history
26 information. Cabada checked the box marked "yes" to the question "Have you ever been
27 **convicted** of a crime, pled guilty or plea of nolo contendere (no contest) to a crime?" (Emphasis
28 in original.) For each criminal conviction, the applicant is required to disclose the approximate

1 date of the conviction, the court location, and the crime for which the applicant was convicted. On
2 his Supplemental, Cabada disclosed seven of his nine misdemeanor convictions, including one
3 DUI and his six violations for driving with a suspended license. Cabada did not disclose his
4 October 19, 1999 conviction for DUI or his January 19, 2000 conviction for inflicting corporal
5 injury on a spouse/cohabitant. The fact of, and details regarding, Cabada's October 19, 1999
6 conviction for DUI and his January 19, 2000 conviction for inflicting corporal injury on a
7 spouse/cohabitant were discovered by the Bureau during its background investigation.

8 27. Section (10) of the Supplemental is a Declaration, signed by Cabada on or about
9 August 10, 2020, in which Cabada declared under penalty of perjury that the information
10 provided in the Supplemental was "true, accurate, and complete." However, the Supplemental
11 was not complete because Cabada failed to disclose two of his misdemeanor convictions.

12 **Cabada's Communications with the Bureau**

13 28. In written responses to various inquiries from the Bureau, Cabada acknowledged his
14 convictions for DUI in October 1999 and for inflicting corporal injury on a spouse/cohabitant in
15 January 2000. Cabada also addressed his failure to disclose those two misdemeanor convictions
16 on his Supplemental and provided information regarding the factual circumstances surrounding
17 his conviction for inflicting corporal injury on a spouse/cohabitant.

18 29. Regarding his failure to disclose two of his misdemeanor convictions, Cabada wrote
19 that the Supplemental only asks for convictions in the past two years. When the Bureau asked
20 why Cabada disclosed seven misdemeanor convictions that had not occurred in the past two years
21 on his Supplemental, Cabada wrote that he voluntarily disclosed the rest of his background
22 willingly. Cabada also wrote that he disclosed his convictions for DUI and inflicting corporal
23 injury on a spouse/cohabitant to the Picayune Rancheria Tribal Gaming Commission (TGC).

24 30. Regarding Cabada's conviction for inflicting corporal injury on a spouse/cohabitant,
25 Cabada wrote that his ex-girlfriend came home late at night and threatened him with a knife.
26 Cabada threw a liquor bottle at his ex-girlfriend in self-defense and the bottle hit her in the head.
27 Cabada wrote that he enrolled in 52 weeks of anger management counseling and learned a lot
28 from it.

1 31. Cabada also wrote that he has a driver's license for the first time in his life, that he is
2 rehabilitated, and that he respects all laws and law enforcement.

3 **Cabada's Testimony During the Evidentiary Hearing**

4 32. During the evidentiary hearing, Cabada testified regarding his criminal history, his
5 failure to disclose two convictions on his Supplemental, and his present situation.

6 33. Regarding his six misdemeanor convictions for driving on a suspended license,
7 Cabada testified that he did not have a driver's license during that time. Cabada also testified that
8 he received his first driver's license in 2019 and that his driver's license is current and valid.

9 34. Regarding the factual circumstances surrounding his conviction for inflicting corporal
10 injury on a spouse/cohabitant, Cabada testified that he was sleeping when his ex-girlfriend came
11 home in the middle of the night. Cabada testified that his ex-girlfriend had a knife and tried to
12 attack him because she thought he had another woman present. Cabada testified that he threw a
13 liquor bottle which struck his ex-girlfriend in the head. Cabada testified that he completed 52
14 weeks of anger management counseling.

15 35. Regarding his failure to disclose his convictions for DUI and inflicting corporal injury
16 on a spouse/cohabitant on his Supplemental, Cabada testified that he could not remember all of
17 his convictions. He testified that he thought the Supplemental only required convictions that had
18 occurred two years prior to the application submittal date but acknowledged that he misread the
19 form. Cabada testified that after receiving inquiries from the Bureau, he tried to be honest and list
20 all of his convictions.

21 36. Cabada testified that he tries to work on himself every day. Cabada further testified
22 that he has become a good citizen, put his life together, and has stayed out of trouble.

23 Assessment of Cabada's Suitability for Licensure

24 37. For the reasons provided below, the Commission finds that Cabada has met his burden
25 of proving his suitability for licensure. Therefore, Cabada's Application is approved.

26 *Cabada failed to provide information required by the Act*

27 38. All of the information requested on an application has been considered through the
28 legislative and regulatory processes and determined necessary in order for the Commission to

1 discharge its duties properly. An applicant is neither expected, nor permitted, to determine the
2 importance of the information requested, and instead is required to provide true, accurate, and
3 complete information as requested. To address any issues in completing the application, and to
4 ensure that the information disclosed on an application is “true, accurate, and complete,” the
5 burden is on the applicant to carefully and thoroughly read the application, and to seek assistance
6 with filling out the application if necessary. The applicant is responsible for both the information
7 they disclose, and for failing to disclose required information, on the application. The applicant
8 maintains this burden even if the applicant does not understand, misreads, or misinterprets a
9 question on the application.

10 39. On his Supplemental, Cabada accurately checked the box marked “yes” to the
11 question “Have you ever been **convicted** of a crime, pled guilty or plea of nolo contendere (no
12 contest) to a crime?” (Emphasis in original.) For each criminal conviction, Cabada was required
13 to disclose the approximate date of the conviction, the court location, and the crime for which he
14 was convicted. Cabada disclosed and provided the required information for seven of his nine
15 misdemeanor convictions on the Supplemental. However, Cabada failed to disclose his October
16 19, 1999 conviction for DUI and his January 19, 2000 conviction for inflicting corporal injury on
17 a spouse/cohabitant. The Bureau only determined that Cabada had these two misdemeanor
18 convictions through conducting its background investigation.

19 40. By failing to disclose two of his misdemeanor convictions and provide any details
20 regarding these two misdemeanor convictions on his Supplemental, Cabada has failed to provide
21 information required by the Act.

22 *Cabada failed to reveal facts material to qualification*

23 41. The existence of, and details regarding, an applicant’s criminal history are facts
24 material to the qualification for licensure of an applicant. For instance, they may affect the
25 assessment of the applicant’s general character, honesty, integrity, and/or ability to participate in
26 controlled gambling. They may lead to a finding that the issuance of a license to such an applicant
27 would be inimical to public health, safety, or welfare, or undermine public trust that the gambling
28 operations with respect to which the license would be issued are free from criminal and dishonest

1 elements, and would be conducted honestly. An applicant's criminal record may be sufficient to
2 support a factual finding and legal conclusion that the applicant poses a threat to the public
3 interest of this state, to the effective regulation and control of controlled gambling, or creates or
4 enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
5 conduct of controlled gambling or in the carrying on of the business and financial arrangements
6 thereto. Finally, the existence of, and details regarding, an applicant's criminal convictions may
7 reveal that the applicant is disqualified from licensure for conviction of a certain felony or a
8 misdemeanor involving dishonesty and/or moral turpitude.

9 42. Cabada failed to disclose two misdemeanor convictions on his Supplemental.
10 Additionally, and as a direct result of failing to disclose these two misdemeanor convictions,
11 Cabada failed to disclose the required details of the convictions including the approximate date of
12 the conviction, the court location, and the crime for which he was convicted. As provided above,
13 these details are facts material to Cabada's qualifications for licensure. By failing to disclose two
14 of his misdemeanor convictions on his Supplemental, Cabada failed to reveal facts material to his
15 qualifications for licensure.

16 *Cabada's written explanations, testimony, and disclosure of seven misdemeanor convictions on*
17 *his Supplemental demonstrate an intent to provide true, accurate, and complete information*

18 43. It is undisputed that Cabada failed to disclose two of his misdemeanor convictions on
19 his Supplemental. Cabada's explanations for failing to disclose these two misdemeanor
20 convictions on his Supplemental are that the Supplemental only asked for criminal convictions
21 within the last two years and that he could not remember all of his convictions. These
22 explanations, without additional context, are insufficient to demonstrate an intent to provide true,
23 accurate, and complete information. First, the Supplemental asks the applicant if they have "*ever*
24 *been*" convicted of a crime. (Emphasis added.) If an applicant checks the box marked "yes" to the
25 question of whether they have ever been convicted of a crime, the Supplemental requires the
26 applicant to disclose the approximate date of the conviction, the court location, and the crime for
27 which the applicant was convicted for each criminal conviction. There is no time restriction on
28 the Supplemental for the criminal convictions that must be disclosed. Second, while it is plausible

1 that Cabada could not remember all of his convictions at the time he filled out his Supplemental,
2 Cabada still has the burden of providing true, accurate, and complete information on the
3 Supplemental. By omitting two of his misdemeanor convictions on the Supplemental, Cabada did
4 not provide complete information on the Supplemental.

5 44. However, Cabada made significant efforts to provide full disclosure throughout the
6 entirety of the application process. Cabada accurately disclosed that he had been convicted of a
7 crime on his Supplemental and provided the required information for seven of his nine
8 misdemeanor convictions. Cabada responded to the Bureau's background investigation inquiries
9 with an acknowledgment of the two misdemeanor convictions that he failed to disclose on his
10 Supplemental. Cabada provided pertinent details regarding those convictions in response to
11 various Bureau inquiries. None of the information provided by Cabada on his Supplemental was
12 untrue or misleading. Cabada testified that he disclosed his entire criminal history to the TGC.
13 Cabada also disclosed on his Supplemental that he had filed for bankruptcy. As a result, Cabada's
14 written explanations, testimony, and disclosure of seven misdemeanor convictions on his
15 Supplemental, and the fact that Cabada did not provide any untrue or misleading information
16 regarding his criminal history, demonstrate an intent to provide true, accurate, and complete
17 information on his Supplemental. Therefore, the Commission finds that Cabada's Application is
18 not subject to denial pursuant to Business and Professions Code section 19859(b) and CCR
19 section 12040(a)(2).

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

21 45. An applicant demonstrates good character, honesty, and integrity by providing
22 truthful, accurate, and complete responses on their Application and Supplemental, in response to
23 Bureau inquiries during the Bureau's background investigation, and while testifying during the
24 evidentiary hearing. An applicant demonstrates good character and integrity by complying with
25 the law. An applicant also demonstrates good character and integrity by accepting responsibility
26 for their actions and demonstrating rehabilitation from past criminal behavior.

27 46. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity
28 by omitting pertinent information, and providing untrue, misleading, and/or contradictory

1 information on their Application and Supplemental, in response to Bureau inquiries, and while
2 testifying during the evidentiary hearing. An applicant demonstrates a lack of good character and
3 integrity by failing to comply with the law, particularly with regard to repeated or egregious
4 criminal actions. An applicant also demonstrates a lack of good character and integrity by failing
5 to take responsibility for their actions and continuing with a pattern of criminal behavior.

6 47. Cabada was convicted of nine misdemeanor offenses in 12 years, from October 19,
7 1999 to November 22, 2011. These convictions included inflicting corporal injury on a
8 spouse/cohabitant, two DUIs, and six violations for driving on a suspended license that Cabada
9 admits he did not possess at the time of these convictions. Cabada's lengthy and repetitious
10 criminal history reflects poorly on his character.

11 48. However, there are a number of factors that support a finding that Cabada currently
12 has the requisite good character, honesty, and integrity to receive a finding of suitability. Cabada
13 accurately disclosed that he had been convicted of a crime and provided details regarding seven
14 of his nine misdemeanor convictions on his Supplemental. Cabada acknowledged his other two
15 misdemeanor convictions immediately upon inquiry from the Bureau. In the Background Report,
16 the Bureau noted that Cabada had been cooperative throughout the application process. Cabada
17 provided details regarding his convictions in writing to the Bureau and his testimony during the
18 evidentiary hearing was credible. Cabada expressed remorse for his actions and has demonstrated
19 rehabilitation by not having any criminal convictions since November 22, 2011, a period of over
20 11 years. Cabada also testified that he obtained, and currently possesses, a valid driver's license.
21 Finally, there was no evidence presented that Cabada has had any derogatory work history in his
22 nearly 11 years of working for the Casino. Based on the foregoing, Cabada has met his burden of
23 demonstrating that he is a person of good character, honesty, and integrity.

24 *Cabada met his burden of proving that his prior activities, criminal record, if any,*
25 *reputation, habits, and associations do not pose a threat to the public interest of this state,*
26 *or to the effective regulation and control of controlled gambling, or create or enhance the*
27 *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

28 49. An applicant's criminal record can pose a threat to the public interest of this state.

1 Inflicting corporal injury on a spouse/cohabitant is a serious crime that poses a threat to the public
2 interest of this state because it directly and negatively impacts the safety and well-being of an
3 individual through the application of physical injury to that individual. DUIs pose a threat to the
4 public interest of the state because it places the individual and others at risk for their safety and
5 well-being. Driving on a suspended license, especially when done repeatedly, poses a threat to the
6 public interest of this state because the driver does not have the proper credentials to operate a
7 vehicle motor vehicle on public roads. As a result, Cabada's criminal record, and habit of
8 repeatedly operating a motor vehicle without a valid driver's license, posed a threat to the public
9 interest of this state.

10 50. However, Cabada's conviction for inflicting corporal injury on a spouse/cohabitant
11 took place in January 2000 and there was no evidence presented that a similar situation or
12 conviction has taken place before or since. Similarly, Cabada's two DUIs and six convictions for
13 driving on a suspended license all took place between October 1999 and November 2011. There
14 was no evidence presented of any criminal behavior by Cabada since November 2011, a period of
15 over 11 years. Further, Cabada accepted responsibility and expressed remorse and regret for his
16 actions. Cabada has recently obtained, and currently possesses, a valid driver's license. As a
17 result, the risk that Cabada will commit additional criminal violations is minimal. Additionally,
18 given that there was no evidence presented that Cabada has had any derogatory employment
19 history during his approximately 11 years of work in controlled gambling, the risk that Cabada's
20 actions will pose a threat to the effective regulation and control of controlled gambling is also
21 minimal.

22 51. As a result, Cabada has met his burden of demonstrating that he is a person whose
23 prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to
24 the public interest of this state, or to the effective regulation and control of controlled gambling,
25 or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities
26 in the conduct of controlled gambling or in the carrying on of the business and financial
27 arrangements incidental thereto.

28 52. All documentary and testimonial evidence submitted by the parties that is not

1 specifically addressed in this Decision and Order was considered but not used by the Commission
2 in making its determination on Cabada's Application.

3 LEGAL CONCLUSIONS

4 *Applicable Statutes and Regulations*

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

8 54. Except as provided in subdivisions (c) and (d), the Tribe will not employ or continue
9 to employ, any person whose application to the State Gaming Agency for a determination of
10 suitability, or for a renewal of such a determination, has been denied or has expired without
11 renewal. Tribal-State Compact between the State of California and the Chukchansi Indians
12 sections 6.4.4(b)

13 55. Except for an applicant for licensing as a non-key Gaming Employee, as defined by
14 agreement between the Tribal Gaming Agency and the State Gaming Agency, the Tribal Gaming
15 Agency shall require the applicant also to file an application with the State Gaming Agency, prior
16 to issuance of a temporary or permanent tribal gaming license, for a determination of suitability
17 for licensure under the Gambling Control Act. Investigation and disposition of that application
18 shall be governed entirely by State law, and the State Gaming Agency shall determine whether
19 the Applicant would be found suitable for licensure in a gambling establishment subject to that
20 State Gaming Agency's jurisdiction. Tribal-State Compact between the State of California and
21 the Chukchansi Indians section 6.5.6(a).

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

25 57. Public trust that permissible gambling will not endanger public health, safety, or
26 welfare requires that comprehensive measures be enacted to ensure that gambling is free from
27 criminal and corruptive elements, that it is conducted honestly and competitively, and that it is
28 conducted in suitable locations. Business and Professions Code section 19801(g).

1 58. “Finding of suitability” means a finding that a person meets the qualification criteria
2 described in subdivisions (a) and (b) of Section 19857, and that the person would not be
3 disqualified from holding a state gambling license on any of the grounds specified in Section
4 19859. Business and Professions Code section 19805(j).

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

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

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

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

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

22 64. The burden of proving his or her qualifications to receive any license from the
23 Commission is on the applicant. Business and Professions Code section 19856(a) and CCR
24 section 12060(j).

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

28 66. No gambling license shall be issued unless, based on all of the information and

1 documents submitted, the Commission is satisfied that the applicant is a person whose prior
2 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
3 public interest of this state, or to the effective regulation and control of controlled gambling, or
4 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
5 the conduct of controlled gambling or in the carrying on of the business and financial
6 arrangements incidental thereto. Business and Professions Code section 19857(b).

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

12 *Assessment of Cabada's Suitability for Licensure*

13 68. Cabada failed to provide information required by the Act and to reveal facts material
14 to qualification by failing to disclose two misdemeanor convictions, a DUI and inflicting corporal
15 injury on a spouse/cohabitant, on his Supplemental. However, Cabada's written explanations,
16 testimony, and disclosure of seven misdemeanor convictions on his Supplemental, and the fact
17 that Cabada did not provide any untrue or misleading information regarding his criminal history,
18 demonstrate an intent to provide true, accurate, and complete information on his Supplemental.
19 As a result, the Commission finds that Cabada's Application is not subject to denial pursuant to
20 Business and Professions Code section 19859(b).

21 69. Cabada met his burden of proving that he is not disqualified from licensure.
22 Therefore, Cabada is not disqualified from licensure pursuant to any of the other provisions of
23 Business and Professions Code section 19859.

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

27 71. Cabada met his burden of proving that his prior activities, criminal record, if any,
28 reputation, habits, and associations do not pose a threat to the public interest of this state, or to the

1 effective regulation and control of controlled gambling, or create or enhance the dangers of
2 unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled
3 gambling or in the carrying on of the business and financial arrangements incidental thereto.
4 Therefore, Cabada is qualified for licensure pursuant to Business and Professions Code section
5 19857(b).

6 **ORDER**

7 1. Freddie Cabada’s Application for Finding of Suitability Tribal Key Employee is
8 APPROVED.

9 2. No costs are awarded.

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

11 This Order is effective on May 4, 2023.

12 Dated: 5/4/2023 Signature: 
13 _____
14 Paula LaBrie, Chair

15 Dated: 5/4/2023 Signature: 
16 _____
17 Cathleen Galgiani, Commissioner

18 Dated: 5/4/2023 Signature: 
19 _____
20 Eric Heins, Commissioner

21 Dated: 5/4/2023 Signature: 
22 _____
23 William Liu, Commissioner

24 Dated: 5/4/2023 Signature: 
25 _____
26 Edward Yee, Commissioner