

1 XAVIER BECERRA
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 WILLIAM P. TORNGREN
Deputy Attorney General
4 State Bar Number 58493
NEIL D. HOUSTON
5 Deputy Attorney General
State Bar Number 168058
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 210-7812
8 Fax: (916) 327-2319
E-mail: Neil.Houston@doj.ca.gov
9 Attorneys for the Bureau of Gambling Control



10
11 **BEFORE THE**
12 **CALIFORNIA GAMBLING CONTROL COMMISSION**
13 **STATE OF CALIFORNIA**

14
15 **In the Matter of the Accusation Against:**

16 **DUSTEN SEAN PERRY**

17
18 [REDACTED]

19
20 **Key Employee License No. GEKE-001462**

21 **Respondent.**

BGC Case No. BGC-HQ2017-00003A

OAH No. _____

ACCUSATION

**Place: Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833**

22
23 Complainant alleges as follows:

24 **PARTIES**

25 1. Wayne J. Quint, Jr. (Complainant) brings this Accusation solely in his official
26 capacity as Director of the California Department of Justice, Bureau of Gambling Control
27 (Bureau).
28

JURISDICTION

6. Business and Professions Code section 19811 provides, in part:

(b). Jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operations of gambling establishments is vested in the commission.

7. Business and Professions Code section 19823 provides:

(a) The responsibilities of the commission include, without limitation, all of the following:

(1) Assuring that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

(2) Assuring that there is no material involvement, directly or indirectly, with a licensed gambling operation, or the ownership or management thereof, by unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

(b) For the purposes of this section, "unqualified person" means a person who is found to be unqualified pursuant to the criteria set forth in Section 19857, and "disqualified person" means a person who is found to be disqualified pursuant to the criteria set forth in Section 19859.

8. Business and Professions Code section 19824 provides, in part:

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, including, without limitation, the power to do all of the following:

* * *

(d) Take actions deemed to be reasonable to ensure that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities.

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

9. Business and Professions Code section 19826 provides, in part:

The department^[1] . . . shall have all of the following responsibilities:

* * *

(c) To investigate suspected violations of this chapter or laws of this state relating to gambling

* * *

(e) To initiate, where appropriate, disciplinary actions as provided in this chapter. In connection with any disciplinary action, the department may seek restriction, limitation, suspension, or revocation of any license or approval, or the imposition of any fine upon any person licensed or approved.

10. California Code of Regulations, title 4, section 12554, subdivisions (a) and (d) provide, in part:

(a) Upon the filing with the Commission of an accusation by the Bureau recommending revocation, suspension, or other discipline of a holder of a license, registration, permit, finding of suitability, or approval, the Commission shall proceed under Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

* * *

(d) Upon a finding of a violation of the Act,^[2] any regulations adopted pursuant thereto, any law related to gambling or gambling establishments, violation of a previously imposed disciplinary or license condition, or laws whose violation is materially related to suitability for license, registration, permit, or approval, the Commission may do any one or more of the following:

(1) Revoke the license, registration, or permit.

* * *

(5) Impose any fine or monetary penalty consistent with Business and Professions Code sections 19930, subdivision (c), and 19943, subdivision (b).

¹ "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd. (h).)

² "Act" refers to the Gambling Control Act. (Cal. Code Regs., tit. 4, § 12002, subd. (m).)

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

(b) Failure of the applicant to provide information, documentation, and assurances required by the Chief,³ 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.

14. Business and Professions Code section 19866 provides:

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 gaming.

15. Business and Professions Code, section 19944 provides:

Any person who willfully resists, prevents, impedes, or interferes with the department or the commission or any of their agents or employees in the performance of duties pursuant to this chapter is guilty of a misdemeanor, punishable by imprisonment in a county jail for not more than six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

16. Business and Professions Code section 19971 provides:

This act 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.

17. California Code of Regulations, title 4, section 12568, provides, in part:

(c) A state gambling license, finding of suitability, or approval granted by the Commission, other than a work permit, and an owner license for a gambling establishment if the owner licensee has committed a separate violation from any violations committed by the gambling establishment shall be subject to revocation by the Commission on any of the following grounds:

* * *

(3) If the Commission finds the holder no longer meets any criterion for eligibility, qualification, suitability or continued operation, including those set forth in Business and Professions code sections 19857, 19858, or 19880, as applicable, or

³ Formerly referred to as the "Chief," the Complainant herein is now referred to as the "Director" of the Bureau of Gambling Control.

1 (4) If the Commission finds the holder currently meets any of
2 the criteria for mandatory denial of an application set forth in
3 Business and Professions Code sections 19859 or 19860.

4 18. California Code of Regulations, title 11, section 2053 provides, in part:

5 (a) The Bureau may require a gambling establishment to present
6 satisfactory evidence that there is adequate financing available to protect
7 the public's health, safety and welfare.

8 (b) A gambling establishment shall maintain a separate,
9 specifically designated, insured account with a licensed financial
10 institution in an amount not less than the total value of the chips in use
11 by the gambling establishment. The funds from that account may only
12 be used to redeem the chips of that gambling establishment. That
13 account may not be used as collateral, or encumbered or hypothecated in
14 any fashion. Alternatively, the Bureau may allow the gambling
15 establishment to provide some other form of security acceptable to the
16 Bureau, in lieu of maintaining the required account.

17 COST RECOVERY

18 19. Business and Professions Code, section 19930 provides, in part:

19 (b) If, after any investigation, the department is satisfied that a
20 license, permit, finding of suitability, or approval should be suspended or
21 revoked, it shall file an accusation with the commission in accordance
22 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3
23 of Title 2 of the Government Code.

24 * * *

25 (d) In any case in which the administrative law judge recommends
26 that the commission revoke, suspend, or deny a license, the
27 administrative law judge may, upon presentation of suitable proof, order
28 the licensee or applicant for a license to pay the department the
reasonable costs of the investigation and prosecution of the case.

(1) The costs assessed pursuant to this subdivision shall be
fixed by the administrative law judge and may not be increased
by the commission. When the commission does not adopt a
proposed decision and remands the case to the administrative law
judge, the administrative law judge may not increase the amount
of any costs assessed in the proposed decision.

(2) The department may enforce the order for payment in
the superior court in the county in which the administrative
hearing was held. The right of enforcement shall be in addition

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

to any other rights that the division may have as to any licensee to pay costs.

(3) In any judicial action for the recovery of costs, proof of the commission's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

* * *

(f) For purposes of this section, "costs" include costs incurred for any of the following:

(1) The investigation of the case by the department.

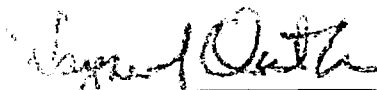
(2) The preparation and prosecution of the case by the Office of the Attorney General.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Commission issue a decision:

- 1. Revoking Respondent's Key Employee Gambling License, license number GEKE-001462.
- 2. Imposing fines and monetary penalties against Respondent, in an amount according to proof to the extent allowed by law.
- 3. Awarding Complainant the costs of investigation and the costs of bringing this Accusation before the Commission, pursuant to Business and Professions Code section 19930, subdivisions (d) and (f), in a sum according to proof; and
- 4. Taking such other and further action as the Commission may deem appropriate.

Dated: September 7, 2017



 WAYNE J. QUINT, JR., Director
 Bureau of Gambling Control
 California Department of Justice