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

13 **In the Matter of the Amended Statement of**
14 **Reasons for Denial of Application for a Work**
15 **Permit:**

BGC Case No. BGC-HQ2016-00007SL

CGCC Case No: GCADS-GEWP-002276

16 **GRANT JAMES DOIRON**
17 

AMENDED
STATEMENT OF REASONS

18
19 **Respondent.**

20
21 Complainant alleges as follows:

22 **PARTIES**

23 1. Wayne J. Quint, Jr. (Complainant) brings this Amended Statement of Reasons for
24 Denial of Application for a Work Permit solely in his official capacity as the Chief of the
25 California Department of Justice, Bureau of Gambling Control (Bureau), which supersedes the
26 previously filed and served Statement of Reasons for Denial of Application for a Work Permit.

27 2. On or about April 1, 2015, the Bureau received an Application For Initial Regular
28 Work Permit/Temporary Work Permit, dated March 14, 2015, and a Work Permit Questionnaire,

1 with attachments, dated March 14, 2105, (collectively application) from Grant James Doiron
2 (Respondent) to allow his employment at the Oceana Cardroom, a licensed gambling
3 establishment in Oceano, California.

4 3. In or about April 2015, the California Gambling Control Commission (Commission)
5 issued Respondent a temporary work permit, number GEWP-002276. On or about June 24, 2016,
6 Respondent's temporary work permit was cancelled by the Commission pursuant to California
7 Code of Regulations, title 4, section 12128, subdivisions (b)(2),¹ because, as alleged below, the
8 Bureau recommend denial of Respondent's application for a work permit.²

9 4. On or about June 7, 2016, the Bureau submitted a Work Permit Employee Background
10 Investigation Report to the Commission recommending Respondent's application be denied.

11 5. On or about July 20, 2016, pursuant to California Code of Regulations, title 4, section
12 12060, subdivision (a), the Commission's Executive Director notified Respondent that she had
13 referred the determination of Respondent's suitability to be granted a work permit to an
14 evidentiary hearing to be conducted pursuant to Business and Professions Code, sections 19870
15 and 19871, and all applicable Commission regulations. Included with the Executive Director's
16 written notification was a Notice of Defense form.

17 6. On or about August 9, 2016, Respondent submitted a Notice of Defense, dated August
18 5, 2016.

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 **(Criminal Conviction)**

21 7. Respondent's application for a work permit is subject to denial³ in that on or about
22 October 15, 1999, upon a plea of no contest, Respondent was convicted of violating Penal Code

23 ¹ The statutes and regulations applicable to this Statement of Reasons are quoted in
24 pertinent part in Appendix A.

25 ² The cancellation of a temporary work permit does not stop the processing or review
26 (which includes, when appropriate, an evidentiary hearing) of the application for a regular work
27 permit. (Cal. Code. Regs., tit. 4, § 12124.)

28 ³ Respondent's application is subject to mandatory denial if the any of the criteria in
Business and Professions Code sections 19857, subdivisions (a) or (b), and/or 19859 are met.
(Cal. Code. Regs., tit. 4, § 12105, subd. (a).)

1 section 496, subdivision (a), receiving stolen property, a felony, in the case of *People v. Grant*
2 *James Doiron* (Super. Ct. San Luis Obispo County, 1999, No. F289168).⁴

3 On or about November 29, 2010, Respondent's petition to the Superior Court of San Luis
4 Obispo County to reduce this 1999 felony conviction to a misdemeanor pursuant to Penal Code
5 section 17, subdivision (b), and then to have that misdemeanor conviction dismissed pursuant to
6 Penal Code section 1203.4, was granted.

7 (Bus. & Prof. Code, §§ 19912, subd. (d), 19914, 19857, subds. (a) & (b), & 19859, subd.
8 (c); Cal. Code. Regs., tit. 4, § 12105, subds. (a), (b)(1), (c) & (e).)

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Honesty, Integrity and Failure to Disclose)**

11 8. Respondent's application for a work permit is subject to denial⁵ in that Respondent
12 provided the Bureau with a false or significantly misleading statement regarding the circumstances
13 that lead to his 1999 felony conviction in the case of *People v. Grant James Doiron* (Super. Ct.
14 San Luis Obispo County, 1999, No. F289168). Respondent told the Bureau that, as a form of
15 revenge, he stole some items from his uncle's home. Respondent failed to disclose that he
16 suffered the 1999 felony conviction for the receipt of property stolen from a restaurant.

17 9. Respondent's application for a work permit is also subject to denial in that Respondent
18 failed and refused to provide the Bureau with the requested statement or explanation regarding his
19 conviction on or about February 23, 1998, of four counts of receiving stolen property,
20 misdemeanors, in the case of *State v. Grant Doiron* (N.H. 8th Cir., 1998, No. 449-1998-CR-
21 00303).

22 (Bus. & Prof. Code, §§ 19912, subd. (d), 19914, 19857, subds. (a) & (b), & 19859, subds.
23 (a) & (b); Cal. Code. Regs., tit. 4, § 12105, subds. (a), (b)(1), (c) & (e).)

24
25
26 ⁴ Respondent was also charged with one count of violating Penal Code section 459,
27 residential burglary, a felony. However, that count was dismissed as part of the plea bargain that
28 gave rise to his felony conviction for violating Penal Code section 496, subdivision (a).

⁵ *Supra* footnote 3.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(History of Multiple Criminal Convictions)**

3 10. Respondent's application for a work permit is subject to denial⁶ in that Respondent has
4 demonstrated a pattern and practice of criminal behavior, dishonesty, lack of integrity, lack of
5 good character, and refusal or inability to comply with the law, as follows:

6 a. As alleged in paragraph 7 above, on or about October 15, 1999, Respondent was
7 convicted of violating Penal Code section 496, subdivision (a), receiving stolen property, in the
8 case of *People v. Grant James Doiron* (Super. Ct. San Luis Obispo County, 1999, No. F289168).
9 Respondent was sentenced to three years' probation, ordered to served 120 days in jail, and
10 ordered to pay restitution.

11 i. On or about August 22, 2000, Respondent was sentenced to 30 days in jail
12 for violating probation, which was then reinstated.

13 ii. On or about October 27, 2001, Respondent served 45 days in jail for
14 violating probation, which was then reinstated.

15 iii. On or about January 30, 2002, Respondent's probation was extended 21
16 months for his violation of probation. Respondent's probation was ultimately terminated on
17 or about February 27, 2004.

18 b. On or about April 12, 2005, Respondent was convicted of two counts of violating New
19 Hampshire's Revised Statues Annotated, Number 644.4, harassment, misdemeanors, in the case of
20 *State v. Grant Doiron* (N.H. 8th Cir., 2005, No. 449-2005-CR-01120).

21 c. On or about March 16, 2004, Respondent was convicted of violating New
22 Hampshire's Revised Statues Annotated, Number 637.3, theft, a misdemeanor, in the case of *State*
23 *v. Grant Doiron* (N.H. 8th Cir., 2004, No. 449-2004-CR-01000).

24 d. Respondent admitted that on or about June 28, 2001, he was convicted in San Luis
25 Obispo County of violating Vehicle Code section 12500, subdivision (a), driving without a license,
26 a misdemeanor.

27 _____
28 ⁶ *Supra* footnote 3.

1 e. Respondent admitted that on or about July 20, 2000, he was convicted in San Luis
2 Obispo County of violating Vehicle Code section 34103, subdivision (b), reckless driving, a
3 misdemeanor.

4 f. Respondent admitted that on or about November 15, 1999, he was convicted in San
5 Luis Obispo County of violating Health and Safety Code section 11377, subdivision (a),
6 possession of a controlled substance.

7 g. On or about February 23, 1998, Respondent was convicted of four counts of violating
8 New Hampshire's Revised Statues Annotated, Number 637.7, receiving stolen property,
9 misdemeanors, in the case of *State v. Grant Doiron* (N.H. 8th Cir., 1998, No. 449-1998-CR-
10 010303).

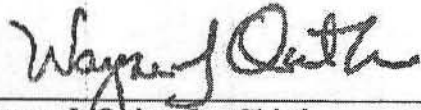
11 (Bus. & Prof. Code, §§ 19912, subd. (d), 19914, 19857, subds. (a) & (b), & 19859, subds.
12 (a) & (c); Cal. Code. Regs., tit. 4, § 12105, subds. (a), (b)(1), (c) & (e).)

13 **PRAYER**

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

- 16 1. Denying Respondent's Application for a Work Permit; and
17 2. Taking such other and further action as the Commission may deem appropriate.

18
19 Dated: October 24, 2016.



Wayne J. Quint, Jr., Chief
Bureau of Gambling Control
California Department of Justice
Complainant

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APPENDIX A
JURISDICTION

1. Business and Professions Code section 19811, subdivision (b), provides:

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 operation of gambling establishments is vested in the commission.

2. 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.

3. 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:

* * *

(b) For any cause deemed reasonable by the commission, deny any application for a license, permit, or approval provided for in this chapter or regulations adopted pursuant to this chapter, limit, condition, or restrict any license, permit, or approval, or impose any fine upon any

1 person licensed or approved. The commission may condition, restrict,
2 discipline, or take action against the license of an individual owner
3 endorsed on the license certificate of the gambling enterprise whether or
4 not the commission takes action against the license of the gambling
5 enterprise.

6 * * *

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

10 4. Business and Professions Code section 19870 provides:

11 (a) The commission, after considering the recommendation of
12 the chief and any other testimony and written comments as may be
13 presented at the meeting, or as may have been submitted in writing to
14 the commission prior to the meeting, may either deny the application or
15 grant a license to an applicant who it determines to be qualified to hold
16 the license.

17 (b) When the commission grants an application for a license or
18 approval, the commission may limit or place restrictions thereon as it
19 may deem necessary in the public interest, consistent with the policies
20 described in this chapter.

21 (c) When an application is denied, the commission shall prepare
22 and file a detailed statement of its reasons for the denial.

23 (d) All proceedings at a meeting of the commission relating to a
24 license application shall be recorded stenographically or by audio or
25 video recording.

26 (e) A decision of the commission denying a license or approval,
27 or imposing any condition or restriction on the grant of a license or
28 approval may be reviewed by petition pursuant to Section 1085 of the
Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure
shall not apply to any judicial proceeding described in the foregoing
sentence, and the court may grant the petition only if the court finds that
the action of the commission was arbitrary and capricious, or that the
action exceeded the commission's jurisdiction.

1 5. Business and Professions Code section 19871 provides:

2 (a) The commission meeting described in Section 19870 shall be
3 conducted in accordance with regulations of the commission and as
4 follows:

5 (1) Oral evidence shall be taken only upon oath or
6 affirmation.

7 (2) Each party shall have all of the following rights:

8 (A) To call and examine witnesses.

9 (B) To introduce exhibits relevant to the issues of the
10 case.

11 (C) To cross-examine opposing witnesses on any
12 matters relevant to the issues, even though the matter was
13 not covered on direct examination.

14 (D) To impeach any witness, regardless of which
15 party first called the witness to testify.

16 (E) To offer rebuttal evidence.

17 (3) If the applicant does not testify in his or her own
18 behalf, he or she may be called and examined as if under cross-
19 examination.

20 (4) The meeting need not be conducted according to
21 technical rules relating to evidence and witnesses. Any relevant
22 evidence may be considered, and is sufficient in itself to support a
23 finding, if it is the sort of evidence on which responsible persons
24 are accustomed to rely in the conduct of serious affairs, regardless
25 of the existence of any common law or statutory rule that might
26 make improper the admission of that evidence over objection in a
27 civil action.

28 (b) Nothing in this section confers upon an applicant a right to
discovery of the department's^[7] investigative reports or to require
disclosure of any document or information the disclosure of which is
otherwise prohibited by any other provision of this chapter.

⁷ Hereinafter, "department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

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6. Business and Professions Code section 19912, provides in part:

(d) Application for a work permit for use in any jurisdiction where a locally issued work permit is not required by the licensing authority of a city, county, or city and county, shall be made to the department, and may be granted or denied for any cause deemed reasonable by the commission. . . .

7. Business and Professions Code section 19914, provides in part:

(a) The commission may revoke a work permit of, if issued by the licensing authority of a city, county, or city and county, notify the authority to revoke it, and the licensing authority shall revoke it, if the commission finds, after a hearing, that a gambling enterprise employee or independent agent has failed to disclose, misstated, or otherwise misled the department or the commission with respect to any fact contained in any application for a work permit, or if the commission finds that the employee or independent agent, subsequent to being issued a work permit, has done any of the following:

(1) Committed, attempted, or conspired to do any act prohibited by this chapter.

(2) Engaged in any dishonest, fraudulent, or unfairly deceptive activities in connection with controlled gambling, or knowingly possessed or permitted to remain in or upon any premises any cards, dice, mechanical devices, or any other cheating device.

(3) Concealed or refused to disclose any material fact in any investigation by the department.

(4) Committed, attempted, or conspired to commit, any embezzlement or larceny against a gambling licensee or upon the premises of a gambling establishment.

(5) Been convicted in any jurisdiction of any offense involving or relating to gambling.

(6) Accepted employment without prior commission approval in a position for which he or she could be required to be licensed under this chapter after having been denied a license or after failing to apply for licensing when required to do so by the commission.

(7) Been refused the issuance of any license, permit, or approval to engage in or be involved with gambling or parimutuel

1 waging in any jurisdiction, or had the license, permit, or approval
2 revoked or suspended.

3 (8) Been prohibited under color of governmental authority
4 from being present upon the premises of any licensed gambling
5 establishment or any establishment where parimutuel wagering is
6 conducted, for any reason relating to improper gambling activities
7 or any illegal act.

8 (9) Been convicted of any felony.

9 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

10 8. Business and Professions Code section 19856, subdivision (a) provides in part:

11 The burden of proving his or her qualifications to receive any license
12 is on the applicant.

13 9. Business and Professions Code section 19857 provides in part:

14 No gambling license shall be issued unless, based on all the
15 information and documents submitted, the commission is satisfied that
16 the applicant is all of the following:

17 (a) A person of good character, honesty and integrity.

18 (b) A person whose prior activities, criminal record, if any,
19 reputation, habits, and associations do not pose a threat to the public
20 interest of this state, or to the effective regulation and control of
21 controlled gambling, or create or enhance the dangers of unsuitable,
22 unfair, or illegal practices, methods, and activities in the conduct of
23 controlled gambling or in the carrying on of the business and financial
24 arrangements incidental thereto.

25 10. Business and Professions Code section 19859 provides in part:

26 The commission shall deny a license to any applicant who is
27 disqualified for any of the following reasons:

28 (a) Failure of the applicant to clearly establish eligibility and
qualification in accordance with this chapter.

(b) Failure of the applicant to provide information,
documentation, and assurances required by the 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 to a material fact pertaining to the qualification criteria.

1 (c) Conviction of a felony, including a conviction by a federal
2 court or a court in another state for a crime that would constitute a
3 felony if committed in California.

4 11. California Code of Regulations, title 4, section 12105 provides in part:

5 (a) An application for a work permit shall be denied by the
6 Commission if either of the following applies:

7 (1) The applicant meets any of the criteria for mandatory
8 disqualification under Business and Professions Code section
9 19859.

10 (2) The applicant is found unqualified pursuant to the
11 criteria set forth in subdivisions (a) or (b) of Business and
12 Professions Code section 19857.

13 (b) An application for a work permit may be denied by the
14 Commission if it finds any of the following:

15 (1) Cause set forth in Business and Professions Code
16 section 19914, subdivision (a), paragraphs (1) through (9),
17 inclusive.

18 * * *

19 (c) The grounds for denial set forth in this section apply in
20 addition to any grounds prescribed by statute.

21 * * *

22 (e) The provisions of Business and Professions Code sections
23 19857, 19859, and 19914, subdivision (a) shall be deemed incorporated
24 by reference into this regulation for the purposes set forth in this section.
25 For the purposes of this section, the criteria incorporated by reference in
26 these regulations from Business and Professions Code section 19914,
27 subdivision (a), apply to conduct or events occurring prior to the filing
28 of an application for a work permit.

12. California Code of Regulations, title 4, section 12124 provides:

Denial of an application for a temporary work permit or
cancellation of a temporary work permit shall not suspend the
processing and review of the related application for a regular work
permit.