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

13 **In the Matter of the Statement of Reasons:**
14
15 **JEFFREY-JUN SAMBRANO**
16 [Redacted]
17
18 Respondent.

BGC Case No.: BGC-HQ2015-00013SL
CGCC Case No.: GCADS-TRKE-014594

STATEMENT OF REASONS

20 Complainant alleges as follows:

21 **PARTIES**

22 1. Wayne J. Quint Jr. (Complainant) brings this Statement of Reasons solely in his
23 official capacity as the Chief of the California Department of Justice, Bureau of Gambling
24 Control (Bureau).

25 2. On or about October 15, 2013, Jeffrey-Jun Sambrano (Respondent) submitted to the
26 California Gambling Control Commission (Commission) an Application for Finding of
27

1 Suitability Tribal Key Employee (Application). Respondent also submitted a State Gaming
2 Agency Tribal Key Employee Supplemental Background Investigation Information form.¹

3 3. On March 9, 2015, the Bureau recommended that the Commission deny
4 Respondent's Application. Based on the Bureau's recommendation, the Commission referred the
5 matter of Respondent's Application to an evidentiary hearing. The Commission's Executive
6 Director referred the matter to hearing pursuant to California Code of Regulations, title 4, section
7 12060, subdivision (a).

8 **FIRST CAUSE FOR DENIAL OF APPLICATION**

9 **(Unqualified for Licensure - Conviction of a Crime in Another State
10 That Would Constitute a Felony if Committed in California)**

11 4. Respondent's application for licensure is subject to mandatory denial pursuant to
12 Business and Professions Code section 19859, subdivision (c), in that Respondent was convicted
13 of a crime in another state that would constitute a felony if committed in California. On or about
14 April 26, 1995, Respondent was convicted in the State of Hawaii, Honolulu District Court, for a
15 misdemeanor criminal violation of cruelty to animals, Hawaii Penal Code section 711-1109,
16 Report Number 95-148257. Respondent pled guilty to this misdemeanor offense, and he was
17 ordered to pay a \$75.00 fine.

18 5. Respondent was arrested for his criminal violation of cruelty to animals, Hawaii
19 Penal Code section 711-1109, on or about April 9, 1995. On that day Respondent was at a local
20 pit fighting gamecocks. There were two gamecocks engaged in combat in the fighting pit.
21 During this fight Respondent was in the ring with a gamecock, and attached to the gamecock was
22 a steel gaff/blade. At that time Respondent was then placed under arrest by the police for cruelty
23 to animals and gaff prohibited.

24 _____
25 ¹ Respondent is employed at the Thunder Valley Casino Resort, which is located at 1200
26 Athens Avenue, Lincoln, California. Because this gambling establishment is owned and operated
27 by the United Auburn Indian Community of the Auburn Rancheria of California (United
28 Auburn) pursuant to a tribal-state compact, Respondent's tribal key employee license is issued by
the Tribal Gaming Agency (TGA) and not the Commission. In such instances, the Commission
only makes a Finding of Suitability. (Tribal-State Compact Between the State of California and
the United Auburn, pp. 11-14, § 6.)

1 Honolulu District Court, for a misdemeanor criminal violation of abuse of family and household
2 members, Hawaii Penal Code section 709-0906, Report Number 98-357878. Respondent pled
3 guilty to this misdemeanor offense, and he was sentenced to two days in jail, and one year
4 probation.

5 JURISDICTION

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

7 Jurisdiction, including jurisdiction over operation and
8 concentration, and supervision over gambling establishments in this
9 state and over all persons or things having to do with the operation
10 of gambling establishments is vested in the commission.

11 12. Business and Professions Code section 19823 provides:

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

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

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

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

28 13. 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,³ 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,

³ Hereinafter, "chapter" refers to Business and Professions Code, division 8, chapter 5,
(commencing with section 19800), also known as the Gambling Control Act.

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

7 [¶] . . . [¶]

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

11 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

- 12 14. Business and Professions Code section 19856, subdivision (a) provides in part:

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

- 15 15. Business and Professions Code section 19857 provides in part:

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

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

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

- 27 16. Business and Professions Code section 19859 provides in part:

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

[¶] . . . [¶]

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

17. Penal Code section 597, states in pertinent part:

(a) Except as provided in subdivision (c) of this section or
Section 599c, every person who maliciously and intentionally
maims, mutilates, tortures, or wounds a living animal, or
maliciously and intentionally kills an animal, is guilty of a crime
punishable pursuant to subdivision (d).

1 (b) Except as otherwise provided in subdivision (a) or (c),
2 every person who overdrives, overloads, drives when overloaded,
3 overworks, tortures, torments, deprives of necessary sustenance,
4 drink, or shelter, cruelly beats, mutilates, or cruelly kills any
5 animal, or causes or procures any animal to be so overdriven,
6 overloaded, driven when overloaded, overworked, tortured,
7 tormented, deprived of necessary sustenance, drink, shelter, or to be
8 cruelly beaten, mutilated, or cruelly killed; and whoever, having the
9 charge or custody of any animal, either as owner or otherwise,
10 subjects any animal to needless suffering, or inflicts unnecessary
11 cruelty upon the animal, or in any manner abuses any animal, or
12 fails to provide the animal with proper food, drink, or shelter or
13 protection from the weather, or who drives, rides, or otherwise uses
14 the animal when unfit for labor, is, for each offense, guilty of a
15 crime punishable pursuant to subdivision (d).

16 [§] . . . [§]

17 (d) A violation of subdivision (a), (b), or (c) is punishable as a
18 felony by imprisonment pursuant to subdivision (h) of Section
19 1170, or by a fine of not more than twenty thousand dollars
20 (\$20,000), or by both that fine and imprisonment, or alternatively,
21 as a misdemeanor by imprisonment in a county jail for not more
22 than one year, or by a fine of not more than twenty thousand dollars
23 (\$20,000), or by both that fine and imprisonment.

24 PRAYER

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

- 27 1. Denying Respondent's application an Finding of Suitability Tribal Key Employee;
28 and
2. Taking such other and further action as the Commission may deem appropriate.

Dated: October 15, 2015



WAYNE J. QUINT JR., Chief
Bureau of Gambling Control
Department of Justice
State of California
Complainant