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

14 **In the Matter of the Statement of Reasons**  
15 **Against:**

BGC Case No. BGC-HQ2016-00002SL  
CGCC Case No. CGCC-2015-0225-15

16 **GREG DOCHERTY**  
17 [REDACTED]

**STATEMENT OF REASONS**

18  
19 **Respondent.**  
20

21  
22 Complainant alleges as follows:

23 **PARTIES**

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



1 Respondent was convicted of a crime involving dishonesty or moral turpitude in 1991.  
2 Specifically, on or about May 13, 1991, Respondent was convicted, upon a plea of nolo  
3 contendere, of a violation of Penal Code section 647, subdivision (a), solicitation of lewd  
4 conduct, a misdemeanor, in the case of *People v. Greg Docherty* (Super. Ct. Los Angeles County,  
5 1991, No. 91H01575).<sup>4</sup>

6 **SECOND CAUSE FOR DENIAL**

7 **(Providing Untrue or Misleading Information – Mandatory or Discretionary Denial)**

8 8. Respondent's Application is subject to mandatory denial pursuant to Business and  
9 Professions Code section 19859, subdivision (b), and/or discretionary denial pursuant to Business  
10 and Professions Code section 19805, subdivision (j), section 19857, subdivision (a), and section  
11 19866 because he provided untrue or misleading information to the Bureau about his 1991  
12 conviction for violating Penal Code section 647(a), solicitation of lewd conduct. Although  
13 Respondent disclosed a conviction for "lewd conduct" in his Application, Respondent responded  
14 dishonestly to the Bureau's inquiry regarding the circumstances that lead to the conviction.  
15 Respondent stated he suffered the conviction for urinating in an alley, when in fact he was  
16 arrested for soliciting two prostitutes and engaging in a sex act.

17 **THIRD CAUSE FOR DENIAL**

18 **(Unsuitable for Licensure – Discretionary Denial)**

19 9. Respondent's Application is subject to denial pursuant to Business and Professions  
20 Code section 19857. Respondent has demonstrated he is unsuitable for licensure based on a  
21 pattern and practice of dishonesty, of failing to comply with the criminal court's sentencing  
22 orders in a timely fashion, and of avoiding his financial obligations, as follows:

23 a. On or about April 22, 1991, when confronted in the company of two  
24 prostitutes by the police, Respondent initially attempted to flee. When subsequently  
25

26 \_\_\_\_\_  
27 <sup>4</sup> Although Respondent's conviction was for a crime involving dishonesty or moral  
28 turpitude, the conviction occurred more than 10 years prior to the date the Application was  
submitted.

1 apprehended, he then provided a dishonest explanation about the circumstances in which he  
2 was discovered;

3 b. On or about May 13, 1991, in the case of *People v. Greg Docherty*  
4 (Super. Ct. Los Angeles County, 1991, No. 91H01575), Respondent was ordered placed on  
5 summary probation on the condition that he perform 120 hours of community service and  
6 undergo AIDS education. Respondent did not comply with these probationary  
7 requirements until on or about March 1, 2006, after multiple bench warrants had been  
8 issued and upon the requirements being converted to fines, penalties and restitution;

9 c. In connection with Respondent's 2005 Application for a Finding of  
10 Suitability, Respondent (1) failed to disclose his 1991 arrest and conviction for lewd  
11 conduct on the Application, and (2) when subsequently asked by the Bureau<sup>5</sup> to explain the  
12 circumstances of the conviction, he submitted an untrue statement explaining that his arrest  
13 was the result of being drunk and disorderly and using the bathroom in public;<sup>6</sup>

14 d. In connection with Respondent's 2015 Application for a Finding of  
15 Suitability, when asked by the Bureau to explain the circumstances of his 1991 arrest and  
16 conviction, he submitted an untrue statement explaining that his arrest was the result of  
17 "having his pants down and peeing in an alley"; and,

18 e. From September, 2004 through the present, Respondent has exhibited a  
19 pattern and practice of avoiding his financial obligations, including having multiple charge  
20 off accounts and collections accounts which, together, totaled approximately \$11,800.

21 **PRAYER**

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

24 1. Denying Respondent's Initial Application for a Finding of Suitability;

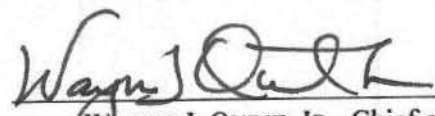
25 <sup>5</sup> At the time, the Bureau was known as the "Division of Gambling Control."

26 <sup>6</sup> For presently unknown reasons, neither the Bureau nor the Commission verified the  
27 circumstances of Respondent's arrest and conviction, or accuracy of his statement of explanation.  
28 Had that occurred, Respondent's 2005 application would have then been subject to mandatory  
denial pursuant to Business and Professions Code section 19859, subdivision. (a), (b) & (d).

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2. Taking such other and further action as the Commission may deem appropriate.

Dated: August <sup>24<sup>th</sup></sup> 2016

  
\_\_\_\_\_  
WAYNE J. QUINT, JR., Chief of the  
Bureau of Gambling Control,  
California Department of Justice  
Complainant

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**APPENDIX**

**JURISDICTION**

1. 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.

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 a "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,<sup>[7]</sup> 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

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<sup>7</sup> Hereinafter, "chapter" refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

1 regulations adopted pursuant to this chapter, limit, condition, or restrict any  
2 license, permit, or approval, or impose any fine upon any person licensed or  
3 approved.

4 \* \* \*

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

8 4. Section 6.5.6 of the Tribal-State Compact Between the State of California and the  
9 Pala Band of Mission Indians provides, in part:

10 Except for an applicant for licensing as a non-key Gaming  
11 Employee, as defined by agreement between the [Pala] Tribal Gaming  
12 Agency and the State Gaming Agency, the Tribal Gaming Agency shall  
13 require the applicant also to file an application with the State Gaming  
14 Agency, . . . for a determination of suitability for licensure under the  
15 California Gambling Control Act. Investigation and disposition of that  
16 application shall be governed entirely by state law, and the State Gaming  
17 Agency shall determine whether the applicant would be found suitable for  
18 licensure in a gambling establishment subject to that Agency's  
19 jurisdiction.

### 20 SPECIFIC STATUTORY PROVISIONS

21 5. Business and Professions Code section 19805, subdivision (j), provides:

22 "Finding of Suitability" means a finding that a person meets the  
23 qualification criteria described in subdivisions (a) and (b) of Section  
24 19857, and that the person would not be disqualified from holding a state  
25 gambling license on any of the grounds specified in Section 19859.

26 6. Under Business and Professions Code section 19856, subdivision (a), the burden of  
27 proving his or her qualifications to receive any license is on the applicant.

28 7. Business and Professions Code section 19857 provides:

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

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

(b) A person whose prior activities, criminal record, if any,  
reputation, habits, and associations do not pose a threat to the public

1 interest of this state, or to the effective regulation and control of  
2 controlled gambling, or create or enhance the dangers of unsuitable,  
3 unfair, or illegal practices, methods, and activities in the conduct of  
4 controlled gambling or in the carrying on of the business and financial  
5 arrangements incidental thereto.

6 (c) A person that is in all other respects qualified to be licensed as  
7 provided in this chapter.

8 8. Business and Professions Code section 19859 provides, in part:

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

11 \* \* \*

12 (b) Failure of the applicant to provide information, documentation,  
13 and assurances required by this chapter or requested by the chief,<sup>8</sup> or  
14 failure of the applicant to reveal any fact material to qualification, or the  
15 supplying of information that is untrue or misleading as to a material fact  
16 pertaining to the qualification criteria.

17 9. Business and Professions Code section 19866 provides:

18 An applicant for licensing or for any approval or consent required  
19 by this chapter, shall make full and true disclosure of all information  
20 to the department<sup>9</sup> and the commission as necessary to carry out the  
21 policies of this state relating to licensing, registration, and control of  
22 gambling.

23 10. Business and Professions Code section 19870 provides:

24 (a) The commission, after considering the recommendation of the  
25 [Bureau] chief and any other testimony and written comments as may  
26 be presented at the meeting, or as may have been submitted in writing  
27 to the commission prior to the meeting, may either deny the application  
28 or grant a license to an applicant who it determines to be qualified to  
hold the license.

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

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<sup>8</sup> "Chief" refers to the Chief of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

<sup>9</sup> "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)



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

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

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

14 11. Business and Professions Code section 19871 provides:

15 (a) The commission meeting described in Section 19870 shall be  
16 conducted in accordance with regulations of the commission and as  
17 follows:

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

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

20 (A) To call and examine witnesses.

21 (B) To introduce exhibits relevant to the issues of the  
22 case.

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

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

28 (E) To offer rebuttal evidence.

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

(4) The meeting 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 on which responsible persons are  
accustomed to rely in the conduct of serious affairs, regardless of  
the existence of any common law or statutory rule that might make

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improper the admission of that evidence over objection in a civil action.

(b) Nothing in this section confers upon an applicant a right to discovery of the department's 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.