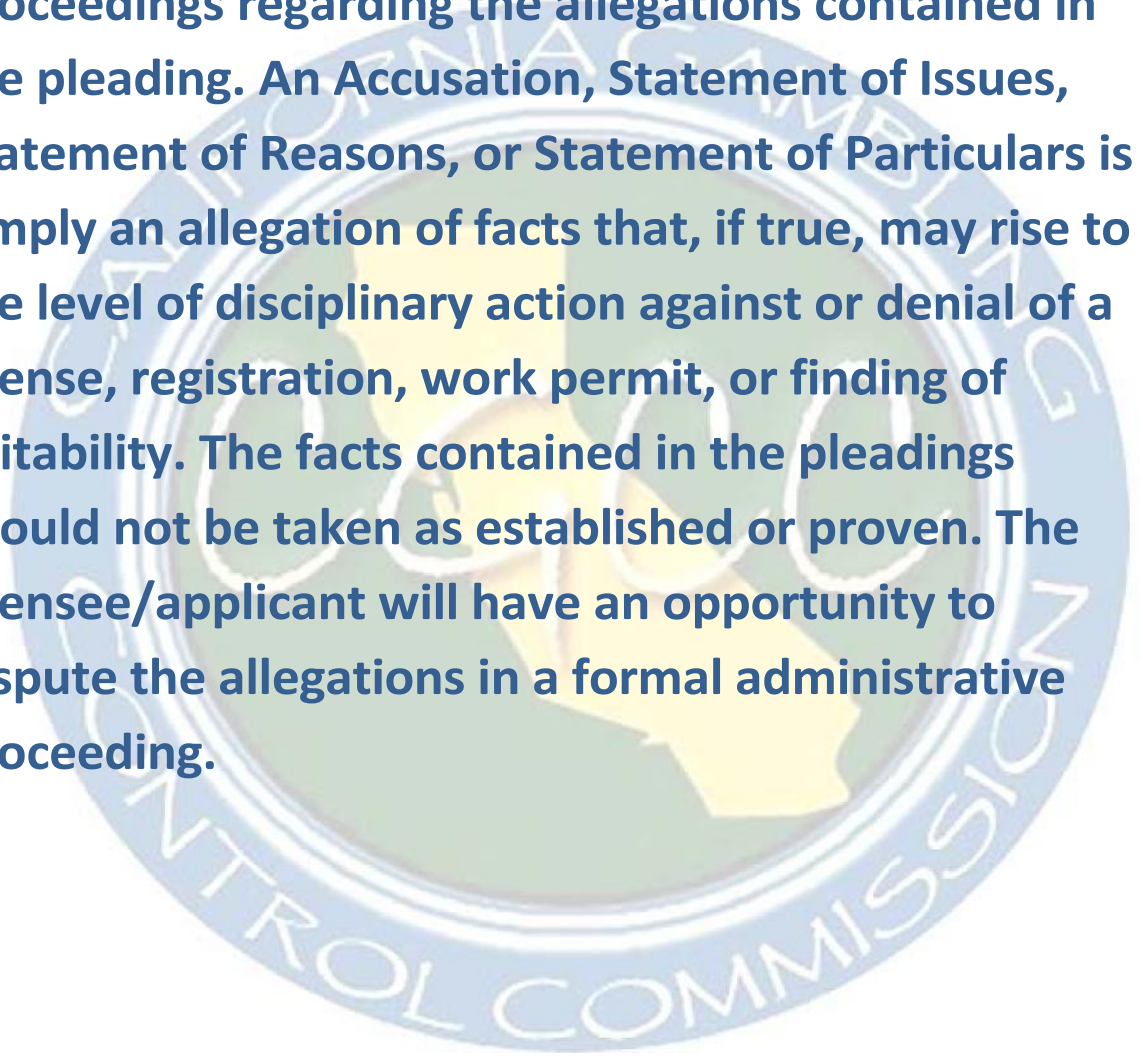


**The Commission is providing a copy of this pleading (Accusation, or Statement of Reasons, Statement of Particulars, or Statement of Issues) so the public is as informed as possible of pending administrative proceedings regarding the allegations contained in the pleading. An Accusation, Statement of Issues, Statement of Reasons, or Statement of Particulars is simply an allegation of facts that, if true, may rise to the level of disciplinary action against or denial of a license, registration, work permit, or finding of suitability. The facts contained in the pleadings should not be taken as established or proven. The licensee/applicant will have an opportunity to dispute the allegations in a formal administrative proceeding.**



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

14 In the Matter of the Application for a Finding of  
15 Suitability for:

16 **PHIA XIONG**  
17 [REDACTED]  
18 [REDACTED]  
19 TRKE-020615

Respondent.

Case Nos.: CGCC-2023-1116-12A

BGC-HQ2023-00014AL

**STATEMENT OF REASONS**

Hearing Date: September 30, 2024

Hearing Time: **10:00 a.m.**

Hearing Place: 2399 Gateway Oaks, Ste. 100  
Sacramento, CA 95833

**This hearing will be conducted by means of  
video conferencing on Zoom. The Zoom  
meeting code is 285 757 8614.**

22  
23 Complainant alleges as follows:

24 **PARTIES**

25 1. Yolanda Morrow (Complainant) brings this Statement of Reasons solely in her  
26 official capacity as the Director of the California Department of Justice, Bureau of Gambling  
27 Control (Bureau).  
28

1 2. Phia Xiong (Respondent) has been employed by Table Mountain Casino (Table  
 2 Mountain) from February 2019 to the Present. He assumed key employee duties (Table Games  
 3 Floor Supervisor) in February 2019.

4 **THE APPLICATION AND THIS PROCEEDING**

5 3. On March 26, 2019, the Bureau received Respondent’s initial Application for Finding  
 6 of Suitability Tribal Key Employee (BGC-TKE-001 (Rev. 03/2015) and a Tribal Key Employee  
 7 Supplemental Background Investigation Information (BGC-TBL-001 (Rev. 07/11) (collectively,  
 8 Application). The Application was occasioned by Respondent’s employment as a Table Games  
 9 Floor Supervisor (key) at Table Mountain.<sup>1</sup> Upon receipt of the Application, the Bureau  
 10 undertook a Tribal Key Employee Background Investigation.

11 4. During its background investigation of the Respondent, the Bureau learned that  
 12 Respondent had failed to disclose certain derogatory employment information and had  
 13 misrepresented a significant event in his employment history. The Bureau on multiple occasions  
 14 requested and obtained further information from Respondent concerning information contained in  
 15 the Application.

16 5. On September 26, 2023, Assistant Director Lisa Wardall, Manager II Frances  
 17 Asuncion, and Manager II Mysty Trejo met with Respondent via telephone and informed him  
 18 generally of the Bureau’s recommendation to deny the Application. On September 27, 2023,  
 19 Assistant Director Wardall and Manager II Trejo met with Gaming Commission Chairman Isaac  
 20 Ballesteros, Gaming Commissioner Tom Alvarado, Gaming Commissioner Manuel Sanchez, and  
 21 Backgrounds Manager Isaac Chacon-Macias of the Table Mountain Rancheria Tribal Gaming  
 22 Commission (Tribal Gaming Agency), to inform them of the general basis for the Bureau’s  
 23 recommendation to deny the Application. The Tribal Gaming Agency did not provide a response  
 24 or any additional information.

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25 <sup>1</sup> At the time of his Application, Respondent was employed at the Table Mountain  
 26 Casino. Because this gambling establishment is owned and operated by the Table Mountain  
 27 Rancheria, pursuant to a tribal-state compact, Respondent’s gaming license was issued by the  
 28 Table Mountain Rancheria Tribal Gaming Commission (the Tribal Gaming Agency).  
 Accordingly, under these circumstances, the Commission is required to make a determination of  
 suitability “for licensure under the California Gambling Control Act.” (Tribal-State Compact  
 Between the State of California and the Table Mountain Rancheria, § 6.5.6.

1           6.     On September 29, 2023, the Bureau notified Respondent that it had completed its  
2 background investigation in connection with the Application, and issued its Tribal Key Employee  
3 Background Investigation Report Level III recommending that the Application be denied.

4           7.     On November 3, 2023, the California Gambling Control Commission (Commission)  
5 notified Respondent that his Application would be considered by the Commission at 10:00 a.m.,  
6 on November 16, 2023. On that date, the Commission considered the Application and voted to  
7 refer the Application to an evidentiary hearing pursuant to California Code of Regulations title 4,  
8 section 12054, subdivision (a)(4)<sup>2</sup>, and determined that the hearing would be a Gambling Control  
9 Act hearing before the Commissioners. The Commission's notification to Respondent included a  
10 Notice of Defense, with instructions, which Respondent subsequently returned to the Commission  
11 on or about November 27, 2023. The Notice of Defense did not include a request that notices or  
12 written communications concerning the evidentiary hearing be provided to Respondent via email,  
13 but prior to May 30, 2024, Respondent advised the Commission that he preferred to receive  
14 notices or written communications from the Commission via email.

15           8.     On May 30, 2024, the Commission issued a Notice of Hearing (Notice) informing  
16 Respondent that the evidentiary hearing would be conducted before the Commission on  
17 September 30, 2024 at 10:00 a.m., using Zoom video conferencing (Zoom meeting code 285 757  
18 8614). The Notice further provided that the evidentiary hearing would be preceded by a  
19 mandatory prehearing conference on August 31, 2024 at 10:00 a.m., also using Zoom  
20 videoconferencing.

### **BURDEN OF PROOF**

21           9.     Respondent has the burden of proving that he is qualified to receive a tribal key  
22 employee license. (Bus. & Prof. Code, § 19856, subd. (a).)  
23  
24  
25  
26

27 \_\_\_\_\_  
28 <sup>2</sup> The statutes and regulations applicable to this Statement of Reasons are quoted in pertinent part in Appendix A.

1 **FIRST CAUSE FOR DENIAL**

2 **(Unsuitable for Licensure)**

3 10. Respondent's Application is subject to mandatory or discretionary denial on the  
4 ground that Respondent is unsuitable for licensure because his prior conduct indicates that he is  
5 not a person of good character, honesty, and integrity within the meaning of the Gambling  
6 Control Act, and that his prior activities pose a threat to the public interest of this state, or to the  
7 effective regulation and control of controlled gambling. Respondent failed to disclose and  
8 provided misleading information regarding the termination of his prior employment by  
9 Chukchansi Gold Resort and Casino for violating policy and procedure, ethics, failure to uphold  
10 Title 31 requirements, and failure to protect tribal assets, by stating in the Application that he  
11 resigned from that employment, and by subsequently providing an unsatisfactory explanation of  
12 the discrepancy between his statement in the Application and facts as determined by the Bureau's  
13 investigation.

14 11. Respondent's failures to disclose, and willingness to misrepresent, derogatory events  
15 in his employment history as described in paragraph 10, above, make Respondent ineligible for  
16 licensure under the Gambling Control Act.

17 (Bus. & Prof. Code, §§ 19856, 19857 [discretionary denial], 19859, subds. (a) & (b) [mandatory  
18 denial]; Cal. Code Regs., tit. 4, § 12040, subds. (a)(1) & (2) [mandatory denial].)

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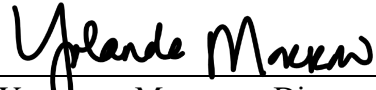
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**PRAYER**

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

1. Denying Respondent’s Application; and
3. Taking such other and further action as the Commission may deem appropriate.

Dated: August\_\_\_\_, 2024

  
\_\_\_\_\_  
YOLANDA MORROW, Director  
Bureau of Gambling Control  
California Department of Justice

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**APPENDIX A**

**BUSINESS AND PROFESSIONS CODE**

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 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,<sup>3</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 regulations adopted pursuant to this chapter, limit, condition, or restrict any license, permit, or approval, or impose any fine upon any person licensed or approved. The commission may

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<sup>3</sup> “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

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

5 \* \* \*

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

9 4. Business and Professions Code, section 19854 provides, in part:

10 (a) A person shall not be employed as a key employee unless that  
11 person applies for and obtains a key employee license.

12 (b) A person shall not be issued a key employee license unless the  
13 person would qualify for a state gambling license.

14 5. Business and Professions Code section 19856 provides:

15 (a) Any person who the commission determines is qualified to  
16 receive a state license, having due consideration for the proper  
17 protection of the health, safety, and general welfare of the residents of  
18 the State of California and the declared policy of this state, may be  
19 issued a license. The burden of proving his or her qualifications to  
20 receive any license is on the applicant.

21 (b) An application to receive a license constitutes a request for a  
22 determination of the applicant's general character, integrity, and  
23 ability to participate in, engage in, or be associated with, controlled  
24 gambling.

25 (c) In reviewing an application for any license, the commission  
26 shall consider whether issuance of the license is inimical to public  
27 health, safety, or welfare, and whether issuance of the license will  
28 undermine public trust that the gambling operations with respect to  
which the license would be issued are free from criminal and dishonest  
elements and would be conducted honestly.

6. Business and Professions Code section 19857 provides:

No gambling license shall be issued unless, based on all of 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  
interest of this state, or to the effective regulation and control of  
controlled gambling, or create or enhance the dangers of unsuitable,  
unfair, or illegal practices, methods, and activities in the conduct of



1 controlled gambling, or in the carrying on of the business and financial  
2 arrangements incidental thereto.

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

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

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

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

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

15 8. Business and Professions Code section 19866 provides:

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

21 9. Business and Professions Code section 19870 provides:

22 (a) The commission, after considering the recommendation of the  
23 chief<sup>4</sup> and any other testimony and written comments as may be  
24 presented at the meeting, or as may have been submitted in writing to  
25 the commission prior to the meeting, may either deny the application  
26 or grant a license to an applicant who it determines to be qualified to  
27 hold the license, or refer the application to an evidentiary hearing.

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

(c) If, during a meeting, the commission denies an application,  
denies approval, or approves with limits, restrictions, or conditions,  
the action shall be stayed for a period of 30 days after the meeting,  
during which the applicant may request an evidentiary hearing. If the  
applicant does not file a request for an evidentiary hearing within 30  
days, the action of the commission taken at the meeting is final. If the  
applicant waives the right to hearing and assents to the action of the  
commission in writing, upon receipt of the waiver by the commission,  
the action shall no longer be stayed. If the applicant files a timely  
request for an evidentiary hearing, the action shall be vacated and the  
application shall be reviewed de novo at the evidentiary hearing.

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<sup>4</sup> “Chief” refers to the Director of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

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

3 (e) All proceedings relating to an application at a meeting of the  
4 commission or at an evidentiary hearing shall be recorded  
stenographically or by audio or video recording.

5 (f) A decision of the commission after an evidentiary hearing,  
6 denying a license or approval, or imposing any condition or restriction  
7 on the grant of a license or approval may be reviewed by petition  
8 pursuant to Section 1085 of the Code of Civil Procedure. Section  
9 1094.5 of the Code of Civil Procedure does not apply to any judicial  
proceeding held to consider that petition, 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.

10 10. Business and Professions Code section 19871 provides:

11 (a) An evidentiary hearing described in Section 19870 shall be  
12 conducted in accordance with regulations of the commission and as  
follows:

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

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

15 (A) To call and examine witnesses.

16 (B) To introduce exhibits relevant to the issues  
17 of the case.

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

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

22 (E) To offer rebuttal evidence.

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

25 (4) The meeting need not be conducted according to  
26 technical rules relating to evidence and witnesses. Any relevant  
27 evidence may be considered, and is sufficient in itself to support a  
28 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 improper the admission of that evidence over objection in a  
civil action.

1 (b) Nothing in this section confers upon an applicant a right to  
2 discovery of the department's<sup>5</sup> investigative reports or to require  
3 disclosure of any document or information the disclosure of which is  
4 otherwise prohibited by any other provision of this chapter.

4 **CALIFORNIA CODE OF REGULATIONS**

5 11. California Code of Regulations, title 4, section 12040, subdivision (a) provides, in  
6 part:

7 An application for an initial or renewal license:

8 (1) Will be denied if the Commission finds that the applicant  
9 has not satisfied the requirements of Business and Professions  
10 Code section 19857; or,

11 (2) Will be denied if the Commission finds that any of the  
12 provisions of Business and Professions Code section 19859 apply  
13 to the applicant.

12 12. California Code of Regulations, title 4, section 12054, subdivision (a)(2) provides:

13 Issue a license, work permit, finding of suitability, or other  
14 approval with conditions, restrictions, or limitations, and for renewal a  
15 renewal application, issue an interim renewal license pursuant to  
16 Section 12035.

16 13. California Code of Regulations, title 4, section 12056, subdivision (a) provides in  
17 part:

18 If the Commission elects to hold an evidentiary hearing, or an  
19 applicant has elected to request an evidentiary hearing following a  
20 Commission approval with conditions, restrictions, or limitations  
21 pursuant to paragraph (2) of subsection (a) of Section 12054 or a  
22 denial pursuant to paragraph (3) of subsection (a) of Section 12054,  
23 the hearing will be conducted as a GCA hearing under Section 12060,  
24 unless the Executive Director or the Commission determines the  
25 hearing should be conducted as an APA hearing under Section  
26 12058 . . . .

23 14. California Code of Regulations, title 4, section 12060, provides:

24 (a) If the Executive Director determines it is appropriate, he or  
25 she may set an application for consideration at a GCA hearing in  
26 advance of a meeting pursuant to Section 12054. The Executive  
27 Director will give notice to the applicant, pursuant to paragraph (2)  
28 subsection (c) of Section 12052, to the Office of the Attorney General,  
and to the Bureau no later than 90 calendar days in advance of the

28 (h.) <sup>5</sup> "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.

1 GCA hearing. The Executive Director's determination will be based  
2 on information contained in the Bureau's report or other appropriate  
3 sources including, without limitation, a request from the Bureau or  
4 applicant as well as the Commission's operational considerations.

5 (b) When a GCA hearing is elected pursuant to Section 12056,  
6 subdivision (a), the Executive Director will give notice to the  
7 applicant, pursuant to paragraph (2) subsection (c) of Section 12052,  
8 to the Office of the Attorney General, and to the Bureau no later than  
9 60 calendar days in advance of the GCA hearing.

10 (c) An applicant may request that his, her, or its GCA hearing be  
11 held at a Southern California location instead of the Commission's  
12 principal office in Sacramento, by completing the appropriate section  
13 on the Notice of Defense, CGCC-CH1-03 (Rev. 8/21). The request  
14 must be made on the initial Notice of Defense form submitted to the  
15 Commission and Bureau within the timeframes specified on the form.

16 (1) The Executive Director will approve a Southern  
17 California GCA hearing, if the request is timely made on the initial  
18 Notice of Defense form and meets all of the following criteria:

19 (A) The GCA hearing is estimated by Commission staff to  
20 last no longer than four hours.

21 (B) The primary residence of the applicant is located in one  
22 of the following counties: Imperial, Kern, Los Angeles,  
23 Orange, Riverside, San Diego, San Luis Obispo, San  
24 Bernardino, Santa Barbara, or Ventura.

25 (C) A GCA hearing will be noticed for a Southern California  
26 location only when it is in the best public interest, promotes  
27 judicial economy, and comports with the Commission's  
28 availability.

(2) If at any time before the hearing the Executive Director  
determines that the criteria in subparagraphs (A) through (C) of  
paragraph (1) are no longer met, Commission staff may cancel the  
Southern California GCA hearing and issue a new notice for a  
hearing at the Commission's principal office in Sacramento.

(d) The presiding officer and her or his support staff will have no  
communication with the Commission or Commission staff upon the  
merits of an application prior to the evidentiary hearing. The  
Executive Director will designate a presiding officer which shall be:

(1) A member of the Commission's legal staff; or,

(2) An Administrative Law Judge.

(e) The applicant or the complainant, or the applicant and the  
complainant, may request a continuance in writing to the Executive  
Director stating the reason for the continuance and any proposed  
future hearing dates. The Executive Director or Commission may  
approve the request. For a Southern California GCA hearing, if a

1 continuance is granted, the hearing may be scheduled in Sacramento  
2 of Southern California based on the criteria specified in subparagraphs  
(A) through (C) of paragraph (1) of subsection (c).

3 (f) The complainant shall provide to the applicant, subject to  
4 subsection (b) of Section 12056, at least 45 calendar days prior to the  
5 GCA hearing, and the applicant shall provide to the complainant, at  
6 least 30 calendar days prior to the GCA hearing, the following items:

7 (1) A list of potential witnesses with the general subject of  
8 the testimony of each witness;

9 (2) Copies of all documentary evidence intended to be  
10 introduced at the hearing and not previously provided;

11 (3) Reports or statements of parties and witnesses, if  
12 available; and

13 (4) All other written comments or writings containing  
14 relevant evidence.

15 (g) The provisions of subsection (f) of this section provide the  
16 exclusive right to and method of discovery between the applicant and  
17 complainant to a GCA hearing. Discovery is not permitted upon a  
18 Commission member or an advisor of the Commission unless a  
19 showing is made that they have direct personal factual information  
20 pertaining to material issues related to the application at issue and the  
21 information to be gained from the Commission member or advisor of  
22 the Commission is not available through any other sources.

23 (h) A presiding officer will rule on the admissibility of evidence  
24 and on any objections raised except for objections raised under  
25 subsection (h). A ruling by the presiding officer is final.

26 (1) In advance of the GCA hearing, upon a motion of a party  
27 or by order of the presiding officer, the presiding officer may  
28 conduct a pre-hearing conference, either in person, via  
teleconference, or by email exchange, subject to the presiding  
officer's availability and will issue a pre-hearing order if  
appropriate or requested by either party. The pre-hearing  
conference and order may address the following:

(A) Evidentiary issues;

(B) Witness and exhibit lists;

(C) Alterations in the Bureau recommendation;

(D) Stipulation for undisputed facts and/or the admission  
of evidence including without limitation the Bureau's report;

(E) Authorizing offsite livestreaming appearances for  
parties or witnesses if good cause has been presented and only  
if the process for offsite livestreaming has been approved by  
the Executive Director; and

1 (F) Other issues that may be deemed appropriate to  
2 promote the orderly and prompt conduct of the hearing.

3 2) The GCA hearing need not be conducted according to  
4 technical rules of evidence. Any relevant evidence may be  
5 considered, and is sufficient in itself to support findings if it is the  
6 sort of evidence on which reasonable persons are accustomed to  
7 rely in the conduct of serious affairs, regardless of the existence of  
8 any common law or statutory rule that might make improper the  
9 admission of that evidence over objection in a civil action.

10 (i) The Commission may, at any time upon a showing of  
11 prejudice by the objecting party:

12 (1) Prohibit the testimony of any witness or the introduction  
13 of any documentary evidence that has not been disclosed pursuant  
14 to subsection (f); or

15 (2) Continue any meeting or hearing as necessary to mitigate  
16 any prejudice.

17 (j) The complainant will present all facts and information in the  
18 Bureau report, if any, and the results of the Bureau's background  
19 investigation, and the basis for any recommendation, if the Bureau  
20 filed one with the Commission according to Business and Professions  
21 Code section 19868, to enable the Commission to make an informed  
22 decision on whether the applicant has met his, her, or its burden of  
23 proof. The complainant may but is not required to recommend or seek  
24 any particular outcome during the evidentiary hearing, unless it so  
25 chooses.

26 (k) The burden of proof is always on the applicant to prove his,  
27 her, or its qualifications to receive any license or other approval under  
28 the Act.

(l) The applicant may choose to represent himself, herself, or  
itself, or may retain an attorney or lay representative. Lay  
representatives may assist the applicant but are not authorized to serve  
as an attorney as otherwise defined and regulated by state law.

(m) Except as otherwise provided in subsection (i), the  
complainant and applicant will have the right to call and examine  
witnesses under oath; to introduce relevant exhibits and documentary  
evidence; to cross-examine opposing witnesses on any relevant matter,  
even if the matter was not covered in direct examination; to impeach  
any witness, regardless of which party first called the witness to  
testify; and to offer rebuttal evidence. If the applicant does not testify  
on his, her or its own behalf, the applicant may be called and  
examined, under oath, as if under cross-examination.

(n) Oral evidence will be taken upon oath or affirmation, which  
may be administered by the Executive Director, a member of the  
Commission, or the presiding officer if an Administrative Law Judge.

1 (o) At the conclusion of the evidentiary hearing, the members of  
2 the Commission will take the matter under submission, may discuss  
3 the matter in a closed session meeting, and may schedule future closed  
4 session meetings for deliberation.

5 15. California Code of Regulations, title 4, section 12120 provides, in part:

6 Applications for findings of suitability received pursuant to Tribal-  
7 State gaming compact section 6.5.6 and comparable sections of new or  
8 amended compacts for Tribal gaming employees in key employee  
9 positions, Tribal gaming resource suppliers and financial sources, will  
10 be processed as initial or renewal licenses consistent with Section  
11 12040.

12 **TRIBAL-STATE COMPACT BETWEEN THE STATE OF CALIFORNIA**  
13 **AND THE TABLE MOUNTAIN RANCHERIA**

14 16. The Tribal-State Compact Between the State of California and the Table Mountain  
15 Rancheria section 6.5.6 (State Certification Process) provides, in part:

16 Except for an applicant for licensing as a non-key Gaming  
17 Employee, as defined by agreement between the Tribal Gaming  
18 Agency and the State Gaming Agency, the Tribal Gaming Agency  
19 shell require the applicant also to file an application with the State  
20 Gaming Agency, prior to issuance of a temporary or permanent tribal  
21 gaming license, for a determination of suitability for licensure under  
22 the California Gambling Control Act. Investigation and disposition of  
23 that application shall be governed entirely by state law, and the State  
24 Gaming Agency shall determine whether the applicant would be found  
25 suitable for licensure in a gambling establishment subject to that  
26 Agency's jurisdiction. Additional information may be required by the  
27 State Gaming Agency to assist it in its background investigation,  
28 provided that such State Gaming Agency requirement shall be no  
greater than that which may be required of applicants for a State  
gaming license in connection with nontribal gaming activities and at a  
similar level of participation or employment. . . . If further  
investigation is required to supplement the investigation conducted by  
the Tribal Gaming Agency, the applicant will be required to pay the  
statutory application fee charged by the State Gaming agency pursuant  
to Business and Professions Code section 19941 (a). . . . Failure to  
pay the application fee . . . may be grounds for denial of the  
application by the State Gaming Agency. . . . Upon completion of the  
necessary background investigation or other verification of suitability,  
the State Gaming Agency shall issue a notice to the Tribal Gaming  
Agency certifying that the State has determined that the applicant  
would be suitable, or that the applicant would be unsuitable, for

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licensure in a gambling establishment subject to the jurisdiction of the State Gaming Agency and, if unsuitable, stating the reasons therefor. . . . Prior to denying an application for a determination of suitability, the State Gaming Agency shall notify the Tribal Gaming Agency and afford the Tribe an opportunity to be heard. If the State Gaming Agency denies an application for a determination of suitability, that Agency shall provide the applicant with written notice of all appeal rights available under state law.

Tribal-State Compact Between the State of California and the Table Mountain Rancheria, executed October 13, 1999, pp. 20-21.