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

14  
15 In the Matter of the Statement of Particulars  
16 Regarding Application for Approval of Tribal  
Key Employee Finding of Suitability for:

17 **Freddie George Cabada,**

18 Respondent.

Case Nos.: CGCC-2022-0823-11B

BGC-HQ2022-00022SL

19 **STATEMENT OF PARTICULARS**

20 Hearing Date: March 16, 2023  
21 Hearing Time: 10:00 a.m.  
22 Hearing Place: 2399 Gateway Oaks Drive,  
Suite 100  
Sacramento, CA 95833

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

23  
24 Complainant alleges as follows:

25 **PARTIES**

26 1. Yolanda Morrow (Complainant) brings this Statement of Particulars Regarding  
27 Application for Approval of Tribal Key Employee Finding of Suitability solely in her official  
28

1 capacity as the Director of the California Department of Justice, Bureau of Gambling Control  
2 (Bureau).

3 2. Chukchansi Gold Resort and Casino has employed Freddie George Cabada  
4 (Respondent) since approximately November 2011 as a slot floor person, and since August 2020  
5 as a slot supervisor.

### 6 **THE APPLICATION AND THIS PROCEEDING**

7 3. On or about September 9, 2020, the Bureau received an initial Application for  
8 Finding of Suitability, Tribal Key Employee and a Tribal Key Employee, Supplemental  
9 Background Investigation Information form (collectively, Application) from Respondent. The  
10 Application is to allow for Respondent's employment as a slot supervisor at the Chukchansi Gold  
11 Resort and Casino.

12 4. On or about July 5, 2022, the Bureau submitted a Tribal Key Employee Background  
13 Investigation Report, Level II, to the Commission, recommending that Respondent's Application  
14 be approved.

15 5. At its August 23, 2022 meeting, the Commission referred consideration of  
16 Respondent's Application to an evidentiary hearing to be conducted pursuant to Business and  
17 Professions Code sections 19870 and 19871, and California Code of Regulations, title 4, section  
18 12056, subdivision (a).

19 6. On or about September 9, 2022, Respondent submitted his Notice of Defense.

### 20 **BURDEN OF PROOF**

21 7. Respondent has the burden of proving his qualifications to receive a license.  
22 (Bus. & Prof. Code, § 19856, subd. (a).)

### 23 **LICENSURE CONSIDERATIONS**

#### 24 **(Misdemeanor Criminal Convictions)**

25 8. Respondent was convicted of nine misdemeanors that present a question of whether  
26 Respondent is qualified for licensure pursuant to the criteria set forth in Business and Professions  
27 Code section 19857. The circumstances are as follows:  
28

1           a.     On or about October 19, 1999, Respondent was convicted of violating Vehicle  
2 Code section 23152, subdivision (b), driving with 0.08 percent or more, by weight, of  
3 alcohol in his blood, a misdemeanor, in the case of *People v. Freddie George Cabada*  
4 (Super. Ct. Fresno County, 1999, Case No. T99905478-4).

5           b.     On or about January 19, 2000, Respondent was convicted of violating Penal  
6 Code section 273.5, subdivision (a), inflicting corporal injury on a spouse/cohabitant, a  
7 misdemeanor, in the case of *People v. Freddie George Cabada* (Super. Ct. Fresno County,  
8 2000, Case No. F00900118-1).

9           c.     On or about November 5, 2002, Respondent was convicted of violating Vehicle  
10 Code section 14601.2, subdivision (a), driving with a license suspended for driving under  
11 the influence, a misdemeanor, in the case of *People v. Freddie George Cabada* (Super. Ct.  
12 Fresno County, 2002, Case No. T00906050-0).

13           d.     On or about November 5, 2002, Respondent was convicted of violating Vehicle  
14 Code section 14601.2, subdivision (a), driving with a license suspended for driving under  
15 the influence, a misdemeanor, in the case of *People v. Freddie George Cabada* (Super. Ct.  
16 Fresno County, 2002, Case No. T00906352-0).

17           e.     On or about January 29, 2004, Respondent was convicted of violating Vehicle  
18 Code section 14601.2, subdivision (a), driving with a license suspended or revoked for  
19 driving under the influence, a misdemeanor, in the case of *People v. Freddie George*  
20 *Cabada* (Super. Ct. Fresno County, 2004, Case No. T03900714-7).

21           f.     On or about January 29, 2004, Respondent was convicted of violating Vehicle  
22 Code section 14601.2, subdivision (a), driving with a license suspended or revoked for  
23 driving under the influence, a misdemeanor, in the case of *People v. Freddie George*  
24 *Cabada* (Super. Ct. Fresno County, 2004, Case No. T03907746-2).

25           g.     On or about March 4, 2004, Respondent was convicted of violating Vehicle  
26 Code section 14601.5, subdivision (a), driving with prior convictions while his license was  
27 suspended or revoked, a misdemeanor, in the case of *People v. Freddie George Cabada*  
28 (Super. Ct. Fresno County, 2004, Case No. T04900686-7).

1 h. On or about June 19, 2006, Respondent was convicted of violating Vehicle  
2 Code section 23152, subdivision (b), driving with 0.08 percent or more, by weight, of  
3 alcohol in his blood, a misdemeanor, in the case of *People v. Freddie George Cabada*  
4 (Super. Ct. Fresno County, 2006, Case No. T06904092-4).

5 i. On or about November 22, 2011, Respondent was convicted of violating  
6 Vehicle Code section 14601.5, subdivision (a), driving with prior convictions while his  
7 license was suspended or revoked, a misdemeanor, in the case of *People v. Freddie George*  
8 *Cabada* (Super. Ct. Fresno County, 2011, Case No. M11919638).  
9 (Bus. & Prof. Code, §§ 19856, 19857; Cal. Code. Regs., tit. 4, § 12120.)

10 **BUREAU RECOMMENDATION**

11 9. On or about July 5, 2022, the Bureau submitted to the Commission a Tribal Key  
12 Employee Background Investigation Report, Level II. In that report, the Bureau recommended  
13 approval of Respondent's Application. The Bureau summarized the above-pled misdemeanor  
14 criminal convictions in the report. The Bureau's position takes into account, collectively, the  
15 following factors in aggravation and mitigation:

16 a. Respondent has suffered nine misdemeanor criminal convictions, the most  
17 recent conviction being more than 11 years old. Such conduct reflects poorly upon  
18 Respondent's current character, reputation, and habits, as well as his ability in general to  
19 comply with laws and regulations.

20 b. Respondent has no history of any criminal convictions or behavior prior to  
21 October 19, 1999, nor subsequent to November 22, 2011. All of Respondent's criminal  
22 convictions are misdemeanors. He has completed all of his probation sentences and he has  
23 paid the fees and fines resulting from his convictions.

24 c. None of Respondent's criminal convictions were for conduct directly related to  
25 controlled gambling or his employment as a slot supervisor.

26 d. It appears that Respondent has been employed by Chukchansi Gold Resort and  
27 Casino since approximately November 2011. It also appears that he has a spotless  
28 employment history there. In addition, Respondent has not had any criminal convictions

1 since beginning his employment there. During his more than 11 years of employment with  
2 Chukchansi Gold Resort and Casino, there does not appear to be any evidence that he posed  
3 a threat to the public's interest, or to the effective regulation and control of controlled  
4 gambling, or created or enhanced the dangers of unsuitable, unfair, or illegal practices,  
5 methods, and activities in the conduct of controlled gambling or in the carrying on of the  
6 business and financial arrangements incidental thereto.

7 e. There is no evidence of Respondent having a history of violating any of the  
8 substantive provisions of the Gambling Control Act (Bus. & Prof. Code § 19800 et seq.) or  
9 the regulations promulgated thereunder.

10 f. Respondent has been cooperative and disclosed all but his two oldest  
11 convictions in the course of the Bureau's investigation of Respondent's suitability for  
12 license renewal.

13 g. Employing Respondent in the licensed gambling industry does not appear to  
14 pose a current threat to the health, safety, or welfare of the public.

15 **CONCLUSION**

16 WHEREFORE, Complainant requests that, following the hearing to be held on the matters  
17 herein alleged, the Commission take such action as it may deem appropriate regarding the  
18 Application submitted by Freddie George Cabada.

19  
20 Dated: January 31, 2023



21 \_\_\_\_\_  
22 Yolanda Morrow, Director  
23 Bureau of Gambling Control  
24 California Department of Justice  
25  
26  
27  
28

1 **APPENDIX A – STATUTORY AND REGULATORY PROVISIONS**

2 **STATUTES**

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

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

- 6 2. Business and Professions Code, section 19823 provides:

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

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

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

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

- 16 3. Business and Professions Code, section 19824 provides, in part:

17 The commission shall have all powers necessary and proper to enable it fully and  
18 effectually to carry out the policies and purposes of this chapter,<sup>[1]</sup> including, without  
19 limitation, the power to do all of the following:

19 \* \* \*

20 (b) For any cause deemed reasonable by the commission, deny any application for  
21 a license, permit, or approval provided for in this chapter or regulations adopted  
22 pursuant to this chapter, limit, condition, or restrict any license, permit, or approval,  
23 or impose any fine upon any person licensed or approved. The commission may  
24 condition, restrict, discipline, or take action against the license of an individual owner  
25 endorsed on the license certificate of the gambling enterprise whether or not the  
26 commission takes action against the license of the gambling enterprise.

24 \* \* \*

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

27 <sup>1</sup> “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing  
28 with section 19800), also known as the Gambling Control Act.

1 4. Business and Professions Code, section 19853, subdivision (a), provides:

2 The commission, by regulation or order, may require that the following persons  
3 register with the commission, apply for a finding of suitability as defined in  
subdivision (i) of 19805, or apply for a gambling license:

4 \* \* \*

5 (3) Any person who does business on the premises of a licensed gambling  
6 establishment.

7 5. Business and Professions Code, section 19854 provides, in part:

8 (a) Every key employee shall apply for and obtain a key employee  
license.

9 (b) No person may be issued a key employee license unless the  
10 person would qualify for a state gambling license.

11 6. Business and Professions Code section 19856 provides, in part:

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

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

15 7. Business and Professions Code, section 19857 provides:

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

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

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

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

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

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

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

1 (b) Failure of the applicant to provide information, documentation, and assurances  
2 required by this chapter or requested by the chief,<sup>[2]</sup> or failure of the applicant to  
3 reveal any fact material to qualification, or the supplying of information that is untrue  
4 or misleading as to a material fact pertaining to the qualification criteria.

5 \* \* \*

6 (d) Conviction of the applicant for any misdemeanor involving dishonesty or  
7 moral turpitude within the 10-year period immediately preceding the submission of  
8 the application, unless the applicant has been granted relief pursuant to Section  
9 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting  
10 of relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not  
11 constitute a limitation on the discretion of the commission under Section 19856 or  
12 affect the applicant's burden under Section 19857.

13 9. Business and Professions Code section 19866 provides:

14 An applicant for licensing or for any approval or consent required by this chapter,  
15 shall make full and true disclosure of all information to the department<sup>[3]</sup> and the  
16 commission as necessary to carry out the policies of this state relating to licensing,  
17 registration, and control of gambling.

18 10. Business and Professions Code, section 19870 provides:

19 (a) The commission, after considering the recommendation of the chief and any  
20 other testimony and written comments as may be presented at the meeting, or as may  
21 have been submitted in writing to the commission prior to the meeting, may deny the  
22 application, grant a license to an applicant who it determines to be qualified to hold  
23 the license, or refer the application to an evidentiary hearing.

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

27 (c) If, during a meeting, the commission denies an application, denies approval, or  
28 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.

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

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26 <sup>2</sup> "Chief" refers to the Director of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

27 <sup>3</sup> "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.  
28 (h).)



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

3 (f) A decision of the commission after an evidentiary hearing, denying a license or  
4 approval, or imposing any condition or restriction on the grant of a license or  
5 approval may be reviewed by petition pursuant to Section 1085 of the Code of Civil  
6 Procedure. Section 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.

7 11. Business and Professions Code, section 19871 provides:

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

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

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

12 (A) To call and examine witnesses.

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

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

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

17 (E) To offer rebuttal evidence.

18 (3) If the applicant does not testify on their own behalf, the applicant may  
be called and examined as if under cross-examination.

19 (4) The hearing need not be conducted according to technical rules  
20 relating to evidence and witnesses. Any relevant evidence may be considered,  
21 and is sufficient in itself to support a finding, if it is the sort of evidence on  
22 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.

23 (b) This section does not confer upon an applicant a right to discovery of the  
24 department's investigative reports or to require disclosure of any document or  
25 information the disclosure of which is otherwise prohibited by any other provision of  
this chapter.

26 12. Business and Professions Code section 19984, subdivision (b), provides, in part:

27 The commission shall establish reasonable criteria for, and require the licensure and  
28 registration of, any person or entity that provides proposition player services at  
gambling establishments pursuant to this section, including owners, supervisors, and

1 players. The commission may impose licensing requirements, disclosures, approvals,  
2 conditions, or limitations as it deems necessary to protect the integrity of controlled  
3 gambling in this state . . .

### 4 REGULATIONS

5 13. California Code of Regulations, title 4, section 12040 provides, in part:

6 (a) An application for an initial or renewal license:

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

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

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

14 If the Commission elects to hold an evidentiary hearing, . . . the hearing will be  
15 conducted as a GCA hearing under Section 12060, unless the Executive Director or  
16 the Commission determines the hearing should be conducted as an APA hearing  
17 under Section 12058.

18 15. California Code of Regulations, title 4, section 12060, provides:

19 (a) If the Executive Director determines it is appropriate, he or she may set an  
20 application for consideration at a GCA hearing in advance of a meeting pursuant to  
21 Section 12054. The Executive Director will give notice to the applicant, pursuant to  
22 paragraph (2) subsection (c) of Section 12052, to the Office of the Attorney General,  
23 and to the Bureau no later than 90 calendar days in advance of the GCA hearing. The  
24 Executive Director's determination will be based on information contained in the  
25 Bureau's report or other appropriate sources including, without limitation, a request  
26 from the Bureau or applicant as well as the Commission's operational considerations.

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

(c) An applicant may request that his, her, or its GCA hearing be held at a  
Southern California location instead of the Commission's principal office in  
Sacramento, by completing the appropriate section on the Notice of Defense, CGCC-  
CH1-03 (Rev. 08/21). The request must be made on the initial Notice of Defense  
form submitted to the Commission and Bureau within the timeframes specified on the  
form.

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

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

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

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

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

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

- 16 (1) A member of the Commission's legal staff; or,
- 17 (2) An Administrative Law Judge.

18 (e) The applicant or the complainant, or the applicant and the complainant, may  
19 request a continuance in writing to the Executive Director stating the reason for the  
20 continuance and any proposed future hearing dates. The Executive Director or  
21 Commission may approve the request. For a Southern California GCA hearing, if a  
22 continuance is granted, the hearing may be scheduled in Sacramento or Southern  
23 California based on the criteria specified in subparagraphs (A) through (C) of  
24 paragraph (1) of subsection (c).

25 (f) The complainant will provide to the applicant, subject to subsection (b) of  
26 Section 12056, at least 45 calendar days prior to the GCA hearing, and the applicant  
27 must provide to the complainant, at least 30 calendar days prior to the GCA hearing,  
28 the following items:

- 29 (1) A list of potential witnesses with the general subject of the testimony  
30 of each witness;
- 31 (2) Copies of all documentary evidence intended to be introduced at the  
32 hearing and not previously provided;
- 33 (3) Reports or statements of parties and witnesses, if available; and
- 34 (4) All other written comments or writings containing relevant evidence.

35 (g) A presiding officer will rule on the admissibility of evidence and on any  
36 objections raised except for objections raised under subsection (h). A ruling by the  
37 presiding officer is final.

- 38 (1) In advance of the GCA hearing, upon a motion of a party or by order  
of the presiding officer, the presiding officer may conduct a pre-hearing  
conference, either in person, via teleconference, or by email exchange, subject

1 to the presiding officer's availability and will issue a pre-hearing order if  
2 appropriate or requested by either party. The pre-hearing conference and  
order may address the following:

3 (A) Evidentiary issues;

4 (B) Witness and exhibit lists;

5 (C) Alterations in the Bureau recommendation;

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

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

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

11 (2) The GCA hearing need not be conducted according to technical rules  
12 of evidence. Any relevant evidence may be considered, and is sufficient in  
itself to support findings if it is the sort of evidence on which reasonable  
13 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  
14 the admission of that evidence over objection in a civil action.

15 (h) The Commission may, at any time upon a showing of prejudice by the  
objecting party:

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

18 (2) Continue any meeting or hearing as necessary to mitigate any  
19 prejudice.

20 (i) The complainant will present all facts and information in the Bureau report, if  
any, and the results of the Bureau's background investigation, and the basis for any  
21 recommendation, if the Bureau filed one with the Commission according to Business  
and Professions 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 proof. The  
complainant may but is not required to recommend or seek any particular outcome  
23 during the evidentiary hearing, unless it so chooses.

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

25 (k) The applicant may choose to represent himself, herself, or itself, or may retain  
26 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.

27 (l) Except as otherwise provided in subsection (h), the complainant and applicant  
28 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

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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 behalf, the applicant may be called and examined, under oath, as if under cross-examination.

(m) 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.

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

16. California Code of Regulations, title 4, section 12120, provides:

Findings of Suitability Associated with a Tribal Compact

Applications for findings of suitability received pursuant to Tribal-State gaming compact section 6.5.6 and comparable sections of new or amended compacts for Tribal gaming employees in key employee positions, Tribal gaming resource suppliers and financial sources, will be processed as initial or renewal licenses consistent with Section 12040. As identified by the Tribes' licensing requirements under Tribal-State gaming compact section 6.4.7(iv) and comparable sections of newer or amended compacts, the Commission will not require an application for a finding of suitability from shareholders of a gaming resource supplier or financial source who own ten percent or less of a corporation. Applicants pursuant to this section are not responsible for any fees necessary for the completion of the Request for Live Scan Service, as referred to in subsection (d) of Section 12112.