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S U M M A R Y

ORDINANCE NO. 4726

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

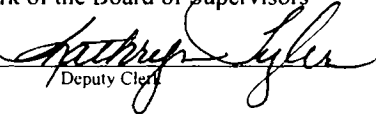
The amendments to the County Cardroom Ordinance bring the ordinance into compliance with State Law, change the name of the governing State law from the Gaming Registration Act to the Gambling Control Act, clarify that cardrooms are subject to county ordinances, the Gambling Control Act and other applicable State regulations, clarify that cardrooms must obtain all other necessary land use permits, clarify the types of criminal convictions that must be revealed in a cardroom license application, change the definition of cardroom employee, establish the maximum hours of operation of a cardroom, establish the maximum wagering limit of a cardroom, establish that no person under 21 years of age is allowed in a cardroom, and apply the County cardroom ordinance to cardrooms maintained in a private residence or non-profit organization.

A full and complete copy of the full text of the proposed ordinance is available for viewing in the office of the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California.

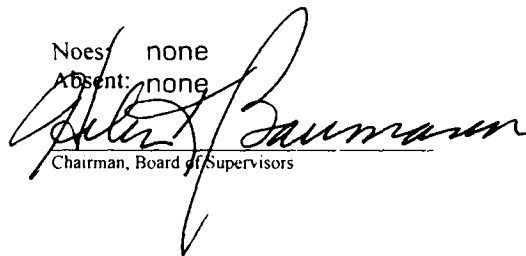
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 5 day of June, 2007, by the following vote of said Board:

Ayes: James R. Sweeney, Norma Santiago,
Rusty Dupray, Helen Baumann, Ron Briggs

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

By 
Deputy Clerk

Noes: none
Absent: none


Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

ELK:km
9-45ChOrd
04/03/07



ORDINANCE NO. 4726

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 9.45 of Title 9 of the El Dorado County Ordinance Code is hereby amended to read as follows:

9.45.010: Title; Intent.

A. Title: This Chapter shall be known as and may be referred to in all proceedings as the CARDROOM ORDINANCE.

B. Intent: It is the intent of this Chapter to regulate cardrooms in the unincorporated area of El Dorado County concurrently with the State of California, to the extent authorized by, and as required by, the ~~Gaming Registration~~ Gambling Control Act codified at California Business and Professions Code section 19800 et seq., and the regulations of the State Department of Justice Division of Gambling Control.

9.45.020: Definitions: For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

CARDROOM: Any premises, place, space, room or enclosure where, in return for any fee, charge or other compensation, any person or persons are permitted to play a game.

GAME: Any form of gambling for money or any other thing of value or for checks, credit or any other representative of value.

PERSON: Any individual, group of individuals, firm and every member thereof, organization and every member thereof, association and every member thereof, partnership and every partner thereof, joint venture and every participant therein, syndicate and every participant therein, trust and every trustee and beneficiary thereof, or corporation and its president, secretary, and any shareholder of ten percent (10%) or more of the corporation's stock.

SHERIFF: The County Sheriff or his or her authorized designee.

9.45.030: License and Registration Required: It shall be unlawful for any person to engage in, carry on, maintain or conducted, or purport to engage in, carry on, maintain, or conduct, wholly or partly within the unincorporated area of the County, any cardroom unless all of the following conditions are satisfied:

A. License: That person has obtained and maintains a valid cardroom license from the County pursuant to the provisions of this Chapter.

B. Compliance: That person is in full compliance with every term and provision of the County cardroom license, all relevant County ordinances including this Cardroom Ordinance, the Gambling Control Act and other applicable State regulations.

C. Registration: That person has obtained and maintains a valid registration, finding of suitability or license from the Attorney General pursuant to ~~California Business and Professions Code section 19800, et seq., as they may be amended from time to time~~ the Gambling Control Act.

D. Compliance with Zoning: That person has obtained all necessary land use permits in compliance with the County Zoning Ordinance and General Plan.

9.45.040: Application for License, Information Required: Every applicant for a cardroom license, or for the amendment of a cardroom license, shall file an application therefor with the County Sheriff. The application shall include at minimum the following information, and any additional relevant information that the Sheriff, Board of Supervisors, or State Department of Justice might require to investigate or make a recommendation or decision on the application:

A. Date: The date the application is submitted to the Sheriff.

B. Location And Building Description: The location for which the license is sought, including a specific description of any building or structure within which the cardroom is to be situated, and the specific portion of such building or structure for which a cardroom license is requested. If the entire building or structure is proposed to be used as a cardroom, the application shall so state and shall request a license for the entire building or structure. If only a portion of the building or structure is proposed to be used as a cardroom, the application shall so state, shall describe such portion, and shall request a license for only such portion. No license shall be deemed issued for any portion of any building which the application fails to state is to be used for cardroom purposes, or for which the application fails specifically to request a license.

C. Cardroom Operation: The following information regarding the operation of the cardroom:

1. The proposed number of card tables the cardroom initially intends to operate;
 2. The proposed maximum hours of operation;
 3. A plan for the safety and security of patrons in and around the cardroom;
- and
4. Rules for wagering limits in each game to be carried on in the cardroom.

D. Property Interests: A statement of the property interest of the applicant in the premises as owner, lessee, or otherwise. If the applicant is not the owner of the premises, all owners shall be required to join in the application and provide all information required by this Section.

E. Identification Of Interested Persons: The true and complete name, social security or tax identification number, residence address (if applicable), home and local business addresses, date of birth (if applicable), and state of incorporation or organization (if applicable) of every person directly or indirectly interested in the conduct of the cardroom.

F. Evidence Of State Licensing: Evidence satisfactory to the Sheriff that the owner holds and maintains a valid gambling license, and each other person named in the application holds and maintains a valid registration, finding of suitability, or gambling license, all as required by California Business and Professions Code section 19800 et seq.

G. Fingerprints: A complete set of clearly identifiable fingerprints and photographs of each person named in the application.

H. Criminal Convictions: For each person named in the application, a statement of all criminal convictions, felony at any time or misdemeanor within the past ~~within~~ ten (10) years preceding the filing of the application, ~~of offenses involving:~~

- ~~1. The operation of a cardroom or similar establishment;~~
- ~~2. Any gambling offense;~~
- ~~3. Violations of narcotic laws; and~~
- ~~4. Offenses involving moral turpitude.~~

I. Previously Issued Licenses Or Permits: A statement of any other cardroom licenses or permits issued any person named in the application within the past five (5) years and identifying the issuing jurisdiction and any licenses or permits which have been revoked.

J. Previously Denied Or Revoked Licenses Or Permits: A statement of all permits or licenses, if any, heretofore granted to any person named in the application to engage in any

business or to do any act within the County, which have been revoked or denied, and the circumstances surrounding the revocation or denial;

K. Agreement: A statement that each person named in the application understands and agrees that any business or activity conducted or operated under such application shall be operated in full conformity with all the laws of the State, and with the applicable laws and regulations of this County, and that any violation of any such laws or regulations in such a place of business, or in connection therewith, shall render any permit and license therefor subject to suspension or revocation.

L. Criminal History: A statement that each person named in the application understands that criminal history information, including a fingerprint-based criminal history background check may be sought from the State Department of Justice.

M. Investigation: A statement that each person named in the application understands that the application shall be considered by the Board of Supervisors only after a full investigation and report have been made and conducted by the Sheriff or his designee, pursuant to Section 9.45.050 of this Chapter.

N. Inspection of Premises and Records: A statement that each person named in the application understands and agrees that if a license is issued, the Sheriff or a designated representative shall have authority to inspect the premises and records of any licensee without a search warrant. Those County agencies required to investigate the cardroom premises shall have reasonable access to the premises, and applicants, to enable those agencies to properly and thoroughly conduct their investigation.

O. Application Fee: An application fee as established by resolution of the Board of Supervisors.

P. True Information: A statement signed by each person named in the application that certifies, under penalty of perjury, that all information provided in the application is true, correct, and complete.

9.45.050: Review of License Application, Report to Board:

A. Review By Sheriff: Upon receipt of a complete application for a cardroom license and required fees, the Sheriff shall undertake a review of the application. The Sheriff's review shall include, but is not limited to, the following activities:

1. Within twenty five (25) calendar days of receipt of the complete application and required fees, the Sheriff shall refer it to the following government officials for written reports and recommendations, which shall be returned to the Sheriff not later than forty

five (45) days before the Sheriff must submit a coordinated report and recommendation to the Board of Supervisors:

a. The chief of the fire district with jurisdiction over the site, concerning the suitability of the proposed premises for the intended use, and of the plan to provide for the safety and security of patrons in and around the cardroom, under applicable fire and safety laws,

b. The Building Official, concerning the suitability of the proposed premises for the intended use under applicable building laws.

c. The Planning Director, concerning the compatibility of the intended use, including the proposed location and proposed operating hours, with existing planning, zoning, and environmental laws and regulations, and any adverse impact of the intended use, including the proposed business hours, on adjacent or nearby property.

d. The head of any other County department or local governmental entity, concerning the suitability of the proposed premises or the proposed use under any applicable laws or regulations within the purview of that department or entity, as the Sheriff deems necessary or desirable.

e. The California Department of Justice, for criminal history information, including a fingerprint-based criminal history background check, as the Sheriff deems necessary or desirable.

2. A review of the identity, character, and background of all persons named in the application, the suitability of the plan to provide for the safety and security of patrons in and around the cardroom, the suitability of the proposed operating hours, and any law enforcement problems which the issuance of the license might tend to create.

B. Report To Board Of Supervisors: Within three (3) months after receipt of the complete application, the Sheriff shall submit to the Board of Supervisors a written coordinated report and recommendation as to whether the license should be approved, approved conditionally, or denied, and the reasons for the recommendations, including, but not limited to, whether operation of the proposed cardroom will be detrimental to the public peace, health, safety, or welfare. For good cause shown and after notice to all persons named in the application, the Board of Supervisors may extend this time for a period not to exceed an additional two (2) months.

C. Number Of Licenses Limited: If, however, at the time the completed application is received there are no licenses available for issuance pursuant to the provisions of subsection 9.45.080B of this Chapter limiting the number of permissible licenses, the Sheriff shall deny the application without any review and return the application fee.

9.45.060: Action on License Application:

A. Hearing; Notice: Following receipt of the Sheriff's report described in subsection 9.45.050B of this Chapter, the Clerk of the Board of Supervisors shall schedule a hearing within a reasonable time thereafter to hear the application. Written notice of the hearing, which shall

include a copy of the Sheriff's report and any other written materials submitted to the Board, shall be mailed to all applicants not less than two (2) weeks before the hearing. Notice of the hearing shall be mailed to all owners, as shown on the most recent equalized assessment roll, of property of which all or a portion lies within five hundred feet (500') of any portion of the parcel on which the proposed cardroom would be located. Nothing in this Section shall preclude the Board from conducting a hearing on more than one application simultaneously.

B. Conduct of Hearing by Board: At the appointed time and place, the Board of Supervisors shall hear and consider the application, the Sheriff's report, written materials submitted by any person, reports of County staff, and public testimony. In the conduct of the hearing, witnesses may be sworn, but formal rules of evidence applicable to proceedings before the trial courts of this State shall not apply. On disputed factual issues, the applicants shall bear the burden of proof by clear and convincing evidence. The hearing may be continued from time to time until complete.

C. Board Decision; Conditions: Within a reasonable period of time after the close of the hearing, the Board of Supervisors shall approve, conditionally approve, or deny the application by written resolution. Conditions attached to an approval may include restrictions on hours of operation, modifications or additions to the proposed plan for the safety and security of patrons in and around the cardroom, wagering limits, limits on the number of tables for games, and any other conditions, limitations, or restrictions as the Board deems reasonably necessary to protect the public peace, health, safety, or welfare.

D. Determination for Approval: The Board of Supervisors may approve or conditionally approve the application only upon determining, based upon substantial evidence, that the existence, operation, and location of the cardroom:

1. Will not substantially aggravate crime or make law enforcement unduly difficult;
2. Is not detrimental to the public peace, health, safety, or welfare; and
3. Will not result in the violation of applicable zoning, fire, building, or other applicable laws and regulations.

E. Basis for Denial: The Board of Supervisors shall deny the application if it finds, based upon substantial evidence, that any of the following statements is true:

1. Any applicant required by law to do so, does not presently possess a valid State gambling license to operate a cardroom.
2. Any of the grounds for denial of a State gambling license enumerated in California Business and Professions Code section 19850, as it may be amended from time to time, exists as to any person named in the application.
3. Any person named in the application has had a previous cardroom license or registration permit revoked for cause by any jurisdiction within the past five (5) years.

4. Any person named in the application has made a false statement of material fact in the application for the permit.

9.45.070: License Fee: Every person operating a cardroom shall pay a license fee established by resolution of the Board of Supervisors. The fee shall be in addition to any other tax or fee which is required for any other business operated by the license holder.

9.45.080: Limitations on Tables and Cardrooms:

A. Tables: Not more than seven (7) gaming tables shall be permitted in any cardroom.

B. Cardrooms: Notwithstanding any other provision of this Chapter, the Board shall deny every cardroom application that would cause the number of cardroom licenses in the County to exceed the ratio of one cardroom for each seven thousand five hundred (7,500) persons in the County, according to the most recent Federal census or special census conducted under the supervision of the California Department of Finance. This Section shall not prevent the continued existence and operation of any cardroom that does not otherwise violate the provisions of this Chapter.

9.45.090: Value and Limitations on Transfer:

A. Privilege Not Property: The privilege conferred by a license is not property, conveys no vested rights, and shall have no pecuniary value.

B. Sale Or Transfer Limited: No cardroom license, or any partial interest therein, may be sold, transferred, assigned, or pledged as security by any person or by operation of law, except as set forth in subsection C of this Section. Any such sale, transfer, assignment, or pledge, or purported or attempted sale, transfer, assignment, or pledge shall be deemed to constitute a voluntary surrender of such license or interest, which shall thereafter be deemed terminated and void.

C. Allowing Transfer; Conditions: Notwithstanding the general rule stated in subsection B of this Section, the Board of Supervisors, after a hearing that is open to the public, may approve the following types of cardroom license transfers:

1. A change in business organization when there is no change in the identity of any natural person holding an interest in the license.
2. Apportionment or transfer of an interest held as community or quasi-community property, pursuant to a marital dissolution order or final judgment.
3. Transfer of a decedent's interest to one or more members of the decedent's immediate family, or to a person who already holds an interest in the license. "Immediate family" means parent, child, spouse, or sibling.

D. Applications To Sheriff: Applications for transfers pursuant to this Section shall be made to the County Sheriff. The Sheriff shall have discretion to determine whether any particular such application shall require compliance with any or all of the application and processing procedures set forth in this Chapter.

9.45.100: Change in Location: Notwithstanding Section 9.45.090 of this Chapter, a cardroom licensee may apply for a change in authorized location, provided that there is no proposed change in the identity of licensees or in the number of authorized gaming tables. Applications for a change in location shall be submitted, processed, and decided according to the same procedures and requirements set forth in this Chapter for the issuance of new cardroom licenses.

9.45.110 Work Permit Required:

A. Permit Required: It is unlawful for any person to work as a cardroom employee, and it is unlawful for any person to employ any person as a cardroom employee, unless the cardroom employee has first obtained a work permit from the Sheriff.

B. Display of Permit On Person: Each cardroom employee shall prominently display his or her work permit on the employee's outermost garment during all working hours.

C. Cardroom Employee Defined:

~~1. "Cardroom employee" means dealers, house players, overseers, pit bosses, and any person whose work activities are directly connected to the operation or supervision of gaming tables.~~

~~2. "Cardroom employee" does not mean waitresses, bartenders, culinary workers, and other persons whose work activities are not connected with such operation or supervision.~~

"Cardroom employee" means any natural person employed in the operation of a gambling enterprise, including, without limitation, dealers, floor personnel, security employees, countroom personnel, cage personnel, collection personnel, surveillance personnel, data-processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to restricted gambling establishment areas.

9.45.120: Application for Work Permit; Processing, and Decision:

A. Information Required: Each person required to hold a work permit shall submit a written application that includes the following:

1. The date of the application.
2. The applicant's name, social security number, date of birth, and residence address.
3. The name of the cardroom licensee for whom the applicant intends to work.
4. All criminal convictions of any crime punishable as a felony.
5. All criminal convictions concerning the operation of a cardroom or similar establishment, within ten (10) years preceding the filing of the application, of offenses involving:
 - a. The operation of a cardroom or similar establishment.
 - b. Violation of gambling laws.
 - c. Violation of narcotics laws.
 - d. Dishonesty.
 - e. Moral turpitude.
 - f. Association with criminal profiteering activity or organized crime, as defined in section 186.2 of the California Penal Code.
6. Two (2) passport-type photographs and a complete set of fingerprints to be submitted to the California Department of Justice for a criminal history background check.
7. A statement that the applicant understands that criminal history information will be sought from the Department of Justice, that the information obtained therefrom will be considered by the Sheriff, and that the information may be introduced at any hearing before the Board of Supervisors on the application.
8. Any additional relevant information that the Sheriff, Board of Supervisors, or State Department of Justice might require to investigate or make a recommendation or decision on the application.
9. A signed statement certifying under penalty of perjury that the information provided in the application is true, correct, and complete.

B. Investigation Fee: Each application shall be accompanied by a nonrefundable investigation fee in an amount established by resolution of the Board of Supervisors.

C. Notice to State: The Sheriff shall notify the State Department of Justice of each application for a work permit, thereby providing the Department of Justice with an opportunity to object to the issuance of any work permit.

D. Information Confidential: Except as otherwise provided in this Section, the information received by the Sheriff pursuant to the provisions of this Section shall be treated as

confidential, shall not be mixed or included in any criminal history files, and shall be accessible only to the Sheriff and the licensee of the respective licensed cardroom.

E. Notice of Decision; Temporary Work Permit:

1. Within three (3) weeks following receipt of a complete application and required fees, the Sheriff shall mail a written decision to the applicant either granting or denying the work permit. If the permit is granted, the Sheriff shall provide a work permit to be displayed as required by subsection 9.45.110B of this Chapter; if the permit is denied, the written decision shall explain the reasons for denial.

2. If for any reason the Sheriff has been unable to conclude the investigation of the applicant within three (3) weeks, and therefore is unable to issue a decision granting or denying the work permit, the Sheriff shall issue a temporary work permit, which shall be valid until the Sheriff issues a final decision or six (6) months, whichever is less.

F. Denial of Permit; Appeal: The Sheriff's decision denying a work permit is final unless the applicant submits a notice of appeal of the decision within ten (10) working days of its mailing to the Clerk of the Board of Supervisors. If a timely appeal is filed, the matter shall be placed on the agenda of the next available regular Board of Supervisors meeting. The Board of Supervisors shall consider the appeal at a hearing open to the public, and make a decision to grant the appeal and direct the Sheriff to issue the work permit, or to deny the appeal and uphold the Sheriff's decision.

G. State Objection: Notwithstanding any provision of this Chapter, the denial of a work permit on the basis of an objection from the State Department of Justice is not appealable to the Board of Supervisors but may be reviewed in accordance with the Gambling Control Act, California Business and Professions Code sections 19801 and following, as they currently exist or may be amended from time to time.

9.45.130: Standards for Denial of Work Permit: The Sheriff, or the Board of Supervisors on appeal, shall deny an application for a work permit upon a finding, based upon substantial evidence, that any of the following is true:

A. State License Denial: Any of the grounds for denial of a State gambling license enumerated in California Business and Professions Code section 19850, as it may be amended from time to time, exists as to the applicant.

B. State Objection To Permit Issuance: The State Department of Justice, Division of Gambling Control has objected to the issuance of a work permit to the applicant.

C. Previous License Revocation: The applicant has had a similar license or registration permit revoked for cause by any jurisdiction within the past five (5) years.

D. False Statements: The applicant has made a false statement of material fact in the application.

E. Character Of Applicant: The applicant is not a fit and proper person to be employed in a cardroom.

9.45.140: Expiration of Licenses and Work Permits:

A. License: A cardroom license or any interest therein shall be and remain valid until one of the following occurs:

1. It is surrendered by the voluntary act of written notice to the Sheriff, or operation of law.
2. The occurrence of the expiration date, if any, set by the Board of Supervisors in its decision approving or conditionally approving the license.
3. The suspension or revocation of the license by the Sheriff or the Board of Supervisors, as provided in Section 9.45.170 of this Chapter.

B. Work Permit:

1. A work permit shall expire two (2) years from the date of the Sheriff's or Board of Supervisors' decision issuing it.
2. A work permit may be renewed. Renewal of a work permit shall be according to the procedures specified in this Chapter for issuance of a new work permit,

9.45.150: Regulations and Conditions: The Board of Supervisors, in granting a cardroom license, may impose such reasonable conditions and regulations as may be necessary or desirable to protect the public peace, health, safety, and welfare. In addition, the following conditions and regulations are applicable to all licensed cardrooms:

A. Interest In One License: No person shall, at any time, hold or have an interest, legal or equitable, in more than one cardroom license issued by the County.

B. Location: Not more than one cardroom shall be located at any one address.

C. Number of Players Limited: Not more than ~~eight (8)~~ ten (10) players shall be permitted at a gaming table at any one time.

D. Minors Prohibited: No minor under the age of ~~eighteen (18)~~ twenty-one (21) years shall be permitted at any card table or participate in any game.

E. Inspection Of Premises And Records: All cardrooms and all cardroom records, including, but not limited to, papers, books of account, ledgers, audits, reports, personnel records, and information stored electronically, shall be open to inspection by all law enforcement

agencies having jurisdiction during all hours of operation, without search warrant.

F. Alcoholic Beverages: If a cardroom or any gaming table is located within a portion of the premises utilized for the sale of alcoholic beverages, all alcoholic beverages shall be secured between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. each day.

G. Granting Loans, Extending Credit: No person holding an interest in a cardroom license, or holding a work permit, shall grant loans of anything of value, accept post-dated or blank checks, or otherwise extend credit in any way to any person for the purpose of allowing that person to eat, drink, or play games.

H. Persons Under The Influence: No person shall be permitted to play any game while such person is obviously under the influence of intoxicating beverages or drugs or who exhibits bizarre or irrational behavior.

I. Security For Patrons: Each licensee shall be responsible and liable for its patrons' safety and security in and around the cardroom. No cardroom shall be allowed to operate except in conformance to, and full implementation of, a safety and security plan for patrons in and around the cardroom as previously approved by the Board of Supervisors.

J. Games Prohibited By State: No cardroom, licensee, or holder of a work permit shall allow the playing of any game prohibited by the laws of the State of California.

K. Licensee Or Employees Playing: It shall be unlawful for any person with an interest in a cardroom license, or any holder of a work permit, to play or purport to play any game on the premises, unless one of the following is true:

1. The person is playing with his or her own personal money and is not receiving any compensation for playing from any person with an interest in the cardroom license.
2. The person wears clearly visible identification at all times that identifies him or her as an employee, contractor or agent of the cardroom, and does not play as the house or use house money while playing.

L. The maximum hours of operation shall be 24 hours per day, unless restricted by a use permit or cardroom license.

M. There is no maximum wagering limit.

~~EN.~~ Display of Regulations: The licensee shall cause to be posted in a conspicuous place clear and legible signs not less than seven inches by eleven inches (7" x 11") in size providing each of the following items of information, so as to provide law enforcement personnel and patrons with adequate notice thereof:

1. That no person under ~~eighteen (18)~~ twenty-one (21) years of age are allowed on the premises.

2. The scheduled hours of operation of the cardroom, consistent with the ~~schedule of~~ maximum hours of operation ~~previously approved by the Board of Supervisors established in this ordinance or by a use permit or cardroom license;~~

3. The house rules and regulations, including wagering limits as ~~previously approved by the Board of Supervisors established by this ordinance.~~

9.45.160: Exceptions to Regulations:

~~—The provisions set forth in this Chapter shall not apply to cardrooms or games maintained in a private residence or in the premises of a nonprofit society, club, fraternal, labor or similar organization not open to the general public and whose membership is restricted to persons regularly and formally elected to membership therein and paying regular dues to the organization.~~

9.45.1760: Suspension or Revocation of License or Work Permit: All cardroom licenses and work permits are subject to suspension and revocation as follows:

A. Suspension Of Cardroom License:

1. Grounds For Suspension: The Sheriff may suspend a cardroom license, effective from the issuance of a written decision to suspend until a final decision is rendered by the Board of Supervisors, upon the Sheriff's finding, based upon substantial evidence, that any of the following is true, and that as a consequence, the continued operation of the cardroom jeopardizes or threatens to jeopardize the public peace, health, safety, or welfare:

a. As to any person named in the initial application for a cardroom license, the State Department of Justice has suspended or revoked the registration, finding of suitability, or gambling license required by California Business and Professions Code section 19800 et seq.

b. Any person holding an interest in a cardroom license has made a false statement as to any material fact in the license application.

c. A licensee, or any agent or employee thereof with the knowledge of the licensee, has violated or permitted, allowed, or caused to be violated any provision of this Chapter, any condition of approval imposed upon the issuance of the cardroom license, or any State law or regulation relating to the operation of a cardroom or to gambling.

2. Hearing By Board: At the first available regular meeting following the Sheriff's issuance of a written decision to suspend a cardroom license, the Board of Supervisors shall hear the matter and decide whether to revoke or reinstate the cardroom license.

B. Notice Of Cause For Violation; Hearing: If it appears at any time that good cause may exist for the revocation of a cardroom license, the Sheriff shall provide the licensee with notice thereof that includes a statement of the facts constituting good cause and a time and date not less than ten (10) days and not more than thirty (30) days in the future at which the matter will be heard by the Board of Supervisors. The Board of Supervisors shall hear the matter and

decide whether to revoke or amend the license at the time and date specified in the Sheriff's notice that good cause may exist for revocation.

C. Conduct Of Hearings: In the conduct of all hearings pursuant to this Section, witnesses may be sworn, but formal rules of evidence applicable to proceedings before the trial courts of this State shall not apply. On disputed factual issues, the licensee shall bear the burden of proof by clear and convincing evidence. The hearing may be continued from time to time until complete.

D. Final Decision For License Revocation; Grounds: The decision of the Board of Supervisors shall be by written resolution with findings of fact supported by substantial evidence. The Board may revoke the cardroom license if it determines that any of the following are true:

1. As to any person named in the initial application for a cardroom license, the State Department of Justice has suspended or revoked the registration, finding of suitability, or gambling license required by California Business and Professions Code section 19800 et seq.

2. Any person holding an interest in a cardroom license has made a false statement as to any material fact in the license application.

3. A licensee, or any agent or employee thereof with the knowledge of the licensee, has violated or permitted, allowed, or caused to be violated any provision of this Chapter, any condition of approval imposed upon the issuance of the cardroom license, or any State law or regulation relating to the operation of a cardroom or to gambling.

E. Work Permits:

1. Revocation Of Permit; Findings: The Sheriff may suspend or revoke a work permit, effective upon the mailing or delivery of the Sheriff's written finding, based upon substantial evidence, that any of the following is true:

a. The State Department of Justice has suspended or revoked any registration, finding of suitability, or gambling license required by California Business and Professions Code section 19800 et seq., of the work permit holder.

b. The work permit holder has made a false statement as to any material fact in the permit application.

c. The work permit holder or any agent or employee thereof, with the knowledge of the permit holder, has violated or permitted, allowed, or caused to be violated any provision of this Chapter, any condition of approval imposed upon the issuance of the cardroom license, or any State law or regulation relating to the operation of a cardroom or to gambling, where the continued operation of the cardroom in light of such violation jeopardizes or threatens to jeopardize the public peace, health, safety, or welfare.

2. Appeal; Hearing: The Sheriff's decision revoking a work permit is final unless the applicant submits a notice of appeal of the decision within ten (10) working days of its mailing to the Clerk of the Board of Supervisors. If a timely appeal is filed, the matter shall be

placed on the agenda of the next available regular Board of Supervisors' meeting. The Board of Supervisors shall consider and decide the appeal at a hearing open to the public. The Board may grant the appeal, leaving the work permit in effect, or deny the appeal, thereby revoking the work permit.

F. Fine In Lieu Of Revocation: At the close of the hearing, in lieu of revocation of a cardroom license or work permit, the Board of Supervisors may impose an administrative fine not to exceed ten thousand dollars (\$10,000.00) for each established violation that constitutes grounds for revocation, if the Board of Supervisors finds that a fine is the most appropriate resolution, given the nature of the violation and the legislative goal of preserving the public peace, health, safety, and welfare.

9.45.1870: Penalty for Violation: Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail for a term not to exceed six (6) months, or by both such fine and imprisonment. Each person is guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person. The penalty shall be in addition to any civil or administrative remedy provided for by this Chapter.

Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

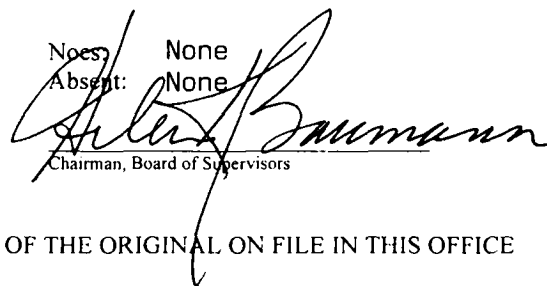
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 5th day of JUNE, 2007, by the following vote of said Board:

Ayes: James R. Sweeney, Norma Santiago,
Rusty Dupray, Helen K. Baumann, Ron Briggs

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

By 
Deputy Clerk

Noes: None
Absent: None


Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk