

OFFICE OF THE  
COUNTY COUNSEL



## COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
(408)454-2040  
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

**DWIGHT L. HERR**  
COUNTY COUNSEL

**DEBORAH STEEN**  
**SAMUEL TORRES, JR.**  
CHIEF ASSISTANTS

HARRY A. OBERHELMAN III

MARIE COSTA  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA RICE  
PAMELA FYFE  
ELLEN LEWIS  
KIM BASKETT  
LEE GULLIVER  
DANA McRAE

ASSISTANTS

### AGENDA: January 12, 1999

January 4, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

### **RE: ORDINANCE AMENDING CHAPTER 5.16 OF THE SANTA CRUZ COUNTY CODE RELATING TO THE REGULATION OF CARDROOMS**

Dear Members of the Board:

On August 25, 1998, your Board gave final approval to an ordinance making substantial amendments to Chapter 5.16 of the Santa Cruz County Code relating to the regulation of cardrooms. This revision was necessitated by the State's enactment of the Gambling Control Act of 1997 which required all local ordinances regulating gambling establishments to meet certain minimum standards.

Following action by your Board, the County's revised ordinance was submitted to the State Attorney General's Division of Gambling Control (DOJ) for its review and approval. The Division identified two features of the County's regulations that they believed required additional clarification. The first involved adding a provision to require gambling establishments to develop a plan for patron security that would be reviewed and approved by the County. An amendment has been proposed for Section 5.16.220 that accomplishes this need.

The second feature identified by the DOJ concerns the County's procedures for

reviewing applications for Registration Permits which authorize a person to work in a gambling establishment. The DOJ requested that the regulations be revised to require the names of all persons seeking a work permit be provided to the Division of Gambling Control, and that the County deny a permit to any person who would be disqualified from obtaining a license from the State, or is otherwise objected to by the DOJ. In order to accommodate the DOJ's review of permit applicants, it is recommended that the County's maximum time for processing work permits be increased from ten to twenty-one days. Finally, the DOJ requested that the regulations expressly state that the purpose of fingerprinting applicants for work permits is to complete a criminal background check. Amendments to Section 5.16.060 and 5.16.070 have been prepared to address the work permit processing concerns noted by the DOJ.

These proposed changes have been communicated to the staff of the Division of Gambling Control, who have given their provisional approval. By making these amendments, the County's regulations will come into compliance with State law and allow the processing of an application for a cardroom license.

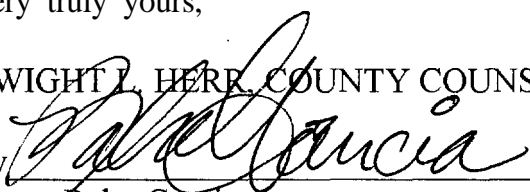
IT IS THEREFORE RECOMMENDED that your Board:

1. Approve in concept the attached ordinance amending Chapter 5.16 of the Santa Cruz County Code relating to the licensing and regulation of cardrooms; and
2. Direct that the ordinance return on January 26, 1999 for final approval.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By

  
Rahn Garcia

Assistant County Counsel

RECOMMENDED:

  
SUSAN A. MAURIELLO

County Administrative Officer

cc: Sheriff-Coroner, Treasurer-Tax Collector

CARDRM2.WPD

## ORDINANCE NO. \_\_\_\_

**ORDINANCE AMENDING SECTIONS 5.16.060, 516.070, AND 5.16.220  
OF THE SANTA CRUZ COUNTY CODE RELATING TO  
THE REGULATION OF CARDROOMS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 5.16.060 of the Santa Cruz County Code is hereby amended to read as follows:

**5.16.060 Registration permit--Application.**

A. Application for the required registration permit shall be made to the county tax collector on forms to be provided by the treasurer. The application shall certify the contents of the application under penalty of perjury, and shall be signed by the applicant.

B. Each. and every applicant for a cardroom registration permit shall present himself or herself at the sheriffs office during normal business hours, prior to the beginning of any employment in a cardroom.

C. Each applicant shall:

1. Complete an application and submit it to the sheriffs office;
2. Be fingerprinted for the purpose of completing a criminal background check;
3. Be photographed;
4. Provide any other information that the sheriff may require.

D. 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, his, or her designated representatives, and the licensee of the respective licensed cardroom.

## SECTION II

Section 5.16.070 of the Santa Cruz County Code is hereby amended to read as follows:

### **5.16.070 Registration permit--Investigation--Grant or denial.**

A. Upon presentation by the applicant of all information required pursuant to Section 5.16.060, the Sheriff shall make an investigation of the applicant, which shall include, but not be limited to, making contact with the Division of Gambling Control of the State Department of Justice. Within ten twenty-one days after receipt of the above information, the Sheriff shall either grant or deny a registration permit to the applicant. A permit shall not be issued to any person who: (1) ~~does not currently have a valid work permit issued by the State~~ would be disqualified based on any of the applicable licensing criteria set forth in California Business and Professions Code Section 19850; (2) has had a previous cardroom license or registration permit revoked for cause by any jurisdiction within the past five years; or (3) has been objected to in writing by the Division of Gambling Control of the State Department of Justice ~~or (3) who has been convicted of a felony or of a crime involving moral turpitude within the past five years.~~ Crimes of moral turpitude may include, but are not limited to, offenses involving dishonesty (such as theft, fraud and extortion), illegal lotteries, gambling, larceny, perjury, bribery, prostitution and illicit drugs. Applicants denied a permit shall be notified in writing by the Sheriff, or his or her designee, of the reason(s) for such denial.

B. When the Sheriff approves the application of any person for a cardroom registration permit, the Sheriff shall issue such person an identification card, which shall be worn in sight, by the permit holder, according to regulations established by the Sheriff.

## SECTION III

Section 5.16.220 of the Santa Cruz County Code is hereby amended to read as follows:

### **5.16.220 Security measures.**

All cardrooms shall adopt a written plan, reviewed and approved in advance by the Sheriff, to provide for the safety and security of patrons. In addition, each cardroom shall take the following security measures:

A. The business records, papers, reports, audits, and books of account shall be

made available for inspection and copying to the Director of Finance upon reasonable notice by the sheriff.

B. Any owner, operator or employee of the cardroom shall have an affirmative duty to immediately report all crimes occurring on the premises to the Santa Cruz County Sheriff.

#### SECTION IV

This ordinance shall take effect on the 3 **1st** day after the date of final passage.


PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, **1999**, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS  
 NOES: SUPERVISORS  
 ABSENT: SUPERVISORS  
 ABSTAIN: SUPERVISORS

\_\_\_\_\_  
 Chair of the Board of Supervisors

Attest: \_\_\_\_\_  
 Clerk of the Board

APPROVED AS TO FORM:

  
 Assistant County Counsel

cc: Treasurer-Tax Collector  
 Sheriff  
 CAO