

**From:** Rambo, Jacob@ABC [mailto:Jacob.Rambo@abc.ca.gov]  
**Sent:** Friday, January 20, 2017 5:24 PM  
**To:** wadams@nmalawfirm.com; Bonnington, Carrie@ <carrie.bonnington@pillsburylaw.com>; Casey, Jennifer@ABC <Jennifer.Casey@abc.ca.gov>; thomas.bunton@sdcounty.ca.gov; 'Patrick Webb' <pwebb@webbcarey.com>  
**Subject:** RE: Hollywood Casino Jamul; File No. 47-562483; Reg. 16084762

Mr. Adams:

I agree with you regarding further hearing. The Department believes that the new ALJ can decide the matter on the existing record and that a new hearing is neither desirable or necessary.

I am reviewing both your request and Mr. Webb's related to the other matters. My initial response is that under the ABC Act, the APA, and Article XX, Section 22, I do not believe there is authority to force the case to by an ALJ outside the Department. I would note that while Chief ALJ Lewis is like me appointed by the Director, ALJ Ainley is a civil servant and has already promoted to the highest level available. In terms of AD Albrecht, he cannot see or review the record until the case is submitted to him by the ALJ. He has not seen the letter, which ALJ Ainley could order sealed upon agreement of the parties in order to prevent AD Albrecht from being tainted by the letter. Neither ALJ Ainley or AD Albrecht have had any involvement or exposure to this case prior to appointment.

I want to assure everyone that Ms. Casey and I had no involvement in transmitting the letter to CALJ Lewis. I have reviewed the matter with Ms. Prieto and Mr. Williams to ensure that everyone is clear of the legal obligations and that this does not occur in any future cases.

Respectfully-

Jacob L. Rambo

Chief Counsel

Department of Alcoholic Beverage Control

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**From:** William A. Adams [wadams@nmalawfirm.com]

**Sent:** Friday, January 20, 2017 5:09 PM

**To:** Rambo, Jacob@ABC; Bonnington, Carrie@; Casey, Jennifer@ABC; [thomas.bunton@sdcounty.ca.gov](mailto:thomas.bunton@sdcounty.ca.gov); 'Patrick Webb'

**Subject:** RE: Hollywood Casino Jamul; File No. 47-562483; Reg. 16084762

Dear Mr. Rambo, Please note that I inadvertently left Mr. Webb out of my previous email letter. I have since corrected that and include him in this email response to your email below. Please include him on all future emails.

As to the measures the Department has taken, thank you for taking immediate action. However, given the circumstances and level of executive involvement, I doubt that my client will deem recusal of the Director and reassignment to subordinates a sufficient remedy. I believe some sort of conference is in order. There is also the issue of how this matter will be reheard. I submit that reconvening the full hearing puts substantially more burden on my client than your Department or the applicant, and also prejudices my clients' previous presentation on the merits, providing an unfair advantage to the Dept. and applicant.

William A. Adams, APC

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