

Coalition for Justice in Hawaiian Gardens & Jerusalem

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Hawaiian Gardens members not included because they fear retaliation

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NEWS! Coalition legal brief shows Moskowitz character unfit for casino license

December 26, 2000. The Coalition for Justice in Hawaiian Gardens and Jerusalem this week submitted a legal brief to California Attorney General Bill Lockyer with compelling arguments for why, when it comes to licensing casino operators, character counts – and Irving Moskowitz, who has applied for a license to operate his Hawaiian Gardens Casino, doesn't have it. Lockyer will soon recommend action on the Moskowitz application to the state Gambling Commission.

The Coalition, comprised of Jews and Latinos, is campaigning against the licensing of the casino because of

- Moskowitz's abusive treatment of Hawaiian Gardens, a poor Latino city in southeast Los Angeles County, and
- Moskowitz's use of proceeds from his Hawaiian Gardens "charitable" bingo to support violence-prone Israeli settlers fighting Israeli-Palestinian peace.

The Coalition has been running ads in local and Jewish newspapers urging the public to write Lockyer and oppose a license for Moskowitz.

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The gambling law itself says that "No gambling license shall be issued unless...the commission is satisfied that the applicant is ... (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..."¹

Nevertheless, state officials have discounted numerous examples of Moskowitz's unfit character and indicated to Coalition members and representatives that only a criminal offense would cause the denial of a license to Moskowitz. The Coalition was appalled to think that, despite his iron-fisted control of the low-income, Latino city of Hawaiian Gardens (recently the subject of a state government investigative report, which you can read at www.stopmoskowitz.org/jlac_report.htm), the state of California could license Moskowitz to run a casino that would give him even more power over Hawaiian Gardens.

The submission, written by attorney Jay Plotkin, establishes, under the state's gambling law, "the fact that an applicant has not been accused of criminal misconduct or proven to have committed a crime is not enough to establish that the applicant is a fit person to receive a gambling license." It demonstrates how established legal principles demand an affirmative standard of good character. It shows how "Moskowitz cannot meet his burden of establishing that he is a person of good character, honesty and integrity," as explicitly required by the state's Business and Professions Code.

As the submission summarizes, "His history of manipulating the affairs of the City for his personal benefit, violation of the redevelopment laws, and currying favor from the City Council members by 'donating' large amounts of money to the City through proceeds from his 'non-profit' foundation's bingo parlor (including the improper use of non-profit funds) and then, after the City has become dependent on his 'gifts,' threatening to withhold such funds when the City indicates an intent to act contrary to his wishes, demonstrates that he is an economic predator who will resort to subterfuge, deception, and connivance to get what he wants, regardless of the consequences of his actions to the citizens of the City or anyone who stands in his way...."

The submission notes many examples of Moskowitz's character evidenced in his dealings with Hawaiian Gardens concerning his casino development, as cited in a report by the Joint Legislative Audit Committee issued last July. It also cites a recent opinion by the Legislative

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Counsel that it was illegal for Hawaiian Gardens to borrow money from Moskowitz because he is not a lending institution. The loan financed the city's redevelopment agency's spending on the casino, which the Legislative Counsel concluded, violated state law prohibiting public investment in gambling facilities.

Also among the examples of Moskowitz's unfit character cited in the submission are:

- A \$100,000 contribution from the Moskowitz ("bingo") Foundation to the City of Hawaiian Gardens that Moskowitz did not, as the law requires, disclose on the Foundation's filing with the IRS and the California Attorney General's Registry of Charitable Trusts. The 1997 contribution was made when Moskowitz had business matters pending with city staff and elected bodies.
- \$7 million worth of bonds issued by Hawaiian Gardens to pay for the casino development – *including a highly controversial legal fee to Moskowitz's attorney for simultaneously representing Moskowitz and the redevelopment agency*. The bonds, which are supposed to be repaid from casino revenue taxes, may sink the city when Moskowitz invokes language exempting his casino from special taxes, which his operatives slipped into an earlier agreement.
- Moskowitz's 1996 conversion of his local hospital into the non-profit Tri-City Regional Medical Center and his subsequent "donation" to Tri-City of over \$5 million in bingo proceeds – an amount which his solely owned Cerritos Gardens General Hospital Company, the hospital's landlord, charged the hospital as rent. "When we look at the substance of these transactions instead of their forms it is clear that what Moskowitz has accomplished is the transfer of the Foundations funds into his own pocket disguised as rent," says the submission.

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¹ In full, that section, 19848A, of the Business and Professions Code reads: "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 controlled gambling or in the carrying on of the business and financial arrangements incidental thereto."