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CALIFORNIA GAMBLING
CONTROL COMMISSION
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9
10 **BEFORE THE**
CALIFORNIA GAMBLING CONTROL COMMISSION
11 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:	BGC Case No. BGC-HQ2013-00008AC
14	
15 CHENG VANG	
16 aka: CHENG NHIAWA VANG	DEFAULT DECISION AND ORDER
17 6104 22nd Street	(Gov. Code, § 11520)
18 Rio Linda, California 95673	
19	
20 Key Employee License No. GEKE-000317	
21	
22 Respondent.	

22 **FINDINGS OF FACT**

23 1. On or about January 28, 2014, Wayne J. Quint, Jr. (Complainant), solely in his
24 official capacity as the Chief of the California Department of Justice, Bureau of Gambling
25 Control (Bureau), served by certified mail and filed Accusation No. BGC-HQ2013-00008AC
26 (Accusation),¹ against Cheng Vang (Respondent) before the California Gambling Control

27 ¹ Also served and filed with the Accusation were a Statement to Respondent (Gov. Code,
28 § 11505, subd. (b)), a Request for Discovery (Gov. Code, § 11507.6), copies of Government
(continued...)

1 Commission (Commission) setting forth the bases for the revocation of Respondent's Key
2 Employee License Number GEKE-000317.

3 2. On or about February 3, 2014, Respondent submitted a Notice of Defense.²

4 3. On or about February 6, 2014, Respondent, with the advice of legal counsel,
5 knowingly and voluntarily withdrew his Notice of Defense.³ On or about February 21, 2014,
6 Respondent's legal counsel confirmed Respondent's desire to withdraw his Notice of Defense
7 and Respondent's knowledge of the consequences of doing so.⁴

8 JURISDICTION

9 4. Government Code section 11503 provides in pertinent part:

10 A hearing to determine whether a right, authority, license, or
11 privilege should be revoked . . . shall be initiated by filing an
12 accusation.

13 5. Government Code section 11506, subdivision (c), provides in pertinent part:

14 The respondent shall be entitled to a hearing on the merits *if the*
15 *respondent files a notice of defense*, and shall be deemed a specific
16 denial of all parts of the accusation not expressly admitted. *Failure to*
17 *file a notice of defense shall constitute a waiver of respondent's right*
to a hearing, but the agency in its discretion may nevertheless grant a
18 hearing.

18 (Italics added.)

19 6. Government Code section 11520, subdivision (a) provides:

20 _____
21 (...continued)

21 Code sections 11507.5, 11507.6 and 11507.7, and two copies of the Notice of Defense form
22 (Gov. Code, §§ 11505 & 11506) for Respondent's use. Hereinafter, "Accusation" includes
23 reference to the Accusation and all the above-listed documents. A copy of the Accusation is
attached as Attachment A and incorporated herein by reference.

24 ² A copy of Respondent's Notice of Defense is attached as Attachment B and
incorporated herein by reference.

25 ³ A copy of Respondent's Request to Withdraw Notice of Defense is attached as
26 Attachment C and incorporated herein by reference.

27 ⁴ A copy of the February 7, 2014, through February 21, 2014, email correspondence
28 between Respondent's legal counsel and Deputy Attorney General Ronald Diedrich are attached
as Attachment D and incorporated herein by reference.

1 If the respondent either fails to file a notice of defense or to
2 appear at the hearing, the agency may take action based upon
3 respondent's express admissions or upon other evidence and
4 affidavits may be used as evidence without any notice to
5 respondent; and where the burden of proof is on the respondent to
6 establish that respondent is entitled to the agency action sought, the
7 agency may take action without taking evidence.

8 DETERMINATION OF ISSUES

9 7. Based on the foregoing Findings of Fact, Respondent's Key Employee License is
10 subject to revocation.

11 8. Service of the Accusation was proper and in accordance with the law.

12 9. As a result of Respondent's knowing and voluntary withdrawal of his Notice of
13 Defense to the Accusation the Commission has jurisdiction to adjudicate this case by default and
14 to order the revocation of Respondent's Key Employee License.

15 10. The Commission is authorized to revoke Respondent's Key Employee License based
16 upon the legal and factual allegations set forth in the Accusation and supported by the Bureau's
17 records, as follows:

18 A. Respondent's key employee license is subject to revocation pursuant to Business and
19 Professions Code sections 19850 and 19857, and California Code of Regulations, title 4, section
20 12568, subdivisions (a)(4), and/or (c)(3), in that, on or about April 29, 2011,⁵ and for an unknown
21 period of time prior thereto,⁶ while employed as a key employee at the Capitol Casino,
22 Respondent dishonestly, fraudulently or deceptively appropriated a total of approximately
23 \$130,000.00⁷ from that gambling establishment.

24 ⁵ Respondent's employment at the Capitol Casino was terminated on or about April 29,
25 2011. The exact dates on which Respondent misappropriated money from that gambling
26 establishment while employed thereat are unknown.

27 ⁶ Capitol Casino is a licensed gambling establishment located at 411 North 16th Street in
28 Sacramento, California.

⁷ Respondent has repaid Capitol Casino approximately \$50,000.00 of the \$130,000.00 he
misappropriated from that gambling establishment.

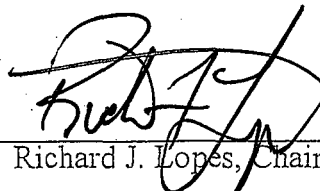
1 B. Respondent's key employee license is subject to revocation pursuant to Business and
2 Professions Code sections 19850 and 19857, and California Code of Regulations, title 4, section
3 12568, subdivisions (a)(6) and/or (c)(3), in that, as noted in paragraph 10(A) above and
4 incorporated herein by reference, Respondent misappropriated a total of approximately
5 \$130,000.00 from the Capitol Casino. Respondent gambled with some of that pilfered money at
6 that gambling establishment. Respondent also loaned and/or gave some of that pilfered money to
7 private individuals and employees of Capitol Casino for the primary purpose of gambling at that
8 gambling establishment.

9 **ORDER**

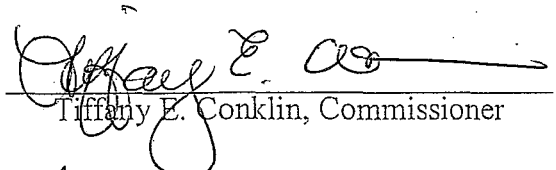
10 Based upon the foregoing Findings of Fact and Determination of Issues, IT IS ORDERED
11 that Respondent Cheng Vang's Key Employee License, Number GEKE-000317, is hereby
12 revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
14 written motion requesting that this Default Decision and Order be vacated and stating the grounds
15 relied on within seven (7) days after service of this Default Decision and Order on Respondent.
16 The Commission in its discretion may then vacate this Default Decision and Order and grant a
17 hearing on a showing of good cause, as defined in the statute.


18
19 Dated: 3/20/2014


Richard J. Lopes, Chairperson

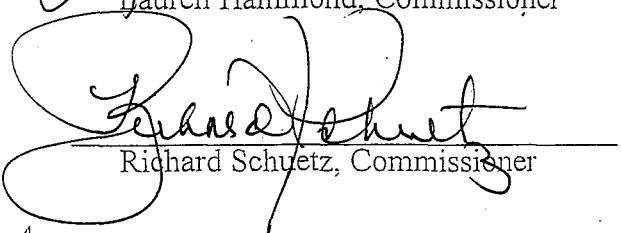
21
22 Dated: 3/20/2014


Tiffany E. Conklin, Commissioner

23
24 Dated: 3/20/2014


Lauren Hammond, Commissioner

25
26 Dated: 3/20/2014


Richard Schuetz, Commissioner