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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2017-0209-8

In the Matter of the Application for Approval
of Renewal of Gambling Establishment Key
Employee License Regarding:

Hoa T. Nguyen
Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: July 27, 2017
Time: 10:00 a.m.

1. This matter was scheduled for hearing before the California Gambling Control Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on July 27, 2017.

2. Hoa Nguyen (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about February 28, 2011, the Commission received an Application for Gambling Establishment Key Employee License from Applicant.

4. On or about June 6, 2011, the Bureau issued its Cardroom Key Employee Background Investigation Report (Bureau Report) in which in which it informed the Commission that Mr. Nguyen was terminated from his employment with the Oaks Card Club as a result of an ongoing federal investigation of the cardroom which was closed by emergency order and allegations of criminal activities.

5. On June 23, 2011, in advance of Commission consideration of Applicant's application, Applicant requested an evidentiary hearing.

6. On June 30, 2011, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b) of the Commission's prior regulations. The Commission initial referred the application to an Administrative Procedures Act (APA) Hearing.

1 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

2 15. Title 4, CCR section 12052, subdivision (c), provides in pertinent part:

3 (c) An applicant for any license, permit, finding of suitability,
4 renewal, or other approval shall be given notice of the meeting at
5 which the application is scheduled to be heard. Notice shall be given
6 pursuant to Section 12006.

7 * * *

8 (2) If the application is to be scheduled at an evidentiary
9 hearing, pursuant to subsections (a) or (b) of Section 12060, the
10 notice of hearing shall inform the applicant of the following:

11 * * *

12 (F) The waiver of an evidentiary hearing, or failure of
13 the applicant to submit a Notice of Defense, or failure of an applicant
14 to appear at an evidentiary hearing, may result in:

15 1. A default decision being issued by the
16 Commission based upon the Bureau report, any supplemental reports
17 by the Bureau and any other documents or testimony already
18 provided or which might be provided to the Commission

19 16. The Commission takes official notice of the Bureau Report, any supplemental
20 reports by the Bureau and any other documents or testimony already provided to it in this matter
21 as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR
22 section 12052, subdivision (c)(2)(F)(1).

23 17. The Commission has jurisdiction to adjudicate this case by default.

24 18. The Commission may deny Applicant's application based upon the Bureau report,
25 any supplemental reports by the Bureau and any other documents or testimony already provided
26 to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions
27 Code sections 19857 and 19859.

28 19. The Commission may further also deny Applicant's application based upon
Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other
approval as required by Business and Professions Code section 19856, subdivision (a) and Title 4,
CCR section 12060(i).

Therefore, as the Applicant affirmatively waived his right to a hearing, retracted a

1 previous Notice of Defense form, did not attend the default hearing, and did not submit any
2 information or evidence in favor of granting Applicant's Application, Applicant did not meet
3 Applicant's burden of demonstrating why a license should be issued pursuant to Business and
4 Professions Code section 19856(a) and Title 4, CCR section 12060(i). The Commission further
5 finds that pursuant to California Code of Regulations, Title 4, section 12052, subdivision
6 (c)(2)(F)(1), Applicant's Application is subject to denial.

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NOTICE OF APPLICANT'S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

Title 4, CCR section 12064, subdivision (a) and (b) provide, in part:

(a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, an applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may request reconsideration by the Commission within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is later.

(b) A request for reconsideration shall be made in writing to the Commission, copied to the Bureau, and shall state the reasons for the request, which must be based upon either:

- (1) Newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission's issuance of the decision or at the hearing on the matter; or,
- (2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

Business and Professions Code section 19870, subdivision (e) provides:

A decision of the commission denying a license or approval, or imposing any condition or restriction on the grant of a license or approval may be reviewed by petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure shall not apply to any judicial proceeding described in the foregoing sentence, and the court may grant the petition only if the court finds that the action of the commission was arbitrary and capricious, or that the action exceeded the commission's jurisdiction.

Title 4, CCR section 12066, subdivision (c) provides:

A decision of the Commission denying an application or imposing conditions on a license shall be subject to judicial review as provided in Business and Professions Code section 19870, subdivision (e). Neither the right to petition for judicial review nor the time for filing the petition shall be affected by failure to seek reconsideration.

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ORDER

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3 1. Hoa T. Nguyen's Application for Gambling Establishment Key Employee License
4 is DENIED.

5 2. Hoa T. Nguyen may not apply to the Commission or the Bureau for any type of
6 license, registration or work permit for one (1) year after the effective date of this Order.

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8 This Order is effective on 7/27/17.

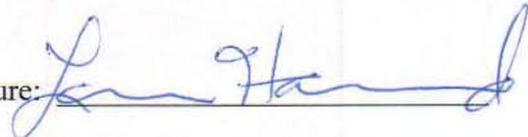
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10 Dated: 7/27/17

Signature: 
Jim Evans, Chairman

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13 Dated: 7/27/17

Signature: 
Paula LaBrie, Commissioner

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16 Dated: 7-27-17

Signature: 
Lauren Hammond, Commissioner

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19 Dated: 7-27-17

Signature: 
Trang To, Commissioner

LAW OFFICE OF TRACEY BUCK-WALSH

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916-761-9277
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March 29, 2017

Mr. Todd Vlaanderen
General Counsel
California Gambling Control Commission

Mr. Ron Diedrich
Deputy Attorney General
P.O. Box 94224
1300 I Street
Sacramento, CA 94244-2550

Re: Statement of Reasons
California Gambling Control Commission v. Hoa Nguyen
CGCC-2017-0209-8/BGC-HQ2017-00004SL

Dear Mssrs. Vlaanderen and Diedrich:

I have been retained by Mr. Hoa Nguyen in connection with the Statement of Reasons filed by the Bureau dated February 23, 2017. Enclosed herewith is his signed consent appointing me as his Designated Agent for this purpose.

Please be advised that Mr. Nguyen does not intend to contest the denial of the renewal of his Key Employee license and consents to the entry of a default judgment in favor of the Commission. To that end, Mr. Nguyen: withdraws the Notice of Defense served approximately five years ago in response to the Commission's original referral of this matter to an APA hearing. Mr. Nguyen waives:

1. His right to a hearing
2. His right to be heard at the hearing;
3. His right to discovery;
4. His right to present oral evidence;
5. His right to present and examine witnesses;
6. His right to introduce relevant exhibits and evidence;
7. His right to cross examine opposing witnesses;
8. His right to impeach witnesses;
9. His right to offer rebuttal evidence
10. His right to challenge the evidence used against him;
11. His right to request reconsideration following the issuance of a decision;

12. His right to petition for review of any decision under Section 105 of the Code of Civil Procedure.

Mr. Nguyen understands that that waiving an evidentiary decision will likely result in the issuance by the Commission of a default decision based on the Bureau's report, any supplemental reports by the Bureau and any other documents or testimony already provided or which may be provided to the Commission, or that the hearing may continue to occur on the originally noticed date without his participation.

Please let me know if you have any questions with regard to Mr. Nguyen's position.
Thank you.

Very truly yours,

*SIGNED ELECTRONICALLY AND TRANSMITTED TO
AVOID DELAY*

Tracey Buck-Walsh