

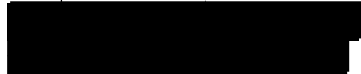
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8  
9 **BEFORE THE**  
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**  
11 **STATE OF CALIFORNIA**

12  
13  
14 **In the Matter of the Accusation Against:**

**BGC Case No. BGC-HQ2012-0001AC**

15 **LYSING ESCONDE**  
16 

**DEFAULT DECISION AND ORDER**

17 **License Number**  
18 **BGC-GEKE-001586**

**(Gov. Code, § 11520)**

19  
20 **FINDINGS OF FACT**

21 1. On or about June 10, 2013, Wayne J. Quint, Jr. (Complainant), solely in his official  
22 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control, served  
23 by certified mail and filed Accusation No. BGC-HQ2012-0001AC (Accusation),<sup>1</sup> against Lysing  
24 Esconde (Respondent) before the California Gambling Control Commission (Commission) setting

25  
26 <sup>1</sup> Also served and filed with the Accusation were a Statement to Respondent (Gov. Code, §  
27 11505, subd. (b)), a Request for Discovery (Gov. Code, § 11507.6), copies of Government Code  
28 sections 11507.5, 11507.6 and 11507.7, and two copies of the Notice of Defense form (Gov. Code,  
§§ 11505 & 11506) for Respondent's use. Hereinafter, "Accusation" includes reference to the  
Accusation and all the above-listed documents.

1 forth the bases for the revocation of Respondent's Key Employee License Number BGC-GEKE-  
2 001586.<sup>2</sup>

3 2. On or about July 8, 2013, the Accusation that was sent to Respondent at her address of  
4 record by certified mail was returned undelivered.

5 3. On or about August 12, 2013, the Accusation was served by personal service on  
6 Respondent.<sup>3</sup> A copy of the Certificate of Service by Personal Service is attached as Attachment  
7 B and incorporated herein by reference.

8 4. On or about August 15, 2013, Respondent knowingly and voluntarily stated to Deputy  
9 Attorney General Ronald Diedrich that she did not intend to submit a Notice of Defense to  
10 challenge the allegations in the Accusation, that she did not wish to go to a hearing, and that she  
11 understood that her Key Employee License would be revoked by way of a Default Decision and  
12 Order.<sup>4</sup>

13 5. To date Respondent has failed to file a Notice of Defense to the Accusation or made  
14 any type of oral or written request for a hearing to appeal or challenge the proposed revocation of  
15 her Key Employee License.

### 16 JURISDICTION

17 6. Government Code section 11503 provides in pertinent part:

18 A hearing to determine whether a right, authority, license, or  
19 privilege should be revoked . . . shall be initiated by filing an  
20 accusation.

21 7. Government Code section 11506, subdivision (c), provides in pertinent part:

22 The respondent shall be entitled to a hearing on the merits *if the*  
23 *respondent files a notice of defense*, and shall be deemed a specific

24 <sup>2</sup> A copy of the Accusation is attached as Attachment A and incorporated herein by  
25 reference.

26 <sup>3</sup> Respondent was personally served at TNT Closet Consignment and New, 180 Clovis  
27 Avenue, Clovis, California 93612.

28 <sup>4</sup> The Declaration of Deputy Attorney General Ronald Diedrich is attached as Attachment  
C and incorporated herein by reference.

1 denial of all parts of the accusation not expressly admitted. *Failure to*  
2 *file a notice of defense shall constitute a waiver of respondent's right*  
3 *to a hearing*, but the agency in its discretion may nevertheless grant a  
4 hearing.

(Italics added.)

5 8. Government Code section 11520, subdivision (a) provides:

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

#### 11 DETERMINATION OF ISSUES

12 9. Based on the foregoing findings of fact, Respondent's Key Employee License is  
13 subject to revocation.

14 10. Service of the Accusation was proper and in accordance with the law.

15 11. As a result of Respondent's failure to file a Notice of Defense to the Accusation, or  
16 make any type of oral or written request for a hearing, the Commission has jurisdiction to  
17 adjudicate this case by default and to order the revocation of Respondent's Key Employee  
18 License.

19 12. The Commission is authorized to revoke Respondent's Key Employee License based  
20 upon the legal and factual allegations set forth in the Accusation and supported by the records of  
21 the Superior Court of Fresno County, as follows:

22 A. Respondent's Key Employee License is subject to revocation pursuant to Business  
23 and Professions Code sections 19854, 19857 and 19859, and California Code of  
24 Regulations, title 4, section 12568, in that on or about February 20, 2013,  
25 Respondent was convicted, upon her pleas of guilty, to violating Penal Code sections  
26 487, subdivision (a) (grand theft), a misdemeanor and a crime of moral turpitude;  
27 and, 503 (embezzlement), a misdemeanor and a crime of moral turpitude, in the case  
28

1 of People of the State of California vs. Lysing Prathamnavong Esconde (Super. Ct.  
2 Fresno County, 2013, No. F12903820).

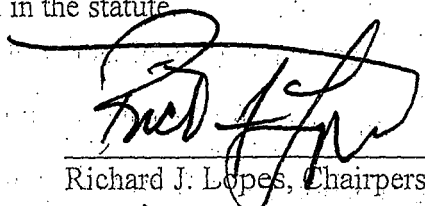
3 B. Respondent's Key Employee License is also subject to revocation pursuant to  
4 Business and Professions Code sections 19854, 19857 and 19859, and California  
5 Code of Regulations, title 4, section 12568, in that, on or between October 27, 2011,  
6 and November 11, 2011, Respondent falsified prize agreement forms and took the  
7 prize-winning money for her own benefit while engaged in her duties as a key  
8 employee at Club One Casino, a licensed gambling establishment in Fresno,  
9 California.

10 ORDER

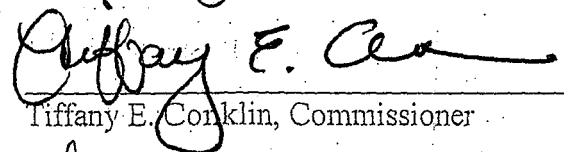
11 Based upon the foregoing Findings of Fact and Determination of Issues, IT IS ORDERED  
12 that Respondent Lysing Esconde's Key Employee License Number BGC-GEKE-001586 is  
13 hereby revoked.

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

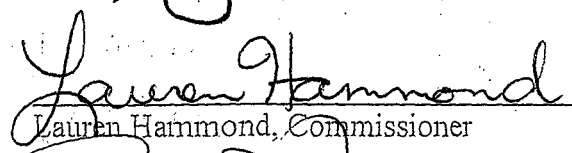
19  
20 Dated: 10/30/2013

  
Richard J. Lopes, Chairperson

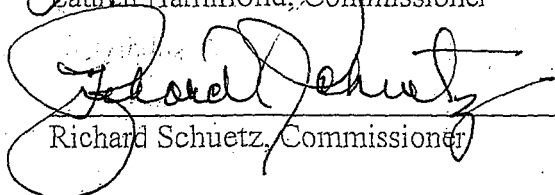
21  
22 Dated: 10/30/2013

  
Tiffany E. Conklin, Commissioner

23  
24 Dated: 10/30/2013

  
Lauren Hammond, Commissioner

25  
26 Dated: 10/30/2013

  
Richard Schuetz, Commissioner