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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Statement of Reasons for
Denial of License Application Regarding:

Steph (Shlermchai) Stapornkul

Respondent.

BGC Case No. BGC-HQ2014-00012SL
CGCC Case No. CGCC-2014-0626-8E

DECISION AND ORDER

Hearing Date: September 15, 2015
Time: 10:00 a.m.

This matter was heard by 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(b), in Sacramento, California, on September 15, 2015.

Neil Houston (Houston), Deputy Attorney General, State of California, represented complainant Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Respondent Steph Stapornkul (Stapornkul) represented himself.

During the administrative hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing and Prehearing Conference, with enclosures, sent by the Commission to Stapornkul and Houston on May 1, 2015.

During the administrative hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Bureau:

- (1) Copies of the Statement of Reasons; Statement to Respondent; Business and Professions Code sections 19870 and 19871; CCR section 12060; and July 7, 2015, Certificate of Service by Certified Mail Service, with signed Return Receipt, Bates Nos. 001-016;
- (2) Copy of the Notice of Defense, Bates Nos. 017-018;
- (3) Copies of the following Communications/Notices from the Commission:
 - a. August 6, 2015 letter from Jason Pope re Conclusion of Prehearing

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Conference, Bates Nos. 019-020;

b. July 1, 2014 letter from Katherine Ellis providing notice that Respondent's application was referred to an evidentiary hearing, Bates Nos. 021-022; and

c. May 1, 2015 Notice of Hearing and Prehearing Conference, with attachments A & B, Bates Nos. 023-036;

- (4) Copy of the Application for Gambling Establishment Key Employee License, received by Commission on June 2, 2012, Bates Nos. 037-038;
- (5) Copy of the Key Supplemental Background Investigation Application signed June 1, 2012, Bates Nos. 039-053;
- (6) Copy of the Application for Interim Key Employee License signed May 31, 2012, Bates Nos. 054-055;
- (7) Copy of the BGC letter to Commission dated August 15, 2005 re Applicant's request to withdraw application for Key Employee License, with attachments, Bates Nos. 056-063;
- (8) Copy of the Application for Key Employee License signed January 18, 2005, Bates Nos. 064-088;
- (9) Copy of the Criminal History Inquiry dated June 12, 2012, Bates Nos. 089-091;
- (10) Copy of the Los Angeles PD Records Request and Court Documents related to arrest dated August 16, 1999, Case No. 24326782S-6162104 (May arise from original arrest dated August 10, 1995, see #11, below), Bates Nos. 092-097;
- (11) Copy of the Los Angeles County Municipal Court Records relating to arrest dated August 10, 1995, Case No. 95R17616, leading to conviction on August 12, 1999, Bates Nos. 098-102;
- (12) Copy of the Glendale PD Records Request (and return) relating to arrests

1 dated August 15, 1992, Case No. 2436782S-3192098; and January 6, 1992,
2 Case No. 2010121P-796-868, Bates Nos. 103-108;

3 (13) Copy of the Los Angeles County Superior Court Records Request and
4 Court Documents related to arrest dated August 15, 1992, Case No.
5 92R1674301, Bates Nos. 109-113; and

6 (14) Copy of the Los Angeles County Superior Court Documents related to
7 arrest (Glendale) dated January 5, 1992, Case No. 92M01812 (same case as
8 No. 2010121P-796-868, listed in #11, above), Bates Nos. 114-117.

9 During the administrative hearing, Presiding Officer Jason Pope accepted into evidence
10 the following exhibit offered by Moreno:

11 (A) Decree Changing Name, Case No. ES006093, filed in Los Angeles
12 Superior Court on May 5, 2000; Order to be Booked, Case No. **R1*616
13 (*illegible), Booking No. 6162104, filed in Los Angeles Municipal Court
14 on August 17, 1999; Rental Agreement (Month to Month), dated December
15 20, 1998; Hunt Enterprises Rental Unit Changes – Tenant Accounting,
16 dated December 20, 1998; Receipt Nos. 12470 and 12607 from Sunland
17 Manor Apts.; United States Postal Service Customer’s Receipt for Postal
18 Money Order, dated April 7, 1999; Receipt No. 13433 from Sunland
19 Manor Apts.; Education records for Briana Stapornkul; Family Law Case
20 Cover Sheet and Declaration Under Uniform Child Custody Jurisdiction
21 and Enforcement Act, Los Angeles Superior Court case No. BD476869;
22 and September 8, 2015 letter from Narcissa Salazar, Medical Records
23 Director with County Villa, Los Feliz Nursing Center.

24 The matter was submitted on September 15, 2015.

25 FINDINGS OF FACT

26 1. Stapornkul works for Hawaiian Gardens Casino as a Casino Shift Supervisor, a
27 position that requires a Key Employee license.

1 2. On or about June 11, 2012, Stapornkul submitted an Application for Interim Key
2 Employee License to the Commission.

3 3. At its June 19, 2012 meeting, the Commission granted an Interim Key Employee
4 License (GEKE-001786) to Stapornkul.

5 4. On or about June 21, 2012, Stapornkul submitted an Application for Gambling
6 Establishment Key Employee License (Application) and Key Employee Supplemental
7 Background Investigation Information form to the Commission.

8 5. At its June 26, 2014 meeting, the Commission voted to refer the consideration of
9 Stapornkul's Application to an evidentiary hearing.

10 6. On or about July 1, 2014, the Executive Director of the Commission referred the
11 consideration of Stapornkul's Application to an evidentiary hearing pursuant to CCR section
12 12050(b)(2).

13 7. On or about February 28, 2015, Stapornkul submitted a Notice of Defense to the
14 Commission requesting an evidentiary hearing.

15 8. On or about May 1, 2015, the Commission served a Notice of Hearing and Prehearing
16 Conference on Houston and Stapornkul.

17 9. On or about July 7, 2015, the Bureau filed a Statement of Reasons with the
18 Commission and served the Statement of Reasons on Stapornkul via certified mail. In its
19 Statement of Reasons, the Bureau recommends the denial of Stapornkul's Application.

20 10. On or about August 5, 2015, the noticed Prehearing Conference was held before
21 Presiding Officer Jason Pope, Attorney III of the Commission. Neil Houston, Deputy Attorney
22 General, appeared on behalf of the Bureau. Respondent Steph Stapornkul appeared on his own
23 behalf.

24 11. On or about August 6, 2015, the Commission served a Conclusion of Prehearing
25 Conference letter on Houston and Stapornkul.

26 12. The Commission heard Case No. CGCC-2014-0626-8E on September 15, 2015. The
27 Bureau was represented throughout the hearing by Deputy Attorney General Neil Houston.

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1 Respondent Steph Stapornkul represented himself throughout the hearing.

2 13. On or about August 27, 1992, Stapornkul was convicted of violating Penal Code
3 section 273.5(A), inflicting corporal injury on a spouse or cohabitant, a misdemeanor. Stapornkul
4 was sentenced to two years' probation and ordered to pay a fine.

5 14. On or about September 11, 1992, Stapornkul was convicted of violating Penal Code
6 section 273.5(A), inflicting corporal injury on a spouse or cohabitant, a misdemeanor. Stapornkul
7 was sentenced to 24 months' probation, ordered to pay a fine or serve ten days in jail, and ordered
8 to complete a six month domestic violence counseling program. Stapornkul completed the
9 domestic violence counseling program.

10 15. On or about August 16, 1999, Stapornkul was convicted of violating Penal Code
11 section 243(E), battery on a non-cohabitating former spouse, a misdemeanor. Stapornkul was
12 sentenced to 36 months' probation and one day in jail, and ordered to pay a fine, enroll in a 12
13 month batterer's counseling program, and stay at least 100 yards away from the victim.
14 Stapornkul completed the 12 month batterer's counseling program.

15 16. Although he was convicted of violating Penal Code section 243(E), battery on a non-
16 cohabitating former spouse, on or about August 16, 1999, the incident precipitating the conviction
17 occurred on or about August 10, 1995.

18 17. During the hearing, Kitty Trink, Stapornkul's ex-wife, testified that Stapornkul was
19 violent with her on several occasions from 1992 through 1995; that there were no domestic
20 violence incidents after 1995; and that Stapornkul is a good father to their daughter.

21 18. Stapornkul's criminal convictions for inflicting corporal injury on a spouse or
22 cohabitant and battery on a non-cohabitating former spouse and the testimony of Kitty Trink are
23 persuasive that Stapornkul engaged in an ongoing pattern of domestic violence toward Kitty
24 Trink from 1992 to 1995.

25 19. During the hearing, Briana Stapornkul, Stapornkul's daughter, testified that
26 Stapornkul is a dedicated father and that she has not witnessed any domestic violence with
27 Stapornkul's subsequent relationships.

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1 20. The testimony of Kitty Trink and Briana Stapornkul is persuasive that Stapornkul is a
2 good and dedicated father.

3 21. During the hearing, Mara Young, Stapornkul's sister, testified that the period of time
4 from 1992 to 1995 when Stapornkul engaged in a pattern of domestic violence toward his wife
5 was particularly stressful for Stapornkul. Mara Young testified that their father was having
6 strokes and would have to be placed into a nursing home; that their family had only recently
7 moved to the United States of America; and that their family had very limited money.

8 22. Mara Young's testimony regarding the stressful situations for Stapornkul from 1992 to
9 1995 is not persuasive that there is any excuse or mitigating factor for Stapornkul engaging in a
10 pattern of domestic violence. There is no excuse for committing domestic violence, and domestic
11 violence in any form, and to any degree, is reprehensible conduct that demonstrates a lack of
12 good character and integrity of the perpetrator.

13 23. During the hearing, Stapornkul testified that he has learned a lot since the domestic
14 violence incidents, including from the domestic violence counseling programs, and that he is a
15 different person now. Stapornkul was candid during the hearing; expressed remorse regarding his
16 pattern of domestic violence; and accepted responsibility for his actions.

17 24. There was no evidence that Stapornkul has been involved in a domestic violence
18 incident since 1995, a period of twenty years.

19 25. Stapornkul has not had a criminal conviction or arrest since August 16, 1999, a period
20 of over sixteen years.

21 26. The twenty years that has elapsed since Stapornkul's pattern of domestic violence, the
22 testimony of Briana Stapornkul that she has not witnessed any domestic violence incidents since
23 1995, and the testimony of Stapornkul that he has learned a lot and modified his behavior, is
24 persuasive that Stapornkul has demonstrated accountability and sufficiently rehabilitated himself
25 from his previous pattern of domestic violence.

26 27. Based upon Stapornkul's sufficient level of rehabilitation from his previous pattern of
27 domestic violence; the lengthy amount of time (twenty years) that has elapsed since Stapornkul
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1 engaged in a pattern of domestic violence; and the lack of more recent criminal convictions or
2 arrests, Stapornkul has demonstrated that he is a person of good character, honesty, and integrity.

3 28. Despite the seriousness of his multiple misdemeanor convictions and the appalling
4 pattern of domestic violence from 1992 to 1995, Stapornkul's prior activities, criminal record,
5 reputation, habits and associations do not pose a threat to the public interest of this state, or to the
6 effective regulation and control of controlled gambling, or create or enhance the dangers of
7 unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled
8 gambling or in the carrying on of the business and financial arrangements incidental thereto.

9 29. All documentary and testimonial evidence submitted by the parties that is not
10 specifically addressed in this Decision and Order was considered but not used by the Commission
11 in making its determination on Stapornkul's Application.

12 30. The matter was submitted for Commission consideration on September 15, 2015.

13 LEGAL CONCLUSIONS

14 31. Division 1.5 of the Business and Professions Code, the provisions of which govern the
15 denial of licenses on various grounds, does not apply to licensure decisions made by the
16 Commission under the Gambling Control Act. Business and Professions Code section 476(a).

17 32. Public trust and confidence can only be maintained by strict and comprehensive
18 regulation of all persons, locations, practices, associations, and activities related to the operation
19 of lawful gambling establishments and the manufacture and distribution of permissible gambling
20 equipment. Business and Professions Code section 19801(h).

21 33. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
22 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
23 her qualifications to receive any license under the Gambling Control Act. CCR section 12060(i).

24 34. The Commission has the responsibility of assuring that licenses, approvals, and
25 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose
26 operations are conducted in a manner that is inimical to the public health, safety, or welfare.

27 Business and Professions Code section 19823(a)(1).
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1 35. An “unqualified person” means a person who is found to be unqualified pursuant to
2 the criteria set forth in Section 19857. Business and Professions Code section 19823(b).

3 36. The Commission has the power to deny any application for a license, permit, or
4 approval for any cause deemed reasonable by the Commission. Business and Professions Code
5 section 19824(b).

6 37. No person may be issued a key employee license unless the person would qualify for a
7 state gambling license. Business and Professions Code section 19854.

8 38. The burden of proving his or her qualifications to receive any license from the
9 Commission is on the applicant. Business and Professions Code section 19856(a).

10 39. No gambling license shall be issued unless, based on all of the information and
11 documents submitted, the commission is satisfied that the applicant is a person of good character,
12 honesty, and integrity. Business and Professions Code section 19857(a).

13 40. No gambling license shall be issued unless, based on all of the information and
14 documents submitted, the commission is satisfied that the applicant is a person whose prior
15 activities and criminal record, if any, reputation, habits, and associations do not pose a threat to
16 the public interest of this state, or to the effective regulation and control of controlled gambling,
17 or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities
18 in the conduct of controlled gambling or in the carrying on of the business and financial
19 arrangements incidental thereto. Business and Professions Code section 19857(b).

20 41. No gambling license shall be issued unless, based on all of the information and
21 documents submitted, the commission is satisfied that the applicant is a person that is in all other
22 respects qualified to be licensed as provided in this chapter. Business and Professions Code
23 section 19857(c).

24 42. Stapornkul has met his burden of demonstrating that he is qualified for a key
25 employee license.

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ORDER

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1. Steph Stapornkul's Application for Gambling Establishment Key Employee License is

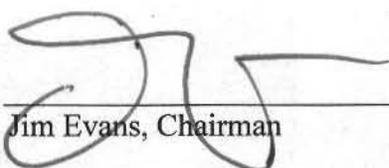
APPROVED.

2. No costs are to be awarded.

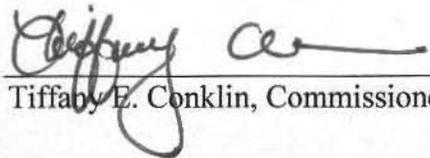
3. Each side to pay its own attorneys' fees.

This Order is effective on October 8, 2015.

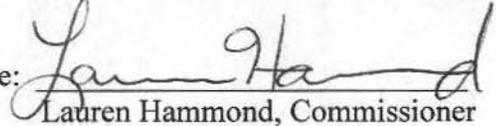
Dated: 10/8/15

Signature: 
Jim Evans, Chairman

Dated: Oct. 8, 2015

Signature: 
Tiffany E. Conklin, Commissioner

Dated: Oct. 8, 2015

Signature: 
Lauren Hammond, Commissioner