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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-GEKE002267

In the Matter of the Application for Approval
of Initial Key Employee License for:

DECISION AND ORDER

TIMOTHY TRAN RUPERT

Hearing Dates: March 15, 2019
Time: 10:00 a.m.

Applicant.

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, in Sacramento, California, on March 15, 2019.

Deputy Attorney General Timothy Muscat (Muscat), Department of Justice, Attorney General's Office, State of California, represented complainant Stephanie Shimazu, Chief of the Bureau of Gambling Control (Bureau), Department of Justice, State of California (Complainant).

Applicant Timothy Tran Rupert was present on his own behalf (Applicant).

During the administrative hearing, Presiding Officer Russell Johnson took official notice of the Conclusion of Prehearing Conference Letter, the Complainant's Statement of Reasons, Applicant's signed Notice of Defense, and the Notice of Hearing and Prehearing Conference which enclosed Applicant's Application for Key Employee License, Applicant's Application for Work Permit, and the Bureau's Report.

During the administrative hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by the Complainant:

- (1) Statement of Reasons dated January 17, 2019; Copy of Bus. & Prof. Code, §§ 19870 & 19871; Copy of Cal. Code. Regs., tit. 4, § 12060; Statement to Respondent dated January 23, 2019; Copy of Bus. & Prof. Code, §§ 19870 & 19871; Copy of Cal. Code. Regs., tit. 4, § 12060; Declaration of Service by Certified Mail, Return Receipt Requested dated January 23, 2019; Notice of Defense, signed July 30, 2018; CGCC Notice of Hearing and Prehearing

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- Conference, dated November 15, 2018; CGCC Conclusion of Pre-Hearing Conference, dated January 31, 2019, Bates Nos. 001-042;
- (2) Timothy Tran Rupert’s Application for Key Employee License, dated November 26, 2016, and Supplemental Information Form, Bates Nos. 043-063;
 - (3) BGC Cardroom Key Employee Background Investigation Report, Level III, Timothy Tran Rupert, with attachment, dated May 2018, Bates Nos. 064-086;
 - (4) CGCC Letters to Timothy Tran Rupert, dated December 2, 2016; July 3, 2018; and July 10, 2018, Bates Nos. 087-091;
 - (5) BGC Certification of Official Records regarding Timothy Tran Rupert, dated August 1, 2018, Bates Nos. 092;
 - (6) Timothy Tran Rupert Court, Police, and Conviction Records, for Case Numbers 07WM03033, 08WM04005, and 10WM04475, Bates No. 093-161;
 - (7) BGC Emails, Correspondence, and Phone Contacts with Timothy Tran Rupert to Obtain Additional Information, Bates No. 162-211;
 - (8) DOJ Conviction Information for Timothy Tran Rupert, Bates Nos. 212-213;
 - (9) Financial, Tax, and Levy Records for Timothy Tran Rupert, Bates Nos. 214-429.

The record was thereafter closed and the matter was submitted on October 22, 2018.

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FINDINGS OF FACT

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2 1. On or about November 28, 2016, the Bureau received an Application for Gambling
3 Establishment interim key employee license, from Applicant.

4 2. On December 2, 2016, the California Gambling Control Commission (Commission)
5 issued an interim key employee license, number GEKE-002267 to Applicant which was valid
6 until November 30, 2018. This interim key employee license allowed Applicant to work as a key
7 employee, while his application for an initial key employee license was being investigated by the
8 Bureau.

9 3. On or about December 16, 2016, the Bureau received an Application for Gambling
10 Establishment Key Employee License, with attachments (Application), dated November 26,
11 2016.

12 4. On or about May 31, 2018, the Bureau submitted a Cardroom Key Employee
13 Background Investigation Report (Bureau Report) to the Commission recommending the
14 Commission deny Applicant's Application.

15 5. On or about July 3, 2018, Applicant's interim key employee license was cancelled by
16 the Commission pursuant to CCR section 12354, subdivision (e), because, the Bureau
17 recommended denial of Applicant's Application.

18 6. On July 10, 2018, pursuant to CCR section 12054, subdivision (a)(2), the Commission
19 considered Applicant's Application and elected to refer consideration of Applicant's Application
20 to an evidentiary hearing to be held pursuant to CCR section 12060 with the Bureau to serve as
21 Complainant.

22 7. On or about July 30, 2018, Applicant submitted a signed Notice of Defense, dated July
23 30, 2018 which requested an evidentiary hearing.

24 8. On or about November 15, 2018, the Commission sent a Notice of Hearing and
25 Prehearing Conference, via certified mail, to Applicant and Complainant.

26 9. On or about January 24, 2019, the Complainant filed a Statement of Reasons with the
27 Commission and served it on Applicant via certified mail. In its Statement of Reasons,
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1 Complainant recommended that the Commission deny Applicant's Application.

2 10. On or about January 31, 2019, the noticed Prehearing Conference was held before
3 Presiding Officer Russell Johnson. Deputy Attorney General Muscat attended on behalf of the
4 Complainant. Applicant appeared on his own behalf.

5 11. On or about January 31, 2019, the Commission sent a Conclusion of Prehearing
6 Conference letter to Applicant and Complainant.

7 12. The Commission heard CGCC Case Nos. GCADS-GEKE002267 on March 15, 2019.
8 The Complainant was represented throughout the hearing by Deputy Attorney General Muscat.
9 Applicant appeared on his own behalf.

10 13. Applicant has worked at Hawaiian Gardens for over a decade. Applicant started
11 working in a non-key employee capacity and continued there until being promoted to a key
12 employee position which necessitated the applications for an interim key employee license and an
13 initial key employee license.

14 Criminal History

15 14. As part of its standard background investigation, the Bureau reviewed a number of
16 areas concerning Applicant including his criminal record. The Bureau discovered the Applicant
17 had four misdemeanor convictions and also failed to follow the terms imposed upon him by the
18 Court for some of those convictions. These four convictions included two DUI incidents which
19 included three misdemeanor convictions, and one driving on a suspended license due to a DUI
20 misdemeanor conviction.

21 15. On or about May 9, 2007, Applicant was convicted of violating Vehicle Code section
22 23152, subdivision (a), driving under the influence of alcohol, and Vehicle Code section 23152(b)
23 DUI/0.08 percent or higher as a misdemeanor, in the case of *People v. Timothy Tran Rupert*
24 (Super. Ct. Orange County, No. 07WM03033). As a part of Applicant's sentence for these
25 convictions, he was given probation which required him to pay fines, attend an alcohol offender
26 program and Mothers Against Drunk Driving (MADD) victim's panel.

27 16. Respondent violated the terms of this probation by failing to attend the alcohol
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1 offender program and also failing to enroll and attend the MADD panel. Applicant was sentenced
2 to serve three days in jail on or around March 23, 2009. Soon thereafter, Respondent again
3 violated the terms of probation by failing to comply with the alcohol offender program and failing
4 to enroll and attend the MADD panel, but also on December 3, 2008 for violating Vehicle Code
5 section 14601.2, subdivision (a), driving on a suspended license as a misdemeanor from his DUI,
6 in the case of *People v. Timothy Tran Rupert* (Super. Ct. Orange County, No. 08WM04005). For
7 these violations, Applicant was ordered to serve 45 days in jail on or around December 3, 2009.

8 17. On or about February 18, 2011, Applicant was again convicted of violating Vehicle
9 Code section 23152, subdivision (a), DUI/drugs, as a misdemeanor in the case of *People v.*
10 *Timothy Tran Rupert* (Super. Ct. Orange County, No. 10WM04475). Applicant was sentenced to
11 similar terms as his first DUI.

12 18. The circumstances of this most recent DUI were raised during the hearing. Applicant
13 stated that while he pled guilty to the DUI conviction, he denied having driven the car that night.
14 Rather he stated his friend had been driving his car trying to impress a lady friend and crashed it
15 into the gravel pile. Applicant asserted that he had been trying to cover for his friend with the
16 police.

17 19. Applicant was questioned at his house that night by police who documented their
18 observations in a police report. In that report, the police stated that night Applicant had a strong
19 odor of alcohol coming from his breath, his speech was slurred, and his eyes were bloodshot and
20 watery. The police report stated that Applicant admitted driving the car at the time of the collision
21 as he had lost a lot of money and was trying to blow off steam. The police officer also believed
22 that whoever had been in the accident would have gotten dirty from the gravel pile and would
23 have had to change his clothes to which Applicant admitted to doing. When confronted at the
24 hearing with the statements in the police report about him admitting to driving the car, Applicant
25 stated the police were lying in their report.

26 20. Applicant's testimony about this DUI lacks all credibility for several reasons. First and
27 foremost, the applicant does not merely assert a simple mistake in the police report; rather he
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1 makes a much greater leap to assert the police officers drafting the report fabricated Applicant's
2 statements out of whole cloth. Applicant failed to establish that the police officers who wrote this
3 report had any motive to lie and to essentially frame Applicant.

4 21. Second, Applicant's story about his friend driving the car is internally inconsistent
5 with his denials about driving the car and the police lying in their report. Applicant
6 simultaneously asserts the police officers lied about Applicant admitting to driving the car while
7 also testifying at the hearing that he was "covering for his friend." These assertions make little
8 sense. Essentially, the Applicant would have the Commission believe that while he was covering
9 for his friend he never actually undertook the ultimate act in furtherance of covering for his friend
10 by admitting to the crime to the police. In this testimony, Applicant undercuts his own story about
11 the DUI and attempts to shift blame for it to his unidentified friend as well as to police officers.

12 22. Third, and most troubling, even if somehow the above dissembling is ignored for the
13 sake of argument, it is an inescapable fact that Applicant lied or is lying about something related
14 to the DUI. Specifically, Applicant pled guilty to the DUI, admitting to all elements of the charge
15 including that that he, and not his friend, drove the car into the gravel pile while under the
16 influence of alcohol. Applicant ostensibly testified that this admission was a careful decision after
17 the trial, which according to the Bureau's exhibits resulted in a mistrial with the jury unable to
18 reach a verdict, and Applicant testified the prosecutor would try the case again. Applicant
19 thereafter denied having driven the car but he took the blame for the DUI and pled guilty as he
20 was trying to protect his friend and do him a favor. This means that either he was untruthful with
21 the court by pleading guilty, or he is being untruthful to the Commission by stating he did not
22 drive the car. Either way, there is deception which cuts against applicant's suitability. It should be
23 noted that if Applicant had pled no contest, if allowed, he still would have been convicted of the
24 DUI but there would have been no admission of guilt including to driving the car under the
25 influence.

26 23. It is also important to note that while these criminal convictions themselves reflect
27 poorly on the Applicant's suitability, their overall relevance is attenuated by their remoteness in
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1 time as the first is over 12 years from the date of the hearing and the last is over 8 years. What the
2 Commission finds the most troubling though is Applicant's inability to comply with the terms of
3 his probation, his willingness to drive without a license leading to his second conviction, his
4 second DUI incident, as well as the string of lies and misdirection Applicant has offered about the
5 last criminal conviction to the police. However, these older and attenuated actions involving
6 dishonesty and inability to comply with lawful orders are revived and connected to his actions
7 with the Bureau during the investigation, and now the Commission as discussed below. These
8 actions reflect poorly on his character, honesty, and integrity, as well as pose a threat to the
9 effective regulation of controlled gambling in the state.

10 Applicant's Application Responses Regarding Criminal History

11 24. As part of Applicant's background investigation he was required to answer various
12 questions in a supplemental background application. One of these questions, question 6, asked if
13 Applicant had ever been convicted of a crime. Applicant answered that question by marking it
14 "NO." This was not true. The application also required applicants to sign the form under the
15 penalty of perjury stating that everything in the form was true and correct and Applicant signed
16 his name. When the Bureau learned about the Applicant's criminal convictions, they asked the
17 Applicant to explain his answer to question 6. Applicant responded ambiguously and in the
18 singular that he "thought the conviction was over 10 years ago and was not currently on my
19 record" in regards all 4 misdemeanor convictions.

20 25. The question on the form though is clear, asking for any criminal conviction.
21 Applicant was convicted three times in open court of criminal misdemeanors, suffered multiple
22 probation violations, admitted to having a trial, and served jail time. There is little doubt that he
23 was aware of his criminal convictions. Additionally his statement that he "thought the conviction
24 was over 10 years ago and was not currently on my record" lacks credibility. Applicant's initial
25 conviction was over 9 years old, but his most recent was only around 5 years old from the date of
26 his Application. Moreover, there were four misdemeanor convictions, not one as intimated by his
27 response. Most importantly, at the hearing under questioning, Applicant admitted to knowing it
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1 was wrong that he did not disclose his convictions. He stated that he thought he could “get away
2 with it and keep his license.” He also asserted that people told him the criminal convictions were
3 over 10 years old and they didn’t matter. Whoever advised him of this, if indeed there was such a
4 person, was wrong.

5 26. While Applicant’s forthrightness at the hearing on some matters is a mark in his favor,
6 the fact that Applicant flagrantly lied on an application with the intent to “get away with it”
7 reflects poorly on his character, honesty, and integrity. While the advice that the underlying
8 crimes are older in nature is true, they are still materially important to his background
9 investigation and must be truthfully and transparently disclosed to the Bureau. The act of lying
10 about the convictions on an application and his subsequent responses to the Bureau is both recent
11 and highly pertinent to his suitability. These recent acts of dishonesty connect with past acts of
12 dishonesty and reflect a pattern and practice. Applicants who are willing to lie for the
13 advancement of their own ends directly conflicts with goals of the Act instituted by the
14 requirement of a Bureau background investigation and a Commission determination of suitability.
15 Simply stated, if a person is willing to lie to the Bureau on an application, it raises a concern they
16 may be willing to lie again while on the job, to local law enforcement, or to the Bureau, all of
17 which poses a threat to the effective regulation of controlled gambling.

18 Applicant’s Failure to Cooperate in Bureau Background Investigation

19 27. During the Background investigation, the Bureau analyzed Applicant’s bank
20 statements from three different banks including Bank of the West, Wells Fargo, and Bank of
21 America, for a period of about 11-12 months from roughly December 2015 to December 2016.
22 The Bureau learned that Applicant would deposit into the Bank of the West account his
23 paychecks from his employment at Hawaiian Gardens where he was paid minimum wage.
24 Additionally, the Bureau learned that he had stated income from his employment at Hawaiian
25 Gardens on his taxes from 2013, 2014, 2015, and 2016 federal income as respectively, around
26 \$22k, \$28k, \$18k, and \$29k.

27 28. In his two other accounts though, the Bureau discovered over 154k in deposits in the
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1 Wells Fargo account, and around \$60k in the Bank of America account. For the Wells Fargo
2 account, applicant explained that \$24k in deposits was from selling Christmas ornaments on the
3 Amazon Marketplace, and that another 11k was from loans to friends named Mark Pham, Hu
4 Nyguen, Alan Lee, and Kevin Nguyen. The Bureau also noted that applicant had a tax refund of
5 around \$3k deposited into the account. Even if these justifications are assumed as true, that still
6 leaves \$119k unaccounted for. For the Bank of America account, it presented a similar problem
7 as there was \$60k in deposits that was unaccounted for.

8 29. The Bureau requested an explanation from Applicant for the deposits in these two
9 accounts on or about November 29, 2017. Unfortunately, the Bureau had to ask this question
10 three times before securing an answer from Applicant. Explaining the delay, Applicant testified
11 that he did not take the process seriously. Even when he responded, the response was less than
12 helpful as Applicant stated that the deposits came from gambling poker and in response to another
13 Bureau email, Applicant stated they were also from saving tips. At the hearing however Applicant
14 stated he never had a winning year in gambling, and that his tips were only at most \$300 a day.
15 Most troubling though and as noted above, Applicant only declared income for 2015 and 2016 of
16 \$18k and \$29k respectively. This discrepancy in income and deposits raised a concern with the
17 Bureau about the source of these funds.

18 30. On January 29, 2018, the Bureau requested win/loss statements from Applicant for the
19 period of December 2015 to December 2016 from the casinos where he gambles and based upon
20 his statements about money from friends, statements from individuals he loaned money to
21 outlining the terms of repayment and status. The Bureau wanted to understand the large
22 unexplained deposits into his accounts. Applicant never responded. At the hearing, Applicant
23 stated that the Casino was a lot different “back then” and that employees were allowed to pool
24 money to play together. When confronted with the time period being only 3 to 4 years ago,
25 Applicant explained this statement as the Bureau was not as involved “back then.”

26 31. Applicant’s explanation of his finances and sources of income lack credibility.
27 Applicants stated income on his taxes during the time period reviewed by the Bureau in 2016 was
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1 only 29k. This was far less than the money from his amazon sales of \$24k, money from friends of
2 11k, and presumably poker gambling winnings, as well as tips. Again, applicant appears to be
3 lying on multiple fronts. To the Bureau, Applicant stated the large deposits were from gambling
4 poker. At the hearing however, Applicant stated he never had a winning year in poker. These two
5 pieces of testimony are inconsistent in explaining the deposits. Applicant attempts to explain this
6 by saying he pooled money with fellow employees, but this was unsupported by any witnesses or
7 statements corroborating this testimony and was not even raised with the Bureau in his responses
8 to their questions about his finances.

9 32. Lastly, it should be noted that applicant's taxes do not reflect these gambling winnings
10 or his estimated "\$300 a day" in tips. Both of these are sources of income and likely should have
11 been reported on his taxes. While the record is not clear precisely how much in tips he made or
12 how much he made gambling, if Applicant only worked 100 days in 2016 and received \$300 a
13 day in tips it would have been more than \$30k in income and more than the \$29k declared. This
14 again demonstrates Applicant's unwillingness to be truthful if it serves his own ends.

15 33. Applicant's failure to provide documents to the Bureau when asked and his failure to
16 provide assurances when questions were raised above reflect poorly on his character honesty and
17 integrity, as well as pose a threat to the effective regulation of controlled gambling.

18 34. When all of Applicant's behavior regarding his criminal convictions, his lack of
19 cooperation with the Bureau in the background investigation process, and his testimony at the
20 hearing, a pattern emerges of a person who is deceitful for his own ends, unable to respect lawful
21 government processes, whether criminal or under the Act, and only when he realizes that he is
22 cornered does he attempt to come clean. Yet even then, Applicant can't keep a consistent story
23 straight, stumbling through a pattern and practice of lies and deception. The record reflects a
24 person who lacks character, honesty, and integrity, and a person whose actions pose a threat to the
25 effective regulation and control of controlled gambling.

26 35. All documentary and testimonial evidence submitted by the parties that is not
27 specifically addressed in this Decision and Order was considered but not used by the Commission
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1 in making its determination on Applicant's Application.

2 36. The matter was submitted for Commission consideration on March 15, 2019.

3 **LEGAL CONCLUSIONS**

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

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

11 39. A "finding of suitability" means a finding that a person meets the qualification criteria
12 described in subdivisions (a) and (b) of Section 19857, and that the person would not be
13 disqualified from holding a state gambling license on any of the grounds specified in Section
14 19859. Business and Professions Code section 19805(j).

15 40. The Commission has the responsibility of assuring that licenses, approvals, and
16 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose
17 operations are conducted in a manner that is inimical to the public health, safety, or welfare.
18 Business and Professions Code section 19823(a)(1).

19 41. An "unqualified person" means a person who is found to be unqualified pursuant to
20 the criteria set forth in Section 19857, and "disqualified person" means a person who is found to
21 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
22 section 19823(b).

23 42. The Commission has the power to deny any application for a license, permit, or
24 approval for any cause deemed reasonable by the Commission. Business and Professions Code
25 section 19824(b).

26 43. The Commission has the power to take actions deemed to be reasonable to ensure that
27 no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled
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1 gambling activities. Business and Professions Code section 19824(d).

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

4 45. An application to receive a license constitutes a request for a determination of the
5 applicant's general character, integrity, and ability to participate in, engage in, or be associated
6 with, controlled gambling. Business and Professions Code section 19856(b).

7 46. In reviewing an application for any license, the commission shall consider whether
8 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the
9 license will undermine public trust that the gambling operations with respect to which the license
10 would be issued are free from criminal and dishonest elements and would be conducted honestly.
11 Business and Professions Code section 19856(c).

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

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

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

25 50. The commission shall deny a license to any applicant who is disqualified for failure of
26 the applicant to provide information, documentation, and assurances required by this chapter or
27 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the
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1 supplying of information that is untrue or misleading as to a material fact pertaining to the
2 qualification criteria. Business and Professions Code section 19859(b).

3 51. An application for a work permit shall be denied by the Commission if the applicant is
4 found unqualified pursuant to the criteria set forth in subdivision (a) or (b) of Business and
5 Professions Code section 19857 or the applicant is disqualified for licensure under Business and
6 Professions Code section 19859. CCR section 12105(a).

7 52. Applicant has failed to meet his burden of proving that he is a person of good
8 character, honesty, and integrity. Applicant knowingly submitted information to the Bureau
9 pertaining to his criminal record that was untrue with the intent to deceive the Bureau and
10 Commission. It is absolutely imperative that cardroom applicants are accurate, truthful, and
11 transparent in the application process, lest the security and safety of California cardrooms suffer.
12 Additionally, the fact that Applicant was willing to lie on his application and lie to the police or at
13 the evidentiary hearing or both, establishes that he lacks the character, honesty, and integrity
14 under 19857(a) to receive a key employee license.

15 53. Furthermore, Applicant failed to provide adequate documentation and explanation of
16 his sources of income for the year investigated by the Bureau, despite repeated opportunities.
17 These large unexplained deposits coupled with his inconsistent testimony about the sources of
18 those deposits reflect a person who is willing to lie to protect his bottom line. As a key employee
19 applicant, Applicant stands to exert significant influence over gaming operations that requires
20 precise awareness of money. Gaming in California is an all cash business which necessitates
21 meticulous record keeping, honesty, and transparency.

22 54. Lastly, Applicant has failed to meet his burden of proving that he is a person whose
23 prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to
24 the public interest of this state, or to the effective regulation and control of controlled gambling,
25 or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities
26 in the conduct of controlled gambling or in the carrying on of the business and financial
27 arrangements incidental thereto. Applicant's actions in the preceding paragraphs reflect poorly on
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1 his ability to work as part of a highly regulated industry and to the effective regulation and control
2 of controlled gambling. As a result, Applicant is not qualified to receive a key employee license
3 pursuant to Business and Professions Code section 19857(b).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

CCR section 12064, subsections (a) and (b) provide, in part:

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. The request 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 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 upon 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.

CCR section 12066, subsection (c) provides:

A decision of the Commission denying an application or imposing conditions on 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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2 1. TIMOTHY TRAN RUPERT'S Application for Approval of Initial Key Employee
3 License is DENIED.

4 2. No costs are to be awarded.

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

6 This Order is effective on May 13, 2019.

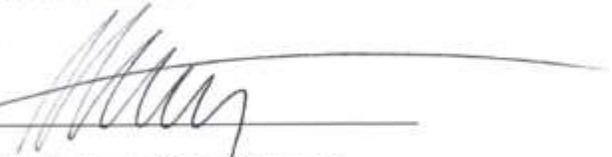
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9 Dated: 4/11/19

Signature: 
10 Jim Evans, Chairman

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12 Dated: 4/11/19

Signature: 
13 Paula LaBrie, Commissioner

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15 Dated: 4/11/19

Signature: 
16 Gareth Lacy, Commissioner

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18 Dated: 4/11/19

Signature: 
19 Trang To, Commissioner