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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

LINDA PARKS

Respondent.

BGC Case No. BGC-HQ2020-00006SL
CGCC Case No. CGCC-2020-0109-11H

DECISION AND ORDER

Hearing Dates: December 1-2, 2020
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, in Sacramento, California, and held via Zoom video conference, on December 1-2, 2020. Commissioners Trang To and Gareth Lacy heard and voted on this matter but left the Commission prior to the issuance of this Decision and Order.

Noel Fischer, Deputy Attorney General, State of California (DAG Fischer), represented complainant Stephanie Shimazu, Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Attorney Tiffany Lichtig (Attorney Lichtig) represented Respondent Linda Parks (Parks), who also attended.

During the evidentiary hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing with Parks' Application and the Bureau's Report, the Commission's Notice of Continued Hearing, the Commission's Conclusion of Prehearing Conference letter, the Bureau's Statement of Reasons, and Parks' signed Notice of Defense.

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

- (1) Statement to Respondent; Statement of Reasons; copies of Bus. & Prof. Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, §12060; Bates Nos. BGC0001-0023;

- 1 (2) September 16, 2016 (Redacted) Application for Initial Work
2 Permit/Temporary Work Permit and Work Permit Questionnaire, GEWP-
3 002528, Bates Nos. BGC0024-0030;
- 4 (3) December 6, 2016 (Redacted) Work Permit Employee Background
5 Investigation Report, Level I, Linda To Tran, Bates Nos. BGC0031-0034;
- 6 (4) October 2, 2017 (Redacted) Application for Interim Key Employee
7 License, GEKE-002380, Bates Nos. BGC0035-0036;
- 8 (5) October 2, 2017 (Redacted) Application for Gambling Establishment Key
9 Employee License and Key Employee Supplemental Background
10 Investigation Information, Bates Nos. BGC0037-0060;
- 11 (6) October 28, 2019 (Redacted) Gambling Establishment Key Employee
12 Initial Background Investigation Report, Level III, Linda To Parks, with
13 attachments, Bates Nos. BGC0061-0092;
- 14 (7) October 30, 2019 Notice of Cancellation of Interim Portable Personal Key
15 Employee License, Bates Nos. BGC0093-0095;
- 16 (8) January 9, 2020 California Gambling Control Commission Licensing
17 Division Memorandum, Bates Nos. BGC0096-0109;
- 18 (9) January 17, 2020 Notice of Defense In the Matter of: Linda Parks, Bates
19 Nos. BGC0110-0112;
- 20 (10) Certified License History for Linda Parks, Bates Nos. BGC0113-0115;
- 21 (11) Correspondence – Requests for additional information and responses, Bates
22 Nos. BGC0116-0185;
- 23 (12) *State of Texas vs. Linda T. Tran*, Conviction Date June 1, 2006, Certified
24 Court Documents with Police Report, Case Number: MC05-29394-M,
25 Bates Nos. BGC0186-0197;
- 26 (13) *State of Texas vs. Linda T. Tran*, Conviction Date July 30, 2007, Certified
27 and Non-Certified Criminal Court Documents and Arrest Warrant, Case
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- Number M06-78551-B, Bates Nos. BGC0198-0232;
- (14) “Gamblers, Opponents Concerned” – Article from The Dallas Morning News, May 6, 2007, Bates Nos. BGC0233-0236;
 - (15) *Check City Partnership dba Check City v. Linda T. Tran*, Date Filed May 14, 2009, Non-Certified Court Documents, Case Number: 09C-020238, Bates Nos. BGC0237-0286;
 - (16) *Principal Investments, Inc. dba Rapid Cash v. Linda Tran*, Date Filed 06/25/2015, Non-Certified Court Documents, Case Number: 15C011243, Bates Nos. BGC0287-0336;
 - (17) Unlawful Detainer Documents, Bates Nos. BGC0337-0343;
 - (18) Venetian Employment Information, Bates Nos. BGC0344-0348;
 - (19) Designated Agent Forms, Bates Nos. BGC0349-0352;
 - (20) Texas Penal Code Section 47.01, Bates Nos. BGC0353-0355;
 - (21) Texas Penal Code Section 47.02, Bates Nos. BGC0356-0359;
 - (22) Texas Penal Code Section 47.03, Bates Nos. BGC0360-0361; and
 - (23) Texas Code of Criminal Procedure Article 18.18, Bates Nos. BGC0362-0365.

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

- (A) December 19, 2019 – Commission staff requests for additional information and responses, Bates Nos. LTP0001-0004;
- (B) David Besser Letter of Recommendation for Linda Tran dated July 16, 2020, Bates Nos. LTP0005-0006;
- (C) Ashley Oana Letter of Recommendation for Linda Tran dated August 3, 2020, Bates Nos. LTP0007-0008;
- (D) Jason Newman Letter of Recommendation for Linda Tran dated July 24, 2020, Bates No. LTP0009;

- 1 (E) See Yang Letter of Recommendation for Linda Tran dated July 27, 2020,
2 Bates No. LTP0010;
- 3 (F) Timothy Louie Letter of Recommendation for Linda Tran dated July 23,
4 2020, Bates No. LTP0011;
- 5 (G) January 8, 2020 – Email from Rapid Cash customer service confirming
6 January 27, 2017 payoff of Linda (Tran) Parks’ account, Bates Nos.
7 LTP0012-0015;
- 8 (H) January 8, 2020 – (Redacted) Verification of rental history faxed to
9 Sunwood Villas/Topaz Apartments, Bates Nos. LTP0016-0017;
- 10 (I) October 29, 2020 – (Redacted) Response to verification of rental history
11 request from Sunwood Villas/Topaz Apartments, Bates No. LTP0018;
- 12 (J) Sec. 12.03. Classification of Misdemeanors., Tex. Penal Code § 12.03,
13 Bates No. LTP0019;
- 14 (K) Subchapter B Ordinary Misdemeanor Punishments, Tex. Penal Code §§
15 12.21 – 12.30, Bates Nos. LTP0020-0023;
- 16 (L) Texas Code of Criminal Procedure Article 45.051 (Effective: September
17 15, 2005 to August 31, 2007), Bates Nos. LTP0024-0026; and
- 18 (M) November 3, 2020 – Email from Zachary B. Fertitta, Esq. (Texas Bar Card
19 Number: 24038896) regarding Texas gambling and forfeiture statutes,
20 Bates Nos. LTP0027-0035.¹

21 At the conclusion of the hearing on December 2, 2020, the Commissioners requested that
22 the parties submit additional information as follows: (1) information related to the Dallas Police
23 Department’s arrest report concerning Parks, and if possible, the investigative report covering the
24 90 days leading up to the raid at “JB’s” on November 17, 2006 as highlighted in Exhibit 13, Page
25 199; and (2) information related to Parks’ friends “Sara” and “Zach” who she stated were also
26 arrested at the raid on “JB’s” on November 17, 2006.

27 On or about December 7, 2020, Presiding Officer Jason Pope sent a Post-Hearing

28 ¹ Exhibit M was admitted into evidence as administrative hearsay.

1 Evidence Order to Attorney Lichtig and DAG Fischer providing that the above materials must be
2 submitted by January 18, 2021, and that the parties must submit any objections to the admission
3 of any additional documents and any additional briefing regarding the significance of the
4 additional documents by January 25, 2021.

5 Both parties timely submitted additional documents. Presiding Officer Jason Pope
6 accepted into evidence the following additional exhibits, as administrative hearsay, offered by the
7 Bureau:

- 8 (25) ²*State of Texas v. Sara Chau*, Conviction Date August 3, 2007, Court
9 Documents, Case Number M-0678561-H; and
10 (26) Documents from Dallas Police Department Re: Linda Tran Parks/JB's
11 Poker Club Investigation.

12 Presiding Officer Jason Pope also accepted into evidence the following exhibits, as
13 administrative hearsay, offered by Parks:

- 14 (O) ³December 22, 2020 letter from Tiffany E. Lichtig to Jason Pope, Bates
15 Nos. LTP0039-0042;
16 (P) December 3, 2020 records request email from Tiffany E. Lichtig to the
17 Dallas County Clerk, Bates Nos. LTP0043-0045;
18 (Q) December 3, 2020 Kristina Niblett Records Email, Bates Nos. LTP0046-
19 0074;
20 (R) December 3, 2020 Shuntraila Brown Records Email, Bates Nos. LTP0075-
21 0082;
22 (S) December 4, 2020 Melina Lloyd Records Email, Bates Nos. LTP0083-
23 0098;
24 (T) December 3, 2020 Yolanda Lipscomb Email Exchange re Masch
25 M0678557, Bates Nos. LTP0099-0102;
26 (U) December 3, 2020 Email to Shuntraila Brown re M0678564, Bates Nos.

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28 ² The Bureau's Exhibit 24 was not admitted into evidence and is not a part of the administrative record.

³ Parks' Exhibit N was not admitted into evidence and is not a part of the administrative record.

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LTP0103-0106;

(V) December 4, 2020 Shuntraila Brown Email with M0678564 Affidavit of Arrest Warrant, Bates Nos. LTP0107-0113; and

(W) December 7, 2020 Shuntraila Brown Email with Remaining Affidavits for Arrest, Bates Nos. LTP0114-0134.

The record was closed and the matter was submitted on January 27, 2021.

FINDINGS OF FACT

Procedural History

1. On or about October 11, 2017, the Commission issued Interim Key Employee License GEKE-002380 to Parks.
2. On or about November 1, 2017, the Bureau received an Application for Gambling Establishment Key Employee License and Key Employee Supplemental Information (Supplemental) (collectively, Application) from Parks.
3. On or about October 30, 2019, the Commission received a Level III Gambling Establishment Key Employee Initial Background Investigation Report on Parks from the Bureau. In this report, the Bureau recommends that the Commission deny Parks' Application.
4. On or about October 30, 2019, the Commission sent a Notice of Cancellation of Interim Portable Personal Key Employee License to Parks via certified mail and email. The Notice of Cancellation was based on former CCR section 12354(e)(5) as a result of the Bureau's recommendation of the denial of Parks' Application.
5. On or about January 9, 2020, the Commission referred the consideration of Parks' Application to a Gambling Control Act evidentiary hearing to be held pursuant to CCR section 12060(a).
6. On or about January 17, 2020, the Commission received a signed notice of defense from Parks requesting an evidentiary hearing on the consideration of her Application.
7. On or about April 8, 2020, the Commission sent a Notice of Hearing, via certified mail, to Attorney Lichtig and DAG Fischer. The hearing was set for August 25-26, 2020.

1 8. On or about July 7, 2020, the Bureau sent a Statement of Reasons to Parks and
2 Attorney Lichtig. The Commission received the Statement of Reasons from the Bureau on or
3 about July 10, 2020. In the Statement of Reasons, the Bureau requests that the Commission deny
4 Parks' Application.

5 9. On or about July 14, 2020, the noticed Prehearing Conference was held before
6 Presiding Officer Jason Pope, Attorney III of the Commission. DAG Fischer attended on behalf
7 of the Bureau. Attorney Lichtig attended on behalf of Parks, who did not attend.

8 10. On or about July 16, 2020, the Commission sent a Conclusion of Prehearing
9 Conference letter, via U.S. Mail and e-mail, to Attorney Lichtig and DAG Fischer.

10 11. On or about July 28, 2020, the Commission sent a Notice of Continued Hearing, via e-
11 mail, to Attorney Lichtig and DAG Fischer. The hearing was continued to December 1-2, 2020.

12 12. The Commission heard this matter via Zoom video conference from December 1-2,
13 2020. The Bureau was represented by DAG Fischer. Attorney Lichtig represented Parks, who
14 also attended the hearing.

15 **Parks' Employment History in Controlled Gambling**

16 *State of Nevada*

17 13. Parks worked as a dealer and customer service representative for Rio All Suite and
18 Casino (Rio), Las Vegas, Nevada, from May 2007 to December 2009. In December 2009, Parks
19 was terminated for a violation of company policy. Parks disclosed this termination on her
20 Application. Parks states that she used her supervisor's user name and password to add 30
21 minutes of time owed to the player rewards account of a regular poker player. Parks states that the
22 practice of using another employee's login credentials to make adjustments was common practice
23 but violated company policy.

24 14. Parks worked as a Tournament Poker Dealer, Poker Room Dealer, and Poker
25 Supervisor at Venetian Resort and Casino (Venetian), Las Vegas, Nevada, from January 25, 2010
26 to November 20, 2012. On November 20, 2012, Parks was terminated from her employment at
27 Venetian. Parks was rehired at Venetian and worked as a Tournament Poker Dealer from May 13,
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1 2013 to January 22, 2014.

2 15. Parks did not disclose her termination from Venetian on her Application and listed her
3 dates of employment at Venetian from January 2010 to January 2014 without accounting for the
4 break in employment from November 20, 2012 to May 13, 2013. Parks wrote that her reason for
5 leaving her employment at Venetian was “to focus more on South Point Casino.”

6 16. In response to a Bureau inquiry after the Bureau’s background investigation revealed
7 that Parks had been terminated from Venetian and then rehired, on February 9, 2019, Parks wrote:
8 “I was unemployed from Venetian Resort and Casino during November 2012 through May 2013
9 because I got terminated for ‘variance’ (unbalanced podium) but eligible for rehire at any
10 department with full benefits and seniority but not the specific Poker Department for at least 30
11 days.” Parks continued: “On April 2013, Venetian Resort and Casino called and offered me
12 employment in their Poker Room. I accepted. On January 2014 I wanted to focus solely on one
13 Poker Room, I resigned the Venetian and kept my employment at South Point Casino.”

14 17. On March 20, 2019, Parks wrote to the Bureau: “I did not intend to omit any
15 information on my supplemental information form and apologize for the oversight. I was the shift
16 supervisor on duty during a satellite tournament in which one of our dealers overpaid two patrons
17 a total of \$1,650. As shift supervisor, it was my duty to make sure all payouts were accurate, and I
18 accepted the termination without complaint. I was rehired at the Venetian in May 2013 (six
19 months later). During the interim period I accepted a job at South Point Casino (February 2013)
20 and worked at both casinos simultaneously after May 2013.”

21 18. In a December 12, 2019 email to the Bureau, Parks states that she “reported that I
22 resigned from the Venetian in the first instance and agree that ‘terminated but eligible for rehire’
23 is a more accurate representation.” Parks also apologized for any mischaracterization.

24 19. Parks worked as a Shift Supervisor/Occasional Dealer and Cashier for South Point
25 Hotel and Casino, Las Vegas, Nevada, from February 2013 to March 2016.

26 20. Parks worked as a Dual Rate Supervisor and Dealer for Hard Rock Hotel and Casino,
27 Las Vegas, from March 2013 to April 2013.

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1 21. Parks held Gaming Registration ID# R0098830, issued by the Nevada Gaming
2 Control Board, from April 2007 to April 2017.

3 *State of California*

4 22. Parks worked as a Dealer for Outlaws Card Parlour from September 2016 to February
5 2017.

6 23. Parks is currently employed at Club One Casino (Club One). Parks worked in several
7 non-key employee positions, including Dealer, Dealer Trainer, Poker CSR, Blackjack CSR, and
8 Shift Supervisor Trainee, from March 2016 to October 1, 2017, when she became a Shift
9 Supervisor (a key employee position).

10 24. Other than her terminations from Rio and Venetian, there was no evidence presented
11 that Parks has had any derogatory employment-related issues while working in controlled
12 gambling.

13 **The Texas Gambling Incident**

14 25. On November 17, 2006, the Dallas Police Department's (DPD) Vice Unit executed a
15 warrant on an allegedly illegal gambling operation involving the card game of "Texas Hold-Em"
16 at a location referred to as "JB's" following a three month investigation. According to DPD's
17 Affidavit for Arrest Warrant of Linda To Tran,⁴ on November 17, 2006, arresting officer Norman
18 entered the location and observed three gambling tables set up and in operation with
19 approximately 10 persons and a dealer at each table. On this date, and in previous visits, arresting
20 officers Norman and Dewees observed the dealers at each table secure a percentage of the wagers
21 or "pot" for the house. During the hands that the arresting officers observed, the dealers took ten
22 percent, up to \$7, for the house each hand. This percentage was confirmed by dealers and players
23 making statements to arresting officer Dewees during the undercover investigation. Parks, as
24 dealer, was observed on this date personally securing the house percentage and placing it in a chip
25 tray located in front of her. The chip tray contained poker chips that have been redeemed for U.S.
26 currency that the dealer uses to control the cash flow of the game. Parks was placed under arrest
27 and transported to the Dallas County Jail. Parks was charged with a violation of Texas Penal

28 ⁴ Parks was formerly known as Linda To Tran.

1 Code section 47.03, gambling promotion, a Class A misdemeanor, in the case *State of Texas v.*
2 *Linda T. Tran*, Case Number M06-78551-B.

3 26. Pursuant to the DPD's Information, Parks "did unlawfully then and there intentionally
4 and knowingly operate and participate in the earnings of a gambling place . . . a use of which was
5 the making and settling of bets, and the taking and receiving of proceeds and wagering chips from
6 a tournament game of cards and a cash game of cards, and by exchanging current money of the
7 United States of America for wagering chips and by exchanging wagering chips for current
8 money of the United States of America."

9 27. On or about July 30, 2007, the court granted the State of Texas's Motion to Reduce
10 Offense Charged to Penal Code section 47.02, gambling, a Class C misdemeanor. Parks pled not
11 guilty to the charge of gambling. After considering the plea and arguments of counsel, the court
12 was of the opinion that the matters substantiated Parks' guilt, deferred the further proceedings
13 without entering an adjudication of guilt, and placed Parks on community supervision. The
14 imposition of sentence was suspended for 90 days and Parks was ordered to pay a fine of \$250.
15 Parks disclosed her arrest and placement on community supervision on her Application.

16 28. Also on or about July 30, 2007, Parks signed an Agreed Motion for Forfeiture of
17 Gambling Devices, Equipment, Proceeds and Paraphernalia, in which Parks represented that she
18 was the owner in possession of the property seized from JB's on November 17, 2006 and agreed
19 to the forfeiture of the property to the State of Texas. The list of property seized includes poker
20 tables and poker chips, \$29,108.00 in U.S. currency, and assorted evidence. On this same date,
21 the court approved an Agreed Order of Forfeiture, signed by Parks, of the property seized from
22 JB's.

23 29. On or about September 24, 2014, as a result of Parks having paid all fines and fulfilled
24 the terms of probation, the court ordered that the finding that the evidence substantiated Parks'
25 guilt is set aside, that the Complaint and Information of the cause be dismissed and stricken from
26 the docket of the court, and that Parks is discharged from probation.

27 30. Parks submitted several written statements to the Bureau in response to its multiple
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1 inquiries regarding the factual circumstances surrounding the Texas Gambling Incident (TGI):

- 2 a. On October 1, 2018, Parks wrote to the Bureau that she “was one of several
3 unpaid volunteers dealing a free poker tournament in Dallas at the height of the
4 poker boom. Such tournaments were common in the area at the time. Although
5 there was no money involved, the event was raided on suspicion of illegal
6 gambling. All those who were dealing at the tournament (including me) were
7 charged with promotion of gambling.”
- 8 b. On February 6, 2019, Parks wrote to the Bureau that she “had no ownership of
9 any items inside the building, including gaming devices, equipment, proceeds,
10 and paraphernalia. No currency from the event was in my possession, nor was I
11 aware of any currency that was seized. The only item in my possession at the
12 time was my car keys, cell phone, and driver license.”
- 13 c. On March 15, 2019, Parks wrote to the Bureau that she “understands the
14 Bureau has obtained documentation which states \$29,108 in U.S. currency was
15 seized pursuant to the search warrant and I was the owner in possession of the
16 currency which was seized at the time of the search warrant. Although I was
17 not the owner of the currency, my attorney advised me to sign the Motion of
18 Forfeiture in order to close the case. My understanding is the \$29,108 was
19 found on the property; all I had on my person (or vehicle) was my keys, my
20 cell phone, and my identification.”
- 21 d. On December 12, 2019, Parks wrote to the Bureau: “The Agreed Motion for
22 Forfeiture I signed to resolve the case implies that the gambling paraphernalia
23 and \$29,108.00 seized from the participants in the poker game were mine. This
24 is inaccurate. It’s my understanding that these motions are routinely used for
25 all persons arrested during raids where assets or equipment are seized from the
26 entire group of dealers, players, and organizers arrested in the raid. At the time,
27 I had no problem agreeing to sign the motion because none of the items (cash,
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1 poker tables and chips) were mine and waiving any rights to the property
2 seized would resolve my charge.” Parks continued: “To be clear, I was neither
3 an owner of the establishment where the poker tournament was held, nor an
4 organizer of the event, nor an owner of the property seized during the raid. I
5 was dealing at a poker tournament without compensation to build skills I later
6 used in Nevada for compensation. These tournaments were common and legal
7 in Texas at the height of the poker boom.”

8 e. On December 30, 2019, Parks wrote to the Bureau: “As I’ve stated, I was
9 dealing in a poker tournament, not a cash game. At no point did I ‘secure the
10 house percentage’ and place it into the tray in front of me. The chips used at
11 the table were tournament chips with no cash value, and I believe the practice
12 observed was actually the exchange of tournament chips for other tournament
13 chips of higher or lower denominations, a common practice in tournament
14 dealing.” Parks continued: “Again, I strongly dispute the officer’s assessment
15 that I was dealing a cash game and ‘securing the percentage,’ i.e. taking chips
16 for the house drop or rake.”

17 31. Richard Danisi (Danisi) testified as Parks’ expert witness during the hearing. Danisi is
18 currently and has been the Director of Security and Surveillance at Club One for 10 years. Danisi
19 manages the security and surveillance department and is responsible for compliance issues with
20 the Bureau. Danisi previously worked for 36 years for the Fresno Police Department, including
21 for the Vice Intelligence Unit during the last 22 years.

22 32. Danisi initially testified that the fact that the \$29,108 in U.S. currency listed in the
23 Agreed Order of Forfeiture was suspect because it was handwritten. However, in other Agreed
24 Orders of Forfeiture arising out of the TGI, the \$29,108 figure appears handwritten in some and
25 typewritten in others. Danisi also testified that we do not know the results of the entire three
26 month investigation because only one day is represented in the Affidavit for Arrest Warrant.

27 33. Danisi later testified that there was no reason to doubt that there was a three month
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1 investigation into JB's nor that \$29,108 in U.S. currency was seized. Danisi testified that it was
2 probable that Parks was in control of some of the money (i.e. chips) as dealer, but that she was
3 not the owner or in control of all the seized assets. Danisi further testified that there was no reason
4 to doubt the information contained in the Affidavit for Arrest Warrant for Parks.

5 34. During the hearing, Parks testified in detail regarding the facts and circumstances
6 surrounding the TGI as provided in the following subparagraphs.

7 a. Parks testified that she was invited by some poker friends (not personal
8 friends) to a poker game at JB's. Parks knew these poker friends from various
9 poker events and leagues, such as the American Poker League (APL) and
10 Professional Poker League (PPL). The APL/PPL events were run and hosted
11 by country clubs and restaurants and often offered various prizes. During these
12 APL/PPL events, a player could win a seat to the World Poker Tour (WPT) or
13 World Series of Poker (WSOP), club memberships, and/or food vouchers, such
14 as a free appetizer or 50% off dinner. The APL/PPL events were free to enter
15 and consisted only of tournaments (no cash games). The expenses for running
16 the APL/PPL events were paid by the hosting country club or restaurant. Most
17 of the time there was an incentive to play at these poker events, such as points
18 for APL/PPL rankings, club memberships, or food. At other times, poker
19 events were for charitable purposes.

20 b. Parks testified that on the night of the TGI, Parks went with four or five poker
21 friends to JB's with each person driving separately. The event at JB's was a
22 friends and family event that was open to the public. There was no cost to play
23 in the event and no money involved. It was an innocent event of poker and
24 socializing. It was not an APL/PPL tournament, nor was the event serving any
25 charitable purpose. Other than fun and socializing, there was no additional
26 incentive to play given that JB's did not have a point system and there was no
27 prize offered.
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- 1 c. Parks testified that she had played at JB's on three previous occasions and
2 dealt on two of the three occasions. Despite her previous three visits to JB's
3 and having dealt twice, Parks testified that she did not know the organizer of
4 the event. The night of the TGI was Parks' only appearance at JB's during the
5 three month investigation. Parks described JB's as a storefront during the day,
6 with refrigerators, restaurant equipment, and kitchenware. Parks assumed JB's
7 sold restaurant supplies. The storefront was closed for an off-hours poker
8 game. Parks only went to JB's for the poker event.
- 9 d. Parks testified that she would practice playing and improve her dealing skills at
10 lesser events such as the event at JB's. Parks stated that she usually busts (loses
11 all her chips) early. Afterward she socializes and eats and then leaves before
12 the game is finished.
- 13 e. Parks testified that the poker event at JB's started with a rotating dealer where
14 players handle the poker chips themselves and the deal passes to each player.
15 Whoever is holding the deck of cards controls the pot. The chip tray stays in
16 the same location and does not move around the table. The dealer would
17 exchange chips, for example by coloring up and down chip denominations (i.e.
18 exchanging chips for other chips of higher or lower value). If a player ran out
19 of chips, the player must sit out of the rest of the tournament.
- 20 f. At one point during the hearing, Parks testified that she busted (i.e. lost all her
21 chips) within 10 minutes. At another point during the hearing, Parks testified
22 that she probably played for about an hour. Either way, after losing all her
23 chips, Parks volunteered to deal. At some point, Parks' poker friends were also
24 dealing. Parks stated that it was possible that her poker friends also busted and
25 started dealing, and that it was a coincidence that she and two of her poker
26 friends were dealing at the time of the raid. Parks stated that there were
27 approximately 30-40 people present, though she did not pay attention to the
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1 other tables.

- 2 g. Parks testified that she was a volunteer dealer, not an employee, and that she
3 did not take any money for a house rake. Parks said she was never
4 compensated for dealing and was not hosting, hired, nor employed to deal.
5 Parks acknowledged she had poker chips and cards in front of her while
6 dealing. She did not dispute that she had the chip tray in her custody at the time
7 of the raid, but testified that the chips were non-value tournament chips for
8 converting denominations. She stated that there was no money involved and no
9 money on the table.
- 10 h. Parks testified that during the raid on JB's, police told everyone to empty their
11 pockets and purses. Parks only had a cell phone, identification, and keys. Parks
12 was taken into custody. The other dealers were also arrested, while players
13 were given citations. Later, Parks' attorney told her that the police had seized
14 all money, property, and equipment from JB's.
- 15 i. Parks testified that she disputes taking any money for the house rake and that
16 the poker chips were exchanged for U.S. currency. Parks stated that the poker
17 chips had no cash value. Parks does not know where the money came from, but
18 also does not dispute, that \$29,108 in U.S. currency was seized on the night of
19 the raid.
- 20 j. Parks testified that regarding the portion of the Affidavit for Arrest Warrant
21 that states that the dealers took ten percent, up to \$7, for the house each hand,
22 Parks assumes the police officer was referring to the three month investigation
23 and not what occurred that evening. Parks assumes that the \$7 referenced was
24 three poker chips with two colors and that the police officer just assumed it
25 was worth \$7.

26 35. Affidavits for Arrest Warrants were issued for a number of other people at JB's on the
27 night of the poker event, including: John Bacile as owner/operator of JB's; Christopher Masch,
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1 Jose Montemayor, and Carey Sexton as managers/operators; Aleksey Ignatyev as
2 doorman/security; Yaneeva Linnurovna as waitress; and Sara Chau (Parks' poker friend), Yer
3 Thao, and Rubin Gutierrez as dealers.

4 36. Most of the Affidavits for Arrest Warrants were identical to Parks, except for the
5 names and roles of the other arrestees. However, three of the Affidavits for Arrest Warrants
6 provided that on the night of the raid, a tournament style game was being played in which each
7 player paid a buy-in of \$500 in U.S. currency to the house for an entry fee, a percentage of which
8 was kept by the house.⁵

9 37. All of the Agreed Orders of Forfeiture contain an identical reference to \$29,108 in
10 seized U.S. currency, although the figure is handwritten on some and typewritten in others. Some
11 of the Agreed Orders of Forfeiture include more items that were seized, including 8 poker tables,
12 2 laptop computers, 1 CPU tower, 2 televisions, and 1 computer screen display.

13 38. According to the Affidavit for Arrest Warrant for John Bacile (Bacile), he was
14 observed on the night of the raid going from table to table collecting cash from the dealers,
15 observing and determining rulings during game play, and assisting in the control of the gambling
16 operation. Bacile was previously known to determine who was allowed to enter JB's. Bacile
17 plead no contest to a charge of Texas Penal Code section 47.02, gambling, a Class C
18 misdemeanor. After considering the plea and arguments of counsel, the court was of the opinion
19 that the matters substantiated Bacile's guilt, deferred the further proceedings without entering an
20 adjudication of guilt, and placed Bacile on community supervision. Bacile signed an Agreed
21 Order of Forfeiture.

22 39. According to the Affidavit for Arrest Warrant for Christopher Masch (Masch), he was
23 observed on the night of the raid notifying players of upcoming games at the location via
24 telephone conversations and text messages on a cell phone, talking with one of the other
25 managers regarding upcoming games and tournaments, and then relaying the message via his cell
26 phone to another person. Masch was previously known to work in the money room and exchange
27 chips for money when players "cash out" at the end of their games. Masch plead no contest to a

28 ⁵ These are the Affidavits for Arrest Warrant for Yaneeva Linnurovna, Sara Chau, and Yer Thao.

1 charge of Texas Penal Code section 47.02, gambling, a Class C misdemeanor. After considering
2 the plea and arguments of counsel, the court was of the opinion that the matters substantiated
3 Masch's guilt, deferred the further proceedings without entering an adjudication of guilt, and
4 placed Masch on community supervision. Masch signed an Agreed Order of Forfeiture.

5 40. According to the Affidavit for Arrest Warrant for Jose Montemayor (Montemayor), he
6 was observed on the night of the raid going from table to table observing game play, assisting in
7 the control of the cash/money room, and assisting in the control of the gambling operation.
8 Montemayor was previously observed exchanging money for chips when players cash out for the
9 night. Montemayor plead not guilty to a charge of Texas Penal Code section 47.02, gambling, a
10 Class C misdemeanor. After considering the plea and arguments of counsel, the court was of the
11 opinion that the matters substantiated Montemayor's guilt, deferred the further proceedings
12 without entering an adjudication of guilt, and placed Montemayor on community supervision.
13 Montemayor signed an Agreed Order of Forfeiture.

14 41. According to the Affidavit for Arrest Warrant for Carey Sexton (Sexton), he was
15 observed on the night of the raid going table to table observing game play and assisting in the
16 control of the gambling operation. Sexton was previously known to be one of the managers of the
17 location. Sexton plead no contest to a charge of Texas Penal Code section 47.02, gambling, a
18 Class C misdemeanor. After considering the plea and arguments of counsel, the court was of the
19 opinion that the matters substantiated Sexton's guilt, deferred the further proceedings without
20 entering an adjudication of guilt, and placed Sexton on community supervision.

21 42. According to the Affidavit for Arrest Warrant for Aleksey Ignatyev (Ignatyev), he was
22 observed on the night of the raid screening patrons and ensuring that that they had been in the
23 location previously. Ignatyev used a key to allow access to the location and kept the door locked
24 at all times except when allowing a patron inside to gamble. Ignatyev plead not guilty to a charge
25 of Texas Penal Code section 47.01, gambling promotion, a Class A misdemeanor. A jury found
26 Ignatyev guilty of gambling promotion.

27 43. According to the Affidavit for Arrest Warrant for Yaneeva Linnurovna (Linnurovna),
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1 she was observed on the night of the raid working as an employee by serving food and drinks to
2 players seated at active tables. Linnurovna was previously seen directed by owners to serve
3 gamblers food and drinks. Linnurovna plead not guilty to a charge of Texas Penal Code section
4 47.02, gambling, a Class C misdemeanor. After considering the plea and arguments of counsel,
5 the court was of the opinion that the matters substantiated Linnurovna's guilt, deferred the further
6 proceedings without entering an adjudication of guilt, and placed Linnurovna on community
7 supervision. Linnurovna signed an Agreed Order of Forfeiture.

8 44. According to the Affidavit for Arrest Warrant for Sara Chau (Chau), she was observed
9 working as a dealer at an operational poker table on the night of the raid. Chau plead not guilty to
10 a charge of Code section 47.02, gambling, a Class C misdemeanor. After considering the plea and
11 arguments of counsel, the court was of the opinion that the matters substantiated Chau's guilt,
12 deferred the further proceedings without entering an adjudication of guilt, and placed Chau on
13 community supervision. Chau signed an Agreed Order of Forfeiture.

14 45. According to the Affidavit for Arrest Warrant for Yer Thao (Thao), she was observed
15 working as a dealer at an operational poker table on the night of the raid. Thao plead not guilty to
16 a charge of Texas Penal Code section 47.02, gambling, a Class C misdemeanor. After considering
17 the plea and arguments of counsel, the court was of the opinion that the matters substantiated
18 Thao's guilt, deferred the further proceedings without entering an adjudication of guilt, and
19 placed Thao on community supervision. Thao signed an Agreed Order of Forfeiture.

20 46. According to the Affidavit for Arrest Warrant for Rubin Gutierrez (Gutierrez), he was
21 observed as a dealer on the night of the raid. Gutierrez plead not guilty to a charge of Texas Penal
22 Code section 47.02, gambling, a Class C misdemeanor. After considering the plea and arguments
23 of counsel, the court was of the opinion that the matters substantiated Gutierrez's guilt, deferred
24 the further proceedings without entering an adjudication of guilt, and placed Gutierrez on
25 community supervision. Gutierrez signed an Agreed Order of Forfeiture.

26 **Parks' Witness and Letters of Reference**

27 47. One witness testified on Parks' behalf during the hearing. Danisi, Parks' expert
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1 witness, also testified in support of Parks' Application. Danisi testified that although he is not
2 Parks' supervisor, he has interacted with Parks and her supervisors and observed her work
3 performance. He testified that Parks has a great work ethic and professionalism, that she is well
4 thought of at Club One, and that she is the first to volunteer for various projects or different
5 events. Danisi states that he has no concerns with Parks and has no reason to believe she is
6 unsuitable for licensure.

7 48. Parks also submitted five letters of reference in support of her Application:

- 8 a. David Besser (Besser) is the Poker Shift Manager at Venetian. He worked with
9 Parks for two years. Besser states that while working as a poker dealer, Parks
10 controlled the action of the game and kept its integrity. Parks demonstrated
11 growth over the course of her employment and became a supervisor. Besser
12 describes Parks as professional, a hard worker, cooperative, responsible, and a
13 team player. Among other things, Besser also states that Parks is someone who
14 could be counted on, has talents for business, management, and
15 communication, and handles situations with professionalism and respect.
- 16 b. Ashley Oana (Oana) is the Senior Client Manager for Burnham Benefits. Parks
17 assisted Oana in the sale of her home. Oana states that Parks demonstrated
18 charm, professionalism, determination, expertise, and solid work ethic. Oana
19 states that Parks was thoughtful and caring in helping her sell her home. She
20 states that Parks was a flurry of activity, hardworking, and a dedicated real
21 estate agent.
- 22 c. Jason Newman (Newman) met Parks 13 years ago during the World Series of
23 Poker at Rio when Parks worked as a temporary dealer. Newman states that
24 Parks was a top tier dealer with amazing customer service and a great addition
25 to the poker room at Rio. Parks demonstrated a positive attitude, dedication,
26 and determination. Parks was also one of just four dealers selected to deal the
27 final televised tables for the World Series of Poker.
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1 d. See Yang (Yang) is the Finance/Payroll Analyst with Club One and has known
2 Parks for two years. Yang states that Parks demonstrated growth in being
3 promoted from Dealer to Trainer to Supervisor Trainee. Yang states that Parks
4 adapted quickly to gaming rules, regulations, and procedures after coming
5 from Las Vegas, Nevada. Yang describes Parks as a positive role model, and
6 someone who always follows policies and procedures, encourages others, and
7 volunteers to train and cover shifts. Yang states that Parks is hardworking,
8 dedicated, and trustworthy, and has gone above and beyond in performing her
9 duties at Club One.

10 e. Timothy H. Louie (Louie) is the Assistant Tournament Director at Harrah's
11 New Orleans, Las Vegas, Nevada, and for the World Series of Poker. Louie
12 met Parks at the 2009 World Series of Poker where both Louie and Parks were
13 selected to deal the finalized tables for the World Series of Poker. Louie states
14 that Parks demonstrated great confidence, a professional demeanor, empathy,
15 motivation, and leadership skills. Parks assisted Louie by providing pointers
16 and teaching related to dealing poker. Louie offers Parks his highest
17 recommendation.

18 **Assessment of Parks' Suitability for Licensure**

19 49. The collective testimony of the live witness and in the five letters of reference
20 is impressive. The testimony and letters of reference were individualized and candid, and relate to
21 her work history in both controlled gambling and as a real estate agent. The collective testimony
22 is persuasive that Parks has demonstrated many positive attributes in her work history, including
23 being hardworking, professional, talented, dedicated, well-respected, and helpful. These
24 characteristics reflect positively on Parks' character.

25 50. Parks was terminated from employment in controlled gambling on two occasions.
26 The first termination was for a violation of company policy. The second termination was for
27 variance/unbalanced podium. Other than these two terminations, there was no evidence presented
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1 that Parks has had any other derogatory employment history in controlled gambling.

2 51. There are two important issues that have a negative impact on Parks' suitability for
3 licensure. The first is Parks' failure to disclose her termination from Venetian on her Application.
4 The second relates to her written statements and testimony regarding the TGI.

5 *The Failure to Disclose Termination from the Venetian on the Application*

6 52. Applications for licensure by the Commission are submitted on forms furnished by the
7 Bureau. An applicant for licensing shall make full and true disclosure of all information to the
8 Bureau and Commission as necessary to carry out the policies of this state relating to licensing,
9 registration, and control of gambling.

10 53. An application consists of two parts. The first part is two pages and consists of five
11 sections, including instructions, applicant information, and job title/description. The application's
12 instructions provide that the applicant "must provide truthful information in all your responses in
13 this application." The application's instructions also provide that "any misrepresentation or
14 failure to disclose information required on this application may constitute sufficient cause for
15 denial or revocation."

16 54. The second part of an application is the Supplemental, which consists of 14 pages. The
17 Supplemental contains 12 sections and requires that the applicant disclose, among other things,
18 experience and employment history. All of the information requested on the Application and
19 Supplemental has been considered through the legislative and regulatory processes and
20 determined necessary in order for the Commission to discharge its duties properly. An applicant
21 is neither expected, nor permitted, to determine the importance of the information requested, and
22 instead is required to provide full and complete information as requested.

23 55. The Bureau relies, in large part, on the applicant's disclosures while conducting a
24 background investigation. The failure to honestly and accurately disclose complete information
25 on an application subverts the Bureau's efforts to conduct a thorough and complete investigation.

26 56. Both the substance of an applicant's disclosures, and the truthfulness and
27 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
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1 recommendation as to the applicant's suitability for licensure, and by the Commission in making
2 a determination whether to approve or deny a license application.

3 57. Section (12) of the Supplemental is a Declaration, to be signed by the applicant under
4 the penalty of perjury, that the statements contained therein are true, accurate and complete. Parks
5 signed the Declaration on October 20, 2017.

6 58. Section (4) of the Supplemental asks for information regarding experience and
7 employment history. It requires the applicant to disclose work history and periods of
8 unemployment for the past 10 years. The applicant is required to list all jobs, including part-time,
9 temporary, and self-employment. For each job, the applicant is required to check a box regarding
10 whether the job was "gaming related." Employment history that is "gaming related" is especially
11 important because an applicant's prior employment in controlled gambling provides relevant and
12 material information regarding an applicant's suitability to work in controlled gambling. A
13 termination from a position in controlled gambling is a material fact related to the applicant's
14 qualification for licensure.

15 59. Parks filled out the Supplemental as part of her Application. Parks disclosed her
16 employment at Venetian with employment dates from January 2010 to January 2014, and her
17 reason for leaving was "to focus more on South Point Casino." Both Parks' first and last dates of
18 employment with Venetian and her reason for leaving in January 2014 were technically accurate.
19 However, these disclosures were also incomplete and misleading. Parks was terminated from
20 Venetian on November 20, 2012, and later rehired as a Tournament Poker Dealer on May 13,
21 2013. On the Supplemental, Parks failed to disclose her termination and did not account for the
22 break in her employment at Venetian from November 2012 to May 2013. Parks only disclosed
23 her termination and break in her employment at Venetian after the Bureau conducted its
24 background investigation and notified Parks of its findings. According to Parks, she was fired for
25 "variance" (i.e. unbalanced podium). Parks' termination for "variance," especially given that she
26 was rehired by Venetian within six months, does not trigger suitability concerns. However, the
27 fact that the Commission might later determine that her termination is not itself cause for denying
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1 her application does not excuse her failure to disclose it. An applicant is required to make full and
2 true disclosure of all information asked on the Application because that information is necessary
3 for the Commission to carry out the policies of the Gambling Control Act and may be material.
4 Parks failed to make a full and true disclosure regarding her termination from Venetian and the
5 dates of her employment. Although Parks apologized for what she considered “an oversight,”
6 Parks did not provide any information that would excuse her failure to disclose and having
7 provided misleading dates of employment. Parks’ failure to disclose her termination on the
8 Supplemental and providing misleading dates of employment also calls into question her honesty
9 and integrity.

10 60. As the Bureau and Commission assess both the substance, and the truthfulness and
11 thoroughness, of an applicant’s disclosures, an applicant who fails to disclose pertinent and
12 required information on an application does not get to decide that the failure to disclose was not
13 material because the disclosures, had they been properly disclosed, would not have revealed any
14 fact material to the applicant’s qualification for licensure. An unexcused failure to disclose
15 information on the application is material to an applicant’s qualification for licensure, especially
16 where there was a failure to disclose a termination from a position in controlled gambling and
17 misleading information regarding the dates of employment.

18 *Written Statements and Testimony Regarding the TGI*

19 61. Parks disclosed her arrest and placement on community supervision arising out of the
20 TGI on her Supplemental even though it was not technically a conviction under Texas law. This
21 disclosure demonstrates candor, which reflects positively on her honesty and character.

22 62. In various written statements to the Bureau, Parks wrote that she had no ownership of
23 any of the seized gambling items, including equipment, chips, or currency. Parks also stated that
24 she was advised by her attorney to sign the Motion for Forfeiture, which stated that she was the
25 owner of the gambling paraphernalia and \$29,108 in U.S. currency. Parks’ statements appear
26 credible and supported by the evidence. Several individuals who were arrested during the raid
27 signed identical Motions of Forfeiture. These Motions for Forfeiture were a part of the DPD’s
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1 investigation and charging process, and allowed the DPD to retain the assets forfeited. Nothing in
2 the record suggests that Parks was the actual owner of JB's, any of the gambling paraphernalia, or
3 the \$29,108 in seized U.S. currency.

4 63. Parks disputes that she was dealing in a cash game and was securing the percentage,
5 i.e. "taking chips for the house drop or rake." Parks specifically disputes the portion of the
6 Affidavit for Arrest Warrant that provides that she, as dealer, was observed taking ten percent, up
7 to \$7, for the house each hand and that she personally secured the house percentage and placed it
8 in the chip tray in front of her. Parks also disputes that there was a cash game being played on the
9 night of the raid.

10 64. There is insufficient evidence to refute Parks' assertion that it was not a cash game. It
11 is not clear whether on the night of the raid there was a cash game or buy-in tournament, or both,
12 taking place. Three of the Affidavits for Arrest Warrants provide that there was a tournament with
13 a \$500 buy-in and that the house took a percentage of the total buy-in. The other Affidavits for
14 Arrest Warrants do not mention a tournament but describe the dealers taking a percentage for the
15 house. Although Parks' Affidavit for Arrest Warrant specifically provides that the investigating
16 officers witnessed Parks secure a house percentage "*on this date and previous visits.*" (Emphasis
17 added.), overall, there is enough uncertainty in the other Affidavits for Arrest Warrants that it is
18 unclear whether Parks actually secured a house percentage while dealing during the poker event.
19 Parks' statement and testimony that she believes the investigating officer observed only the
20 exchange of tournament chips for other tournament chips of higher or lower denominations
21 during the night of the raid is plausible.

22 65. However, Parks' testimony that it was a lawful free-to-play tournament is not
23 plausible and is untrue. In her October 1, 2018 written statement to the Bureau, Parks stated that
24 the gambling event at JB's was a free tournament. This was also her testimony at the hearing.
25 These statements are not credible or supported by the evidence. Notwithstanding the ambiguity in
26 all the Affidavits for Arrest Warrants regarding whether the dealers secured a percentage for the
27 house or whether the house took a percentage of the total buy-in for a tournament, they all
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1 establish that this was not a free-to-play tournament.

2 66. In addition, Parks fails to provide evidence explaining why \$29,108 in U.S. currency
3 was seized on the night of the raid, the same figure being included in all of the various Motions
4 and Orders for forfeiture, during a supposedly free tournament. Further, neither Parks nor her
5 expert witness, Danisi, dispute that this amount was seized. Parks acknowledged that having
6 nearly \$30,000 present during a free tournament is a lot of money on hand for a supposedly free
7 game. The fact that nearly \$30,000 was seized on the night of the raid supports our conclusion
8 that this was not a free tournament, but rather an illegal gambling operation.

9 67. Several of Parks' other written statements to the Bureau and portions of her testimony
10 also lack support and/or are not credible. We conclude they are also untrue or misleading and
11 again call into question her honesty and integrity.

12 68. During the hearing, Parks testified that on the night of the poker event, Parks went
13 with four or five poker friends to JB's. Parks also testified that the event at JB's was a friends and
14 family event that was open to the public; there was no cost to play in the event and no money
15 involved; and that it was an innocent event of poker and socializing. Parks also claimed that other
16 than fun and socializing, there was no additional incentive to play given that JB's did not have a
17 point system and there was no prize offered. Parks' testimony is not supported by the evidence,
18 lacks credibility, and fails to convince.

19 69. Parks described the poker event at JB's as a "friends and family event that was open to
20 the public." However, Parks failed to provide any evidence to support this statement. There was
21 no evidence of any advertisement for the poker event or to whom the "friends and family" event
22 was intended. Further, it does not appear that the game was open to the public given that an
23 Affidavit for Arrest Warrant provides that Ignatyev, acting as the doorman, used a key to unlock
24 the door to let only those participate in the tournament who had been there previously (which
25 would include Parks) and otherwise kept the door locked.

26 70. The location and description of the poker event in the Affidavits for Arrest Warrants
27 does not support that this was a "friends and family event that was open to the public." The poker
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1 event took place in the back of JB's, which Parks described as a storefront during the day, with
2 refrigerators, restaurant equipment, and kitchenware. Parks assumed JB's sold restaurant supplies.
3 The storefront was closed for an off-hours poker game. This location differs significantly from
4 the other free-to-play poker tournaments that Parks referenced in her testimony. Parks testified
5 that these tournaments are frequently held at country clubs or restaurants, or for charitable
6 purposes. The cost of hosting the tournament is covered by the country club or restaurant, which
7 benefits from advertising and having potential customers present. Incentives to play are also
8 frequently provided, including the APL/PPL points, the ability to win a seat at a WPT/WSOP
9 event, club memberships, discounts on food, etc. Parks testified that the event at JB's had no
10 additional incentives or prizes, and the poker event was highly unlikely to serve any advertising
11 purposes for JB's as a purported seller of restaurant supplies. Parks also testified that this was not
12 a charitable poker event.

13 71. Parks states that tournaments, such as the one taking place at JB's on the night of the
14 raid, were "common and legal in Texas at the height of poker boom." Parks' statement that the
15 tournament taking place at JB's was legal is contradicted by the existence of a three month
16 investigation into JB's (which Parks' expert does not dispute), the information in the various
17 Affidavits for Arrest Warrants providing either that there was a tournament featuring a \$500 buy-
18 in or other game, either of which involved the house taking a percentage, the fact that the court
19 found that the evidence of guilt was substantiated as to eight of the nine known arrestees for
20 illegal gambling, including Parks, and one arrestee (Ignatyev) was convicted of gambling
21 promotion by a jury.

22 72. In her written statement to the Bureau, on October 1, 2018, Parks wrote that she "was
23 one of several unpaid volunteers dealing a free poker tournament in Dallas at the height of the
24 poker boom." This statement to the Bureau raises concerns regarding her honesty and integrity.
25 Parks' statement is misleading because according to Parks' own testimony, she was not just an
26 unpaid volunteer. Parks testified that she was a player in the game, and that she only volunteered
27 to deal when she busted (i.e. lost all her chips). Parks actually failed to disclose her role as a
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1 player in the poker game in this and her subsequent written statements to the Bureau. It was only
2 during the hearing that Parks finally disclosed that she participated in the poker game as a player.
3 Parks' failure to disclose to the Bureau during its background investigation that she was an active
4 participant as a player in the poker game demonstrates, at a minimum, a lack of candor and
5 forthrightness. Of greater concern is that the initial failure to disclose her player participation is a
6 deliberate attempt to disassociate herself from having participated as a player in an illegal poker
7 game.

8 73. Parks' testimony regarding her performance during the poker event is also
9 inconsistent. At one point during the hearing, Parks testified that she played only 10 minutes
10 before busting. At another point Parks testified that she probably played for about an hour. Given
11 the fairly obvious difference between 10 minutes and an hour, this inconsistency further calls
12 Parks' honesty into question.

13 74. Parks testified that she did not know the organizer of the poker event on the night of
14 the raid. This testimony lacks support and credibility. Parks wrote to the Bureau and testified that
15 it was a friends and family event, a legal event, open to the public, involving a free-to play
16 tournament with no prizes or other incentives and no money involved, and not for a charitable
17 purpose, which demonstrates that Parks had knowledge of the poker event. Parks testified that she
18 had been to JB's on three other occasions, and dealt on two occasions. She knew other players
19 and dealers who attended the poker game and she was granted admission to JB's to participate as
20 a player and later as a dealer. Parks' knowledge of the game and prior experience playing and
21 dealing at JB's does not support her testimony that she did not know the organizer of the event.
22 This appears to be another deliberate attempt by Parks to disassociate herself from having
23 knowledge of, and having participated in, an illegal poker game.

24 75. The facts and circumstances surrounding an applicant's involvement in an allegedly
25 illegal poker game, which included an arrest, a court's finding that that the matters substantiated
26 the applicant's guilt of illegal gambling, and most importantly, the applicant's testimony
27 regarding these matters, are facts material to an applicant's qualification for licensure to work in
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1 controlled gambling.

2 76. Parks demonstrated a lack of honesty and integrity through the following: by failing to
3 disclose in numerous letters to the Bureau that she was not just a volunteer dealer but also a
4 player in the poker game on the night of the raid; by offering contradictory testimony regarding
5 the amount of time she played poker before busting; by her unsupported claim that she does not to
6 know who organized the poker game despite her knowledge of the circumstances surrounding the
7 poker game and its location; and by offering unsupported and not credible testimony that the TGI
8 somehow involved a free-to-play, friends and family, open to the public poker game involving no
9 money, no prizes, no incentives, and no charitable purpose despite the facts that there was almost
10 \$30,000 in U.S. currency on hand (which neither Parks nor her expert witness dispute), a three
11 month criminal investigation (which Parks' expert does not dispute), and a raid on the premises
12 resulting in guilt being substantiated for eight of the nine known arrestees for illegal gambling
13 (including Parks), and another individual being found guilty of gambling promotion by a jury.

14 77. All documentary and testimonial evidence submitted by the parties that is not
15 specifically addressed in this Decision and Order was considered but not used by the Commission
16 in making its determination on Parks' Application.

17 78. The matter was submitted for Commission consideration on January 27, 2021.

18 LEGAL CONCLUSIONS

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

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

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

2 Business and Professions Code section 19823(a)(1).

3 82. An “unqualified person” means a person who is found to be unqualified pursuant to
4 the criteria set forth in Section 19857, and “disqualified person” means a person who is found to
5 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
6 section 19823(b).

7 83. The Commission has the power to deny any application for a license, permit, or
8 approval for any cause deemed reasonable by the Commission. Business and Professions Code
9 section 19824(b).

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

13 85. Every key employee shall apply for and obtain a key employee license. Business and
14 Professions Code section 19854(a).

15 86. No person may be issued a key employee license unless the person would qualify for a
16 state gambling license. Business and Professions Code section 19854(b).

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

19 88. An application to receive a license constitutes a request for a determination of the
20 applicant’s general character, integrity, and ability to participate in, engage in, or be associated
21 with, controlled gambling. Business and Professions Code section 19856(b).

22 89. The burden of proof is always on the applicant to prove his, her, or its qualifications to
23 receive any license or other approval under the Gambling Control Act. CCR section 12060(i).

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

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

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

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

16 94. Applications for a state license or other commission action shall be submitted to the
17 department on forms furnished by the department. Business and Professions Code section
18 19864(a).

19 95. The department shall furnish to the applicant supplemental forms, which the applicant
20 complete and file with the department. These supplemental forms shall require, but shall not be
21 limited to requiring, complete information and details with respect to the applicant's personal
22 history, habits, character, criminal record, business activities, financial affairs, and business
23 associates, covering at least a 10-year period immediately preceding the date of filing of the
24 application. Business and Professions Code section 19865.

25 96. An applicant for licensing or for any approval or consent required by this chapter,
26 shall make full and true disclosure of all information to the department and the commission as
27 necessary to carry out the policies of this state relating to licensing, registration, and control of
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1 gambling. Business and Professions Code section 19866.

2 97. An application will be denied if the Commission finds that the applicant has not
3 satisfied the requirements of Business and Professions Code section 19857. CCR section
4 12040(a)(1).

5 98. An application will be denied if the Commission finds that any of the provisions of
6 Business and Professions Code section 19859 apply to the applicant. CCR section 12040(a)(2).

7 99. An applicant demonstrates good character, honesty, and integrity through providing
8 accurate, complete, and truthful information on applications for licensure, in response to Bureau
9 inquiries, and while testifying at an evidentiary hearing. An applicant fails to demonstrate good
10 character, honesty, and integrity by providing misleading, incomplete, inconsistent, not credible,
11 unsupported, and untrue responses on the applications for licensure, in response to Bureau
12 inquiries, and while testifying at an evidentiary hearing. This is especially true when those
13 responses and testimony appear to be a deliberate attempt to shield an applicant from derogatory
14 or unfavorable information or impressions.

15 100. Several of Parks' statements and testimony regarding the TGI, as described in the
16 Findings of Fact, are unsupported, untrue and/or misleading, and not credible, and appear
17 intentionally designed to place Parks in a favorable light as an innocent participant in a free-to-
18 play and legal poker event that appears to have been neither free-to-play nor legal. Therefore,
19 Parks has failed to meet her burden of demonstrating that she is a person of good character,
20 honesty, and integrity. As a result, Parks is unqualified for licensure pursuant to Business and
21 Professions Code section 19857(a) and her Application must be denied pursuant to CCR section
22 12040(a)(1).

23 101. Parks supplied misleading information as to a material fact pertaining to the
24 qualification criteria through her written statements and testimony, including failing to disclose in
25 her written statements to the Bureau that she was not just a dealer but also a player in the poker
26 game, and mischaracterizing the poker game as a friends and family event that was open to the
27 public, free-to-play, and did not involve any cash despite all of the evidence that the poker game
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1 involved significant cash, and was neither open to the public nor free-to-play. As a result, Parks is
2 disqualified for licensure pursuant to Business and Professions Code section 19859(b) and her
3 Application must be denied pursuant to CCR section 12040(a)(2).

4 102. Parks also failed to disclose information requested by the Bureau and failed to
5 reveal facts material to her qualification for licensure by failing to disclose her termination from
6 Venetian on her Supplemental. In addition, Parks supplied misleading information as to a material
7 fact pertaining to the qualification criteria by failing to disclose her termination and failing to
8 account for the break in her employment for Venetian following her termination. Although Parks
9 apologized for the “oversight,” she did not provide any information that would excuse her failure
10 to disclose and having provided misleading dates of employment. As a result, Parks is
11 disqualified for licensure pursuant to Business and Professions Code section 19859(b) and her
12 Application shall be denied pursuant to CCR section 12040(a)(2).

13 NOTICE OF APPLICANT’S APPEAL RIGHTS

14 Parks has the following appeal rights available under state law:

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

16 (a) After the Commission issues a decision following a GCA hearing conducted
17 pursuant to Section 12060, an applicant denied a license, permit, registration, or
18 finding of suitability, or whose license, permit, registration, or finding of
19 suitability has had conditions, restrictions, or limitations imposed upon it, may
20 request reconsideration by the Commission. A request for reconsideration must
21 be:

22 (1) Made in writing to the Commission, copied to the Complainant. The
23 Bureau may provide a written response to the Commission within 10 calendar days
24 of receipt of the request; and

25 (2) Received by the Commission and Complainant within 30 calendar days of
26 service of the decision, or before the effective date specified in the decision,
27 whichever is earlier.

28 (b) A request for reconsideration must 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:

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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.

ORDER

1. Linda Parks' Application for Gambling Establishment Key Employee License is DENIED.

- 2. No costs are awarded.
- 3. Each side to pay its own attorneys' fees.

This Order is effective on May 10, 2021.

Dated: April 8, 2021

Signature:  _____
Paula LaBrie, Chair