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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2019-1010-3C

In the Matter of the Application for Approval
of Initial State Gambling License Regarding:

GOLDEN PACIFIC MANAGEMENT
GROUP, LLC: GEOW-003729

STEPHANIE KIM NGUYEN
Member, GEOW-003730

Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: March 12, 2020
Time: 10:00 a.m.

1. This matter was scheduled for hearing before the California Gambling Control Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on March 12, 2020.

2. Stephanie Kim Nguyen (Applicant), member of Golden Pacific Management Group, LLC, failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about August 17, 2016, the Bureau of Gambling Control (Bureau) received an Application for State Gambling License from Applicant (Application).

4. On or about August 21, 2019, the Bureau issued its Initial Background Investigation Report (Bureau Report) in which in which it concluded that Applicant was disqualified for licensure pursuant to Business and Professions Code section 19859. The Bureau recommended that the Commission deny Applicant's application.

5. On or about October 10, 2019, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b).

6. Applicant received noticed of Commission consideration of Applicant's application in two ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record October 14, 2019 which included a blank Notice of

1 Defense form with instructions to return it to the Commission within 15 days of receipt or else the
2 Commission may issue a default decision. This evidentiary hearing referral was provided to
3 Applicant's addresses via certified mail and regular mail. (Exhibit A). Commission staff received
4 no response.

5 7. Applicant subsequently received notice of Commission consideration of
6 Applicant's application through a Notice of Hearing Without Applicant Participation sent
7 certified mail on December 9, 2019 to Applicant's addresses of record and stated that the hearing
8 was set to occur on March 12, 2020 at 10:00 a.m. Staff received no response.

9 **DETERMINATION OF ISSUES**

10 8. An owner of a gambling enterprise shall apply for and obtain a state gambling
11 license. (Bus. & Prof. Code § 19851, subd. (1).)

12 9. An application to receive a license constitutes a request for a determination of the
13 applicant's general character, integrity, and ability to participate in, engage in, or be associated
14 with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)

15 10. In addition, the burden of proving Applicant's qualifications to receive any license
16 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

17 11. At an evidentiary hearing pursuant to Business and Professions Code sections
18 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to
19 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

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

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

24 * * *

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

27 * * *

28 (F) The waiver of an evidentiary hearing, or failure of

1 the applicant to submit a Notice of Defense, or failure of an applicant
2 to appear at an evidentiary hearing, may result in:

3 1. A default decision being issued by the
4 Commission based upon the Bureau report, any supplemental reports
5 by the Bureau and any other documents or testimony already
6 provided or which might be provided to the Commission

7 13. The Commission has the power to deny applications for the renewal of licenses.
8 (Bus. & Prof. Code § 19876, subd. (1).)

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

13 15. The Commission has jurisdiction to adjudicate this case by default.

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

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

22 18. Therefore, as the Applicant failed to return a Notice of Defense form, explicitly
23 waived his right to an evidentiary hearing through his attorney, did not attend the default hearing,
24 and did not submit any information or evidence in favor of granting Applicant's Application,
25 Applicant did not meet Applicant's burden of demonstrating why a license should be issued
26 pursuant to Business and Professions Code section 19856(a) and Title 4, CCR section 12060(i).
27 The Commission further finds that pursuant to California Code of Regulations, Title 4, section
28 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to denial.

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

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

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

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

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

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

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

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

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

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ORDER

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1. STEPHANIE KIM NGUYEN'S Application for State Gambling License, GEOW-003730, as member of GOLDEN PACIFIC MANAGEMENT, LLC, GEOW-003729, is DENIED.

2. STEPHANIE KIM NGUYEN may not apply to the Commission or the Bureau for any type of license, registration or work permit for one (1) year after the effective date of this Order.

This Order is effective immediately.

Dated: 3/12/2020 Signature: 
Jim Evans, Chairman

Dated: 3/12/2020 Signature: 
Paula Labrie, Commissioner

Dated: 3/12/2020 Signature: 
Gareth Lacy, Commissioner

Dated: 3/12/2020 Signature: 
Trang To, Commissioner

DECLARATION OF AMY ARNDT

I, Amy Arndt, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Stephanie Nguyen's case has been assigned to me for processing.

On October 14, 2019, I mailed a Gambling Control Act hearing referral letter to Ms. Stephanie Nguyen at [REDACTED] [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Ms. Nguyen that consideration of the application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(a). This letter included a Notice of Defense form (CGCC-ND-002) with instructions to return the Notice of Defense to the Commission within 15 days of receipt in order to preserve their right to an administrative hearing.

Today is December 4, 2019 and I have not received the Notice of Defense form or any communication from Stephanie Nguyen regarding a request for a Gambling Control Act hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Executed on December 4, 2019, in Sacramento, California.



Amy Arndt