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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

JOHN PARK dba BELL JACKPOT CASINO

Respondent.

BGC Case No. BGC-HQ2021-000205C
CGCC Case No. CGCC-2021-0422-4A

DECISION AND ORDER

Hearing Dates: April 18-19, 2022
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 in satellite locations located in San Francisco and Chino Hills, California, and held via Zoom video conference, on April 18-19, 2022.

Jeremy Stevens, Deputy Attorney General, State of California (DAG Stevens), represented complainant Yolanda Morrow, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Attorney Robert McWhorter (Attorney McWhorter) represented respondent John Park (Park) dba Bell Jackpot Casino.

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), Attorney III of the Commission, took official notice of the Commission's Notice of Agenda, the Commission's Conclusion of Prehearing Conference letter, the Commission's Notice of Hearing with attachments (A) Park's Application, and (B) the Bureau's background investigation report, the Commission's Notice of Continued Hearing, the Bureau's Statement of Reasons, the Bureau's First Amended Statement of Reasons, and Park's signed Notice of Defense and Affirmative Defenses.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-9, Bates Nos. BGC 0001-0425, offered by the Bureau pursuant to a stipulation between the parties, and

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1 identified on the Bureau’s Evidentiary Hearing Exhibits list.

2 PO Patterson also accepted into evidence Exhibits 1-31, Bates Nos. Park 001-345, offered
3 by Park pursuant to a stipulation between the parties, and identified on Park’s Compendium of
4 Exhibits, Bates Nos. Park 001-004. PO Patterson accepted into evidence Exhibits 32-35, without
5 bates numbers, offered by Park pursuant to a stipulation between the parties, and identified as
6 follows:

- 7 (32) Declaration of Robert S. McWhorter;
- 8 (33) Declaration of John Park;
- 9 (34) Declaration of Mayor Alicia Romero; and
- 10 (35) Declaration of Acting Director Yolanda Morrow.

11 Both parties submitted an opening brief and reply brief, which were reviewed by the
12 Commissioners.

13 The record was closed and the matter was submitted on April 19, 2022.

14 FINDINGS OF FACT

15 **Procedural History**

- 16 1. On or about March 16, 2020, the Bureau received an Application for State Gambling
17 License (Application) from Park as Sole Proprietor dba Bell Jackpot Casino.
- 18 2. On or about September 1, 2020, the Commission received an Initial Background
19 Investigation Report on Park from the Bureau. In this report, the Bureau recommended that the
20 Commission deny Park’s Application.
- 21 3. On or about April 22, 2021, the Commission voted to refer the consideration of
22 Park’s Application to a Gambling Control Act (GCA) evidentiary hearing pursuant to CCR
23 section 12054(a)(2) to be conducted pursuant to CCR section 12060.
- 24 4. On or about May 14, 2021, the Bureau and Commission received a signed Notice of
25 Defense and Affirmative Defenses from Park requesting an evidentiary hearing on the
26 consideration of his Application.
- 27 5. On or about September 29, 2021, the Bureau sent a Statement of Reasons to Attorney
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1 McWhorter via certified mail. The Commission received the Statement of Reasons on or about
2 September 29, 2021. In the Statement of Reasons, the Bureau requested that the Commission
3 deny Park's Application.

4 6. On or about October 1, 2021, the Commission sent a Notice of Hearing, via e-mail, to
5 Attorney McWhorter and DAG Stevens. The hearing was set for March 23 and 30, 2022.

6 7. On or about October 5, 2021, PO Patterson issued an Order Setting Briefing Schedule
7 to Attorney McWhorter and DAG Stevens via e-mail. PO Patterson ordered each party to provide
8 opening briefs by March 3, 2022, and reply briefs by March 11, 2022. Both parties timely
9 submitted opening and reply briefs.

10 8. On or about February 24, 2022, the Bureau sent a First Amended Statement of
11 Reasons to Attorney McWhorter via e-mail. The Commission received the First Amended
12 Statement of Reasons on or about February 24, 2022. In the First Amended Statement of Reasons,
13 the Bureau states that Park's Application is subject to denial pursuant to Business and Professions
14 Code section 19963(a) and because Bell Jackpot Casino's former license to operate is ineligible
15 for reinstatement pursuant to CCR section 12144(a), or its license may have been abandoned
16 under CCR section 12144(f), and Bell Jackpot Casino can no longer renew its license or conduct
17 any gambling operation under that license under CCR section 12142(b). Based on the foregoing,
18 the Bureau requests that the Commission deny Park's Application.

19 9. On or about February 28, 2022, the noticed Prehearing Conference was held before
20 PO Patterson. DAG Stevens attended on behalf of the Bureau. Attorney McWhorter attended on
21 behalf of Park, who did not attend.

22 10. On or about March 7, 2022, the Commission sent a Conclusion of Prehearing
23 Conference letter, via e-mail, to Attorney McWhorter and DAG Stevens.

24 11. On or about March 16, 2022, the Commission sent a Notice of Continued Hearing via
25 e-mail, to Attorney McWhorter and DAG Stevens. The hearing was set for April 18-19, 2022.

26 12. The Commission heard this matter via Zoom video conference on April 18-19, 2022.
27 DAG Stevens appeared on behalf of the Bureau. Attorney McWhorter appeared on behalf of
28

1 Park.

2 **Park’s State Gambling Licenses and Cardrooms**

3 13. The following cardrooms are owned and operated by business entities wholly or
4 partially owned by Park: (1) Cal-Pac Rancho Cordova dba Parkwest Casino Cordova; (2) Cal-Pac
5 Sonoma, LLC dba Parkwest Casino Sonoma; (3) The Silver F, Inc. dba Parkwest Casino Lotus;
6 (4) Lodi Cardroom, Inc. dba. Parkwest Casino Lodi; (5) Casino 580, LLC dba Parkwest Casino
7 580; and (6) The River Card Room, Inc. dba The River Card Room. Park possesses the
8 appropriate state gambling licenses as owner or co-owner of each of the business entities that own
9 and operate these cardrooms.

10 **Asset Purchase Agreement for Bell Jackpot Casino**

11 14. On or about April 19, 2018, Park entered into an Asset Purchase Agreement (APA)
12 with Bell Jackpot Casino, Inc. to enable Park to own and operate the Bell Jackpot Casino.
13 Gregory Knapp signed the APA as “Authorized Agent” on behalf of Bell Jackpot Casino, Inc.

14 15. Section 1.1 of the APA provides that Park is purchasing “all of Seller’s rights and
15 benefits under and pursuant to all licenses, permits, and approvals relating to the Casino or the
16 operation thereof” and “all of seller’s intangible rights and property, including, without limitation,
17 right, title and interest in the trade names, service marks or trademarks, used in, or necessary for
18 the conduct of, the business of the Casino and all of the goodwill associated therewith.”

19 16. In Section 5.1.1 of the APA, Seller represents and the parties acknowledge that
20 “Bell Jackpot Casino, Inc. is a suspended corporation; has not operated any business; [and] has
21 not made any filings or taken any action to maintain its gambling license since the Casino closed
22 down.”

23 17. Section 5.1.2 of the APA provides that Seller “makes no representation or warranty
24 about the validity of the Casino or Gambling License.”

25 18. Section 5.1.6 of the APA provides that “the Casino is closed, has no employees, and is
26 not conducting any business.”

27 19. Park and Bell Jackpot Casino, Inc. signed a First Amendment to the APA on
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1 September 24, 2018, a Second Amendment to the APA on March 1, 2019, and a Third
2 Amendment to the APA on February 28, 2020. These amendments did not include any
3 substantive changes to the APA.

4 **History of Bell Jackpot Casino**

5 20. Bell Jackpot Casino was originally denominated as the California Bell Club. It was
6 located in the City of Bell and operated under different names as a cardroom until August 1995.¹
7 In 1994, the City of Bell issued a local gaming license to re-open the then-named Regency Card
8 Room under the new name Bell Jackpot Casino. The cardroom reopened as Bell Jackpot Casino
9 in February 1995 under the ownership of Bell Jackpot Casino, Inc., and its shareholders James
10 Knapp and Gregory Knapp.

11 21. James Knapp, Gregory Knapp, and Bell Jackpot Casino, Inc. were registered with the
12 Office of the Attorney General under the Gambling Registration Act to operate Bell Jackpot
13 Casino.

14 22. On or about August 5, 1995, Bell Jackpot Casino terminated all gambling operations
15 and closed. Bell Jackpot Casino has not conducted any gambling operations since August 5, 1995.

16 23. The gambling registrations of James Knapp, Gregory Knapp, and Bell Jackpot Casino,
17 Inc. expired on August 31, 1995. These registrations were never renewed.

18 **Licensing Information on the Commission’s Website**

19 24. On or about March 17, 2021, the Commission’s website contained a webpage with the
20 header “List of all Gambling Control Commission Licensed Entities by Status.” The search for
21 “inactive” licenses consists of 152 pages. The list includes categories for License Number, Name,
22 Licensing Types, and License Status. Included on the list are the following:

- 23 (1) GEGE 001143, Pacific Casino, Gambling Establishment, Inactive;
- 24 (2) GEGE 000929, Bell City Casino, Gambling Establishment, Inactive;
- 25 (3) GEGE 000458, Bell Jackpot Casino, Gambling Establishment, Inactive;
- 26 (4) GEGE 000946, Bell Jackpot Casino, Gambling Establishment, Inactive;

27 _____
28 ¹ These names may include California Bell Club, Regency Casino or Regency Card Room, Pacific Casino, Bell Club, Bell City Casino, and Jackpot Casino.

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1 (5) GEGE 001078, Bell Jackpot Casino, Gambling Establishment, Inactive; and

2 (6) GEGE 001062, Bell Jackpot Casino, Gambling Establishment, Inactive.

3 25. On or about March 2, 2011, the Commission's website contained a webpage with the
4 header "PRELIMINARY: California Gambling Control Commission / Bureau of Gambling
5 Control: establishments licensed to operate on December 31, 1999 and/or an application on file
6 prior to September 1, 2000 that currently do not have a state gambling license." The list contains
7 47 cardrooms. Neither Bell Jackpot Casino, nor any of its prior iterations, are included on the list.

8 **Testimony of Lina Thomas**

9 26. Lina Thomas (Thomas) is a Staff Services Manager I in the Cardroom Owners Unit of
10 the Cardroom Licensing Section for the Bureau. During the evidentiary hearing, Thomas testified
11 that she started working for the Bureau in 1998. One of Thomas's tasks was to enter information
12 into MAPPER, the former licensing database where the Bureau entered initial applications for
13 state gambling licenses and renewal application information.

14 27. According to printouts from the Bureau's MAPPER licensing database, Bell Jackpot
15 Casino had a cardroom open date of June 8, 1984 and a cardroom close date of August 31, 1995.
16 Bell Jackpot Casino is included on a "List of Clubs Operating" for the dates January 1, 1989,
17 1990, 1991, 1992, 1993, 1994, and 1995. Bell Jackpot Casino is not included on the "List of
18 Clubs Operating" for the dates January 1, 1996, 1997, 1998, or 1999.²

19 28. Thomas testified that the Bureau transitioned from MAPPER to its current licensing
20 database system License Information System (LIS) in March 2006. The information submitted
21 into MAPPER was converted into LIS and assigned a GEGE number. The six-digit GEGE
22 numbers of Bell Jackpot Casino, Bell City Casino, and Pacific Casino are old case numbers from
23 MAPPER. These six-digit GEGE numbers are tied to the GEGE record numbers in LIS.

24 29. Thomas conducted a review of the licensing history and status of the six GEGE
25 numbers included in Paragraph 24 of this Decision and Order. Thomas did not find any initial
26 applications or state gambling licenses related to those GEGE numbers and did not find any
27 applications for a state gambling license from Bell Jackpot Casino.

28 ² The last date included on the printouts is January 1, 1999.

1 **Declaration and Testimony of Yolanda Morrow**

2 30. Yolanda Morrow (Morrow) is the Acting Director of the Bureau. In her Declaration,
3 Morrow declared, in pertinent part:

- 4 (1) The Bureau conducted a reasonably diligent search to locate documents
5 concerning the licensing history of the Bell Jackpot Casino, Inc. The Bureau
6 determined that Bell Jackpot Casino was registered to operate until approximately
7 August 31, 1995 under the Gambling Registration Act.
- 8 (2) In its reasonably diligent search, the Bureau could not locate any records
9 indicating that the Department or the Commission issued to Bell Jackpot, the
10 Corporation, or its known shareholders a license or registration to operate,
11 provisional or otherwise, under either the Gambling Registration Act or the
12 Gambling Control Act after Bell Jackpot closed in August 1995. The Bureau has
13 no record that a state gambling license ever was issued under the Gambling
14 Control Act to Bell Jackpot, the Corporation, or its known shareholders.
- 15 (3) In its reasonably diligent search, the Bureau could not locate any records
16 indicating that Bell Jackpot, the Corporation, or its known shareholders had an
17 application on file with the Department or the Bureau (formerly known as the
18 Division of Gambling Control) for licensure under the Gambling Control Act on or
19 before September 1, 2000.
- 20 (4) In its reasonably diligent search, the Bureau could not locate any records
21 indicating that Bell Jackpot, the Corporation, or its known shareholders submitted
22 an application with the Department, the Commission, or to the Bureau for
23 licensure under the Gambling Control Act at any time. The Bureau has no record
24 that any application for licensure under the Gambling Control Act ever was
25 submitted by Bell Jackpot, the Corporation, or its known shareholders.
- 26 (5) Holding a state gambling license or other license or permit under the Gambling
27 Control Act is not a prerequisite to being assigned a record number.
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(6) Neither Bell Jackpot, the Corporation, nor its known shareholders hold a license under the Gambling Control Act to own or operate a cardroom.

31. During the evidentiary hearing, Morrow testified that the GCA was enacted in 1997 and went into effect on January 1, 1998. The GCA established the Commission. The Bureau searched records relating to the licensing history of Bell Jackpot Casino and its principals. Bell Jackpot Casino's registration expired on August 31, 1995. Bell Jackpot Casino, James Knapp, and Gregory Knapp were registered under the Gambling Registration Act, but were never licensed under the GCA. Morrow further testified that the existence of a registration number does not mean that the entity assigned a registration number ever filed an application for licensure under the GCA.

Park's Public Records Act Request to the Bureau

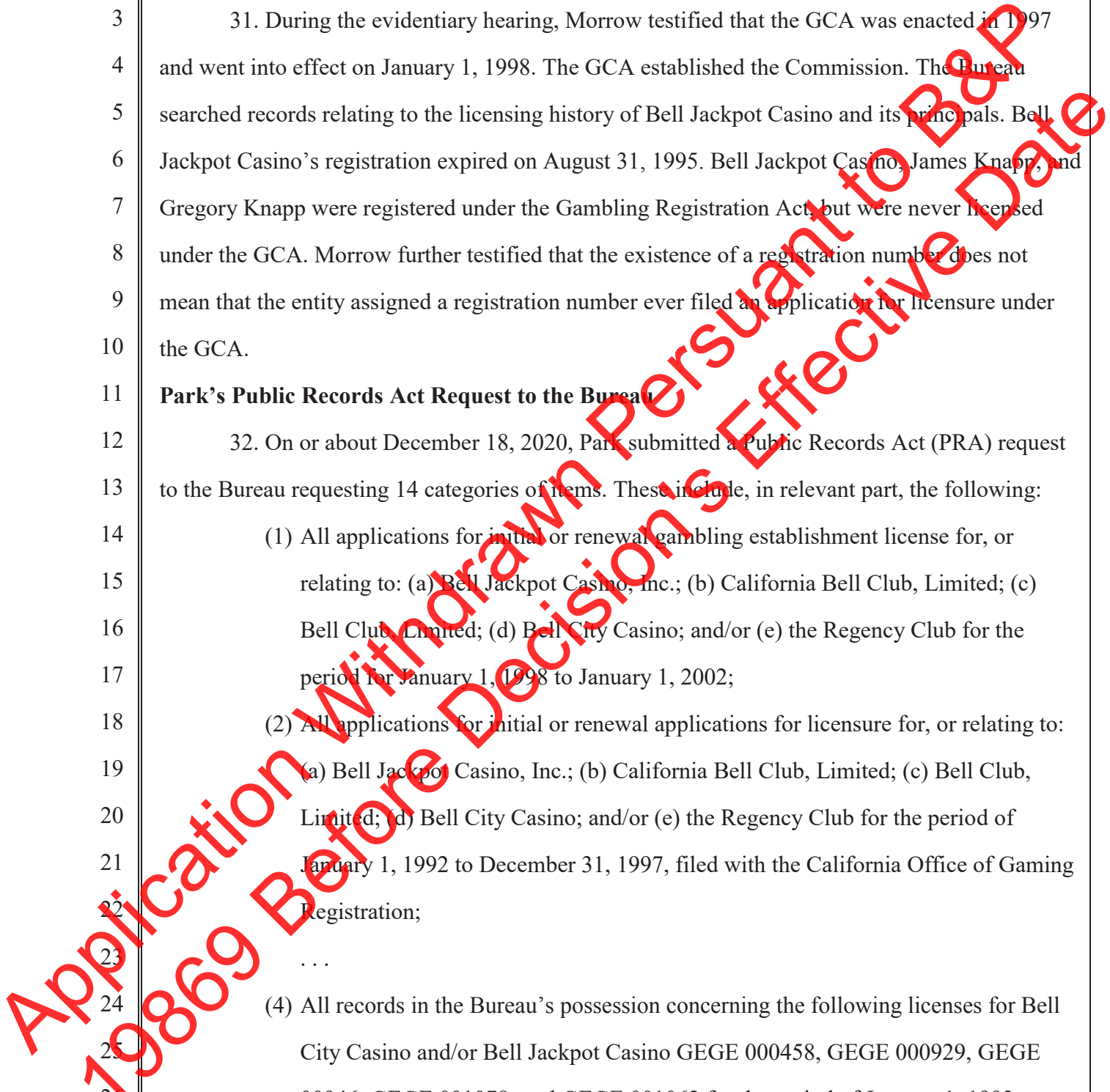
32. On or about December 18, 2020, Park submitted a Public Records Act (PRA) request to the Bureau requesting 14 categories of items. These include, in relevant part, the following:

(1) All applications for initial or renewal gambling establishment license for, or relating to: (a) Bell Jackpot Casino, Inc.; (b) California Bell Club, Limited; (c) Bell Club, Limited; (d) Bell City Casino; and/or (e) the Regency Club for the period for January 1, 1998 to January 1, 2002;

(2) All applications for initial or renewal applications for licensure for, or relating to: (a) Bell Jackpot Casino, Inc.; (b) California Bell Club, Limited; (c) Bell Club, Limited; (d) Bell City Casino; and/or (e) the Regency Club for the period of January 1, 1992 to December 31, 1997, filed with the California Office of Gaming Registration;

...

(4) All records in the Bureau's possession concerning the following licenses for Bell City Casino and/or Bell Jackpot Casino GECE 000458, GECE 000929, GECE 00946, GECE 001078; and GECE 001062 for the period of January 1, 1992 to January 1, 2002;



- 1 (5) Any licenses or documents evidencing licensure, or cancellation, termination,
- 2 transfer, or revocation of licensure for the period of January 1, 1992 to January 1,
- 3 2002: (a) Bell Jackpot Casino, Inc.; (b) California Bell Club, Limited; (c) Bell
- 4 Club, Limited; (d) Bell City Casino; and/or (e) the Regency Club;
- 5 ...
- 6 (8) All letters, memoranda, notices, and other records notifying Bell Jackpot Casino,
- 7 Inc., or any of its shareholders of the revocation, suspension, termination, or
- 8 cancellation of its license for the period for January 1, 1998 to January 1, 2002;
- 9 ...
- 10 (10) All records that list the owners of Bell City Casino and/or Bell Jackpot Casino,
- 11 Inc., (GEGE 000458, GEGE 000929, GEGE 00946, GEGE 001078, and GEGE
- 12 001062) for the period of January 1, 1998 to January 1, 2002;
- 13 (11) All records that list or describe gambling establishments that were licensed on or
- 14 before December 31, 1999; and
- 15 (12) All records that list or describe gambling establishments that had applications on
- 16 file with the Bureau prior to September 1, 2000.

17 ...

18 33. The Bureau responded on or about December 28, 2020. Regarding requests 3 and 6-

19 14, the Bureau responded that it is not in possession of any nonexempt, disclosable, and

20 responsive records. The Bureau also responded that “as to requests number 1, 2, 4 and 5, to the

21 extent those requests seek records of applications for licenses, the Bureau has conducted a search

22 of the records within its custody and control, and determined that it is not in possession of any

23 responsive records.”

24 **Park’s Public Records Act Request to the Commission**

25 34. On or about December 18, 2020, Park submitted a PRA request to the Commission

26 that was virtually identical to the PRA request he sent to the Bureau.

27 35. The Commission responded on or about December 29, 2020. The Commission

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1 responded that it did not locate any records responsive to request numbers 1-6, 8-10, and 12. The
2 Commission also advised Park that it has not withheld any records responsive to these requests.
3 The Commission included a copy of a list of gambling establishments that were licensed to
4 operate on December 31, 1999 and/or had an application on file prior to September 1, 2000. This
5 list did not include Bell Jackpot Casino or any of its prior iterations.

6 **Business and Professions Code Section 19963(a)**

7 36. Business and Professions Code section 19963(a) provides “the Commission may not
8 issue a gambling license for a gambling establishment that was not licensed to operate on
9 December 31, 1999, unless an application to operate that establishment was on file with the
10 department³ prior to September 1, 2000.”

11 37. Pursuant to Business and Professions Code section 19963(a), the Commission may not
12 issue a gambling license to Park dba Bell Jackpot Casino unless one of the following is true:

- 13 (1) Bell Jackpot Casino was licensed to operate on December 31, 1999; or
- 14 (2) An application to operate Bell Jackpot Casino was on file with the Department
15 prior to September 1, 2000.

16 **Park’s Arguments in Favor of Approving His Application**

17 38. Park essentially offers two arguments why Bell Jackpot Casino has met one of the two
18 prongs of Business and Professions Code section 19963(a), and is therefore eligible for licensure.
19 Park also requests that if the Commission is inclined to deny Park’s Application, that the
20 Commission forego issuing a decision to allow him the opportunity to assign his interest in Bell
21 Jackpot Casino to one of his other cardrooms and then relocate it.

22 39. Park’s first argument is that since Bell Jackpot Casino is listed several times on the
23 Commission’s website on a webpage with the header “List of all Gambling Control Commission
24 Licensed Entities by Status,” and the list contains GECE numbers for Bell Jackpot Casino, that
25 Bell Jackpot Casino must have been licensed by the Commission. As a result, Park argues that
26 Bell Jackpot Casino was licensed to operate on December 31, 1999 or had an application to
27 operate on file with the Department prior to September 1, 2000.

28 ³ “Department” means the Department of Justice. Business and Professions Code section 19805(h).

1 40. Park's second argument is that after Bell Jackpot Casino closed in August 1995, there
2 were contractual agreements between the City of Bell, the Bell Community Redevelopment
3 Agency (BCRA), the Bell Public Financing Authority (BPFA), and International Marine and
4 Gaming, Inc. (IMG) to construct a gambling establishment. According to Park, these agreements
5 directed IMG to apply for a gaming license. Park further argues that given that the City of Bell's
6 efforts to develop a gambling establishment continued into the year 2000, that the Commission
7 may reasonably infer from these efforts that an application for a state gambling license for Bell
8 Jackpot Casino was filed prior to September 1, 2000."

9 **Assessment of John Park dba Bell Jackpot Casino's Suitability for Licensure**

10 41. For the reasons provided below, the Commission finds that Bell Jackpot Casino was
11 not licensed to operate on December 31, 1999, and no application to operate Bell Jackpot Casino
12 was on file with the Department prior to September 1, 2000. As a result, the Commission may not
13 issue a gambling license to Park dba Bell Jackpot Casino pursuant to Business and Professions
14 Code section 19963(a). The Commission also rejects Park's request to forego issuing a decision
15 to allow him the opportunity to assign his interest in Bell Jackpot Casino to one of his other
16 cardrooms and then relocate it, because Park's request is not appropriately before the
17 Commission.

18 *Bell Jackpot Casino was not licensed to operate on December 31, 1999*

19 42. There was no evidence presented that Bell Jackpot Casino had a license, provisional or
20 otherwise, to operate on December 31, 1999, as required by the first prong of Business and
21 Professions Code section 19963(a). The Bureau and Commission do not have any records of any
22 state gambling license, whether provisional or otherwise, having been issued to Bell Jackpot
23 Casino at any time, including on December 31, 1999. Neither the Bureau nor the Commission
24 found any responsive documents relating to the licensure of Bell Jackpot Casino in response to
25 Park's PRA requests. Morrow declared and testified that the Bureau could not locate any records
26 indicating that Bell Jackpot Casino, the corporation, or its shareholders were ever licensed under
27 the GCA. Moreover, according to printouts from MAPPER, Bell Jackpot Casino's registration
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1 expired on August 31, 1995. Bell Jackpot Casino is also included on a “List of Clubs Operating”
2 for the dates January 1, 1989, 1990, 1991, 1992, 1993, 1994, and 1995, but Bell Jackpot Casino is
3 not included on the “List of Clubs Operating” for the dates January 1, 1996, 1997, 1998, or 1999.

4 43. The lack of any documents in the evidentiary record demonstrating any licensure of
5 Bell Jackpot Casino is supported by the fact that Bell Jackpot Casino closed on August 5, 1995
6 and its registration under the Gambling Registration Act expired on August 31, 1995. There was
7 no evidence presented that Bell Jackpot Casino ever renewed its registration after it expired. In
8 fact, under the terms of the APA, Gregory Knapp, on behalf of Bell Jackpot Casino, Inc.,
9 represented that Bell Jackpot Casino, Inc. “has not made any filings or taken any action to
10 maintain its gambling license since the Casino closed down on August 5, 1995.

11 44. Park did not provide any evidence that Bell Jackpot Casino had a license, provisional
12 or otherwise, to operate on December 31, 1999. The evidentiary record does not include any
13 provisional or state gambling license certificates, the minutes of any meetings or hearings, proof
14 of payment of any application or other fees, or testimony from James Knapp, Gregory Knapp, or
15 any other witness providing that Bell Jackpot Casino, or any of its prior iterations, or anyone on
16 its behalf, ever obtained a provisional or state gambling license from any licensing entity, under
17 the GCA.

18 45. Park’s arguments that Bell Jackpot Casino was licensed to operate on December 31,
19 1999 fail to convince. Park’s first argument is based on the existence of GEGE numbers for Bell
20 Jackpot Casino on a Commission webpage with the header “List of all Gambling Control
21 Commission Licensed Entities by Status.” Park asserts that Bell Jackpot Casino’s presence on this
22 list this means that Bell Jackpot Casino was licensed by the Commission on December 31, 1999.

23 However, Morrow declared and testified that the existence of GEGE numbers for Bell Jackpot
24 Casino does not necessarily mean that Bell Jackpot Casino was ever licensed to operate. Thomas
25 testified that the GEGE numbers assigned to Bell Jackpot Casino are old case numbers from
26 MAPPER and were tied to the GEGE numbers in LIS. When Thomas conducted a review of the
27 licensing history and status of the six GEGE numbers included in Paragraph 24 of this Decision
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1 and Order, Thomas did not find any initial applications or state gambling licenses related to those
2 GEGE numbers and did not find any applications for a state gambling license from Bell Jackpot
3 Casino. Based on the foregoing, it is clear that the mere assignment of GEGE numbers to Bell
4 Jackpot Casino is insufficient to demonstrate that Bell Jackpot Casino was licensed to operate on
5 December 31, 1999.

6 46. All that is left of Park's first argument is his reliance on the header of a Commission
7 webpage providing "List of all Gambling Control Commission Licensed Entities by Status."
8 Given that the Bureau could not find any state gambling licenses related to Bell Jackpot Casino's
9 GEGE numbers, Morrow's testimony that the existence of GEGE numbers does not necessarily
10 mean that the entity assigned those GEGE numbers was ever licensed, and the fact that Park, the
11 Bureau, and the Commission collectively could not find any documents (or provide any
12 testimony) demonstrating the licensure of Bell Jackpot Casino on December 31, 1999, the only
13 supportable conclusion regarding the Commission's webpage is that its header does not
14 necessarily accurately describe what is listed on the webpage. The entities listed on this webpage
15 are not necessarily "licensed entities" in the sense that the Commission issued state gambling
16 licenses to all of the entities on the 152 pages showing "inactive licenses." Rather, the list only
17 shows entities that had been assigned GEGE numbers and are "inactive." Based on the totality of
18 information included above, Bell Jackpot Casino was not licensed to operate on December 31,
19 1999.

20 *Neither Bell Jackpot Casino, Inc., nor any other individual or entity, had an application for*
21 *licensure to operate Bell Jackpot Casino on file with the Department prior to September 1, 2000*

22 47. Park's second argument relates to the second prong of Business and Professions Code
23 section 19963(a), that an application to operate Bell Jackpot Casino was on file with the
24 Department prior to September 1, 2000. Park's second argument fails to convince.

25 For the same reasons provided above, the mere existence of GEGE numbers assigned to Bell
26 Jackpot Casino and the Commission's webpage with an header that does not necessarily
27 accurately describe what is listed on the webpage fails to prove that there was an application to
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1 operate Bell Jackpot Casino on file with the Department prior to September 1, 2000.

2 48. Even if there were contractual agreements between the City of Bell, the BCRA, the
3 BPFA, and IMG to construct a gambling establishment in the City of Bell, and even if these
4 agreements directed IMG to apply for a gaming license, the Commission is not required to
5 presume that IMG fulfilled its contractual obligations by applying for licensure. There is no
6 evidence that IMG ever applied for a license, let alone submitted an application to operate Bell
7 Jackpot Casino (which ceased operating in August 1995) prior to September 1, 2000. Further,
8 given that the agreements among the various entities related to the construction and development
9 of a gambling establishment, it is unclear why IMG's contractual requirement to apply for a
10 gambling license would mean that there was an application to operate *Bell Jackpot Casino* prior
11 to September 1, 2000.

12 49. Overall, there was no evidence presented that Bell Jackpot Casino, Inc., or any other
13 individual or entity, had an application for licensure to operate Bell Jackpot Casino on file with
14 the Department prior to September 1, 2000. The Bureau and Commission do not have any records
15 of any application for licensure having been received to operate Bell Jackpot Casino by the
16 Department at any time, including prior to September 1, 2000. Neither the Bureau nor the
17 Commission found any responsive documents relating to any application from or on behalf of
18 Bell Jackpot Casino in response to Park's PRA requests. Morrow declared and testified that the
19 Bureau could not locate any records indicating that Bell Jackpot Casino, the corporation, or its
20 shareholders ever applied for licensure under the GCA. Park did not provide any evidence that
21 Bell Jackpot Casino, the corporation, its shareholders, or any other individual or entity ever had
22 an application for licensure on file with the Department to operate Bell Jackpot Casino at any
23 time, including prior to September 1, 2000.

24 50. Again, the lack of any records demonstrating that there was ever any application
25 submitted by or on behalf of Bell Jackpot Casino is further supported by the fact that Bell Jackpot
26 Casino closed on August 5, 1995, has not operated since, and its registration under the Gambling
27 Registration Act expired on August 31, 1995. There was no evidence provided that Bell Jackpot
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1 Casino ever renewed its registration after it expired. In fact, under the terms of the APA, Gregory
2 Knapp, on behalf of Bell Jackpot Casino, Inc., represented that Bell Jackpot Casino, Inc. “has not
3 made any filings or taken any action to maintain its gambling license since the Casino closed
4 down” on August 5, 1995. Based on the totality of information included above, neither Bell
5 Jackpot Casino, the corporation, its shareholders, nor any other individual or entity, had an
6 application for licensure to operate Bell Jackpot Casino on file with the Department prior to
7 September 1, 2000.

8 *Park’s request that if the Commission is inclined to deny Park’s Application, that the Commission*
9 *forego issuing a decision to allow him the opportunity to assign his interest in Bell Jackpot*
10 *Casino to one of his other cardrooms and then relocate it*

11 51. Park’s request is not appropriately before the Commission, and is therefore rejected.
12 Park submitted an application for licensure by the Commission as the sole proprietor dba Bell
13 Jackpot Casino. The purpose of this evidentiary hearing is for the Commission to determine
14 Park’s suitability for licensure to operate Bell Jackpot Casino and make a decision on his
15 Application. The Commission’s options are to approve Park’s Application, with or without
16 conditions, or deny his Application. The Commission is required to issue a decision within 75
17 days following the close of the administrative record. The Commission does not have the
18 authority to forego issuing a decision denying Park’s Application to allow him additional time to
19 assign his interest in Bell Jackpot Casino to another cardroom and then relocate it.⁴

20 52. All documentary and testimonial evidence submitted by the parties that is not
21 specifically addressed in this Decision and Order was considered but not used by the Commission
22 in making its determination on Park’s Application.

23 53. The matter was submitted for Commission consideration on April 19, 2022.

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27 ⁴ As Park’s request is not appropriately before the Commission, the Commission does not make any
28 determination regarding whether Park’s plan to assign his interest in Bell Jackpot Casino to another cardroom and
then relocate it complies with the GCA, Commission regulations, and/or any local ordinance.

Application Withdrawn Pursuant to B&P
19869 Before Decision's Effective Date

LEGAL CONCLUSIONS

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

55. Public trust that permissible gambling will not endanger public health, safety, or welfare requires that comprehensive measures be enacted to ensure that gambling is free from criminal and corruptive elements, that it is conducted honestly and competitively, and that it is conducted in suitable locations. Business and Professions Code section 19801(g).

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

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

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

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

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

61. The burden of proof is always on the applicant to prove his, her, or its qualifications to receive any license or other approval under the Gambling Control Act. CCR

1 section 12060(j).

2 62. Within 75 calendar days of the conclusion of a GCA hearing, the Commission will
3 issue its decision. Business and Professions Code section 12062(a).

4 63. The Commission shall deny a license to any applicant who is disqualified for failure of
5 the applicant to clearly establish eligibility and qualification in accordance with this chapter.
6 Business and Professions Code section 19859(a).

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

9 65. In addition to any other limitations on the expansion of gambling imposed by Section
10 19962 or any provision of this chapter, the commission may not issue a gambling license for a
11 gambling establishment that was not licensed to operate on December 31, 1999, unless an
12 application to operate that establishment was on file with the department prior to September 1,
13 2000. Business and Professions Code section 19963(a).

14 66. As provided in the Findings of Fact in this Decision, Bell Jackpot Casino was not
15 licensed to operate on December 31, 1999, and neither Bell Jackpot Casino, the corporation, its
16 shareholders, nor any other individual or entity, had an application for licensure to operate Bell
17 Jackpot Casino on file with the Department prior to September 1, 2000. Therefore, given that Bell
18 Jackpot Casino failed to meet either prong of Business and Professions Code section 19963(a),
19 Park failed to clearly establish eligibility and qualification for licensure to operate Bell Jackpot
20 Casino in accordance with the GCA. As a result, Park dba Bell Jackpot Casino is disqualified
21 from licensure pursuant to Business and Professions Code section 19859(a), and Park's
22 Application must be denied pursuant to CCR section 12040(a)(2).⁵

23 NOTICE OF APPLICANT'S APPEAL RIGHTS

24 Park has the following appeal rights available under state law:

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

26 _____
27 ⁵ The Commission does not make any determination regarding the implications of Business and Professions
28 Code sections 19878 or 19879, or CCR section 12068, on Park as a result of this Decision and Order denying Park's
Application.

Application Withdrawn Pursuant to B&P
19869 Before Decision's Effective Date

1 (a) After the Commission issues a decision following a GCA hearing conducted
2 pursuant to Section 12060, an applicant denied a license, permit, registration, or
3 finding of suitability, or whose license, permit, registration, or finding of
4 suitability has had conditions, restrictions, or limitations imposed upon it, may
5 request reconsideration by the Commission. A request for reconsideration must
6 be:

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

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

13 (b) A request for reconsideration must state the reasons for the request, which
14 must be based upon either:

15 (1) Newly discovered evidence or legal authorities that could not reasonably
16 have been presented before the Commission's issuance of the decision or at the
17 hearing on the matter; or,

18 (2) Other good cause which the Commission may decide, in its sole discretion,
19 merits reconsideration.

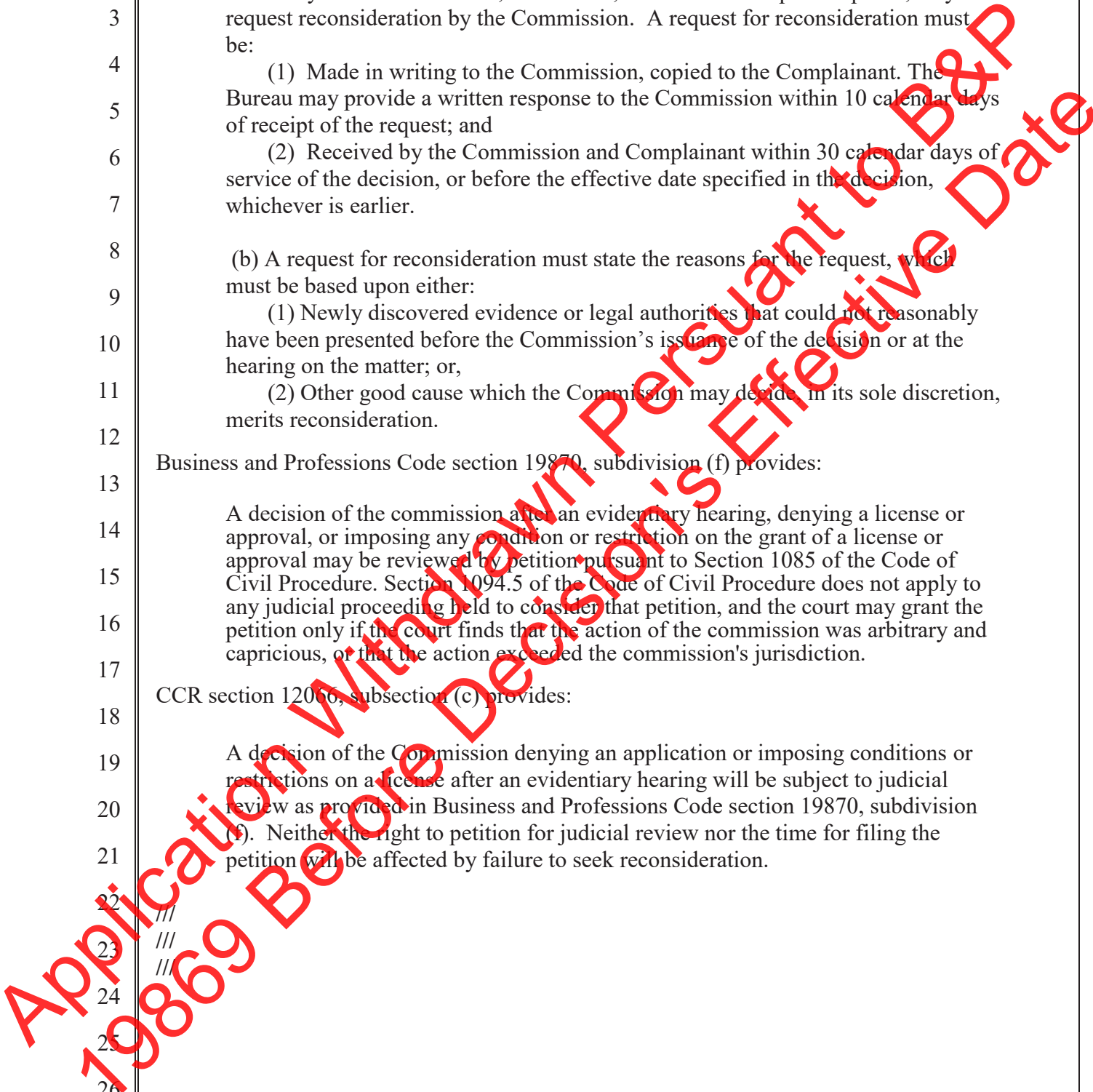
20 Business and Professions Code section 19870, subdivision (f) provides:

21 A decision of the commission after an evidentiary hearing, denying a license or
22 approval, or imposing any condition or restriction on the grant of a license or
23 approval may be reviewed by petition pursuant to Section 1085 of the Code of
24 Civil Procedure. Section 1094.5 of the Code of Civil Procedure does not apply to
25 any judicial proceeding held to consider that petition, and the court may grant the
26 petition only if the court finds that the action of the commission was arbitrary and
27 capricious, or that the action exceeded the commission's jurisdiction.

28 CCR section 12066, subsection (c) provides:

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

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ORDER

- 1. John Park dba Bell Jackpot Casino’s Application for State Gambling License is DENIED.
- 2. No costs are awarded.
- 3. Each side to pay its own attorneys’ fees.

This Order is effective on July 28, 2022.

Dated: 6/23/2022 Signature: 
DocuSigned by: 38D0AB38C651466...
 Paula LaBrie, Chair

Dated: 6/28/2022 Signature: 
DocuSigned by: 3D1DB0869274AA...
 Cathleen Galgiani, Commissioner

Dated: 6/27/2022 Signature: 
DocuSigned by: 2B4CE9520F8845C...
 Eric Heins, Commissioner

Dated: 6/23/2022 Signature: 
DocuSigned by: 7722F4571120449...
 William Liu, Commissioner

Dated: 6/23/2022 Signature: 
DocuSigned by: 14B4AD3B90F8462...
 Edward Yee, Commissioner

Application Withdrawn Pursuant to B&P 19869 Before Decision's Effective Date