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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Statement of Reasons for  
Denial of Application for a Work Permit:

LIPPINE NOP

Temporary Work Permit No. GEWP-001900

Respondent.

BGC Case No. BGC-HQ2014-00010SL  
CGCC Case No. CGCC-2014-0508-7

**DECISION AND ORDER**

Hearing Date: November 12, 2014  
Time: 2:00 p.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 12050(b)(2), in Sacramento, California, on November 12, 2014.

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

Elijah Zuniga (Zuniga) represented respondent Lippine Nop (Nop).

During the administrative hearing, Presiding Officer Jason Pope took official notice of the following:

- (a) Notice of Hearing and Prehearing Conference, dated September 11, 2014, served by certified mail, return receipt requested; and
- (b) Conclusion of Prehearing Conference and Order, dated October 10, 2014.

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

- (1) Statement of Reasons filed and served by the Bureau;
- (2) Copies of the May 20, 2014 letter from Tina Littleton notifying Nop that the Commission voted to refer consideration of her application to a hearing and cancelled her temporary work permit; September 11, 2014 Notice of

1 Hearing and Prehearing Conference; and October 10, 2014 Conclusion of  
2 Prehearing Conference and Order;

3 (3) Copies of the June 16, 2014 letter from the Bureau to Tina Littleton, with  
4 copy to Nop, advising that the Bureau will not process Nop's June 11,  
5 2014 Application for Initial Regular Work Permit/Temporary Work Permit  
6 nor create a temporary badge; and the Application for Initial Regular Work  
7 Permit/Temporary Work Permit submitted by Nop to the Bureau on June  
8 11, 2014;

9 (4) Application for Initial Regular Work Permit/Temporary Work Permit  
10 submitted by Nop to the Bureau on October 11, 2012;

11 (5) Certified copies of the court records regarding Nop's April 22, 2003  
12 conviction for violating Michigan Penal Code section 750.356D4, retail  
13 fraud, third degree, a misdemeanor, in the case *City of Holland v. Lippine*  
14 *Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2003, No. HL-01-0040355-SM); and Nop's  
15 May 1, 2001 conviction for violating Michigan Prosecuting Attorney's  
16 Coordinating (PACC)/Ordinance section 436.1701A, underage drinking, a  
17 misdemeanor, in the case *City of Holland v. Lippine Nop* (Mich. 58<sup>th</sup>  
18 Judicial Dist., 2001, No. HL-01-001382-SM);

19 (6) Holland (Michigan) Police Department's Incident Report, Case No. 2001-  
20 07270005, regarding the circumstances giving rise to Nop's 2003  
21 misdemeanor conviction for violating Michigan Penal Code section  
22 750.356D4, retail fraud, third degree, a misdemeanor, in the case *City of*  
23 *Holland v. Lippine Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2003, No. HL-01-  
24 0040355-SM);

25 (7) Nop's June 18, 2013 statement to the Bureau regarding her 2003  
26 misdemeanor conviction for violating Michigan Penal Code section  
27 750.356D4, retail fraud, third degree, a misdemeanor, in the case *City of*  
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1                                    *Holland v. Lippine Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2003, No. HL-01-  
2                                    0040355-SM); and

3                                    (8)    Nop’s January 28, 2014 statement to the Bureau regarding her May 1, 2001  
4                                    conviction for violating Michigan Prosecuting Attorney’s Coordinating  
5                                    (PACC)/Ordinance section 436.1701A, underage drinking, a misdemeanor,  
6                                    in the case *City of Holland v. Lippine Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2001,  
7                                    No. HL-01-001382-SM).

8                                    Presiding Officer Jason Pope also accepted into evidence the following exhibits offered by  
9                                    Nop:

10                                    (a)    Letter from Chad Asay, Floor Manager of Empire Sportsmen’s  
11                                    Association, in support of Nop’s application; and

12                                    (b)    Letter from Gary Baird, President of Empire Sportsmen’s Association, in  
13                                    support of Nop’s application.

14                                    The matter was submitted on November 12, 2014.

15                                    FINDINGS OF FACT

16                                    1.    On or about October 11, 2012, Nop submitted an Application for Initial Regular Work  
17                                    Permit/Temporary Work Permit (Application) to the Commission to work at Empire Sportsmen’s  
18                                    Association (Empire).

19                                    2.    On or about October 12, 2012, the Commission issued Nop a temporary work permit,  
20                                    No. GEWP-001900, which allowed Nop to work at Empire pending a determination upon her  
21                                    application for a regular work permit.

22                                    3.    Nop’s temporary work permit was continuously extended and therefore valid until on  
23                                    or about May 20, 2014.

24                                    4.    At its May 8, 2014 meeting, the Commission voted to refer the matter of Nop’s  
25                                    Application to an evidentiary hearing.

26                                    5.    On or about May 20, 2014, the Executive Director of the Commission cancelled Nop’s  
27                                    temporary work permit.

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1           6. On or about May 20, 2014, the Executive Director of the Commission set the matter  
2 for an administrative hearing to be conducted pursuant to Business and Professions Code sections  
3 19870 and 19871 and Title 4, CCR section 12050(b)(2).

4           7. On or about June 11, 2014, Nop submitted a second application for a regular work  
5 permit to the Bureau.

6           8. On or about June 16, 2014, the Bureau advised Nop that her second application for a  
7 regular work permit would be treated like a duplicate application and would not be processed.

8           9. On or about August 27, 2014, the Bureau filed a Statement of Reasons with the  
9 Commission recommending the denial of Nop's Application.

10          10. On or about September 11, 2014, the Commission served a Notice of Hearing and  
11 Prehearing Conference on Nop and the Bureau.

12          11. On or about October 9, 2014, the noticed Prehearing Conference was held before  
13 Presiding Officer Jason Pope, Attorney III of the Commission. Ronald Diedrich, Deputy Attorney  
14 General, attended on behalf of the Bureau. Zuniga appeared on behalf of Nop, who also attended.

15          12. On or about October 10, 2014, the Commission served a Conclusion of Prehearing  
16 Conference letter on Zuniga, Nop and the Bureau.

17          13. The Commission heard Case No. CGCC-2014-0508-7 on November 12, 2014. The  
18 Bureau was represented throughout the pendency of the hearing by Deputy Attorney General  
19 Ronald Diedrich. Nop appeared and was represented throughout the pendency of the hearing by  
20 Zuniga.

21          14. On or about May 1, 2001, Nop was convicted of violating Michigan Prosecuting  
22 Attorney's Coordinating (PACC)/Ordinance section 436.1701A, underage drinking, a  
23 misdemeanor, in the case *City of Holland v. Lippine Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2001, No.  
24 HL-01-001382-SM). Nop was ordered to pay a fine and costs.

25          15. On or about April 22, 2003, Nop was convicted of violating Michigan Penal Code  
26 section 750.356D4, retail fraud, third degree, a misdemeanor, in the case *City of Holland v.*  
27 *Lippine Nop* (Mich. 58<sup>th</sup> Judicial Dist., 2003, No. HL-01-0040355-SM). Nop was sentenced to 30  
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1 days in jail suspended sentence, and ordered to pay a fine and costs and not to enter Meijers store  
2 for one year.

3 16. According to the Holland Police Department Incident Report, Nop had stolen a carton  
4 of Marlboro Reds and Tide detergent. Nop's sister had stolen CD's, a thermos lunch box, sandals  
5 and a purse.

6 17. According to the statement of Officer Ludema, Nop's sister was observed replacing  
7 her old sandals with new sandals, selecting a black purse and removing the price tag, and placing  
8 a carton of cigarettes in Nop's purse. Nop admitted that she was aware of the cigarettes in her  
9 purse and that they were stolen as Nop and her sister left the store. Nop purchased several food  
10 items but did not pay for the detergent on the lower rack of the cart.

11 18. On or about June 18, 2013, in response to a written inquiry from the Bureau requesting  
12 details regarding Nop's retail fraud conviction, Nop wrote that while grocery shopping one night  
13 at a supermarket similar to Wal-Mart with her younger sister (who was 17 years old at the time),  
14 her sister stole a pair of shoes. Nop was unaware that her sister had stolen a pair of shoes until  
15 they were confronted afterward. When they were confronted, Nop took the blame and said that  
16 the shoes were hers.

17 19. During the hearing, Nop testified that she was aware that the carton of cigarettes and  
18 box of detergent were stolen.

19 20. Nop's written statement to the Bureau on or about June 18, 2013 is inconsistent with  
20 her admissions to Officer Ludema at the time of the retail fraud incident and her testimony during  
21 the hearing.

22 21. During the hearing, Nop also testified that the following portion of her written  
23 statement to the Bureau on or about June 18, 2013 was factually incorrect: "I was unaware [that  
24 my sister stole a pair of shoes] until we got confronted and I felt horrible so I said they were mine  
25 and I took the blame."

26 22. Nop testified that she changed the facts surrounding the retail fraud conviction in her  
27 statement to the Bureau because she was nervous and embarrassed.  
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1           23. Nop's written statement to the Bureau on or about June 18, 2013 regarding the  
2 circumstances surrounding her retail fraud conviction lacks honesty and supplies information that  
3 is untrue and misleading.

4           24. The circumstances surrounding Nop's retail fraud conviction contain material facts  
5 that pertain to the qualification criteria of her Application.

6           25. In her Application, Nop checked the box marked "no" to the question of whether  
7 "within the last ten years, have you been convicted of a misdemeanor involving a firearm or other  
8 deadly weapon, gaming or gaming-related activities, violations of the Gambling Control Act, or  
9 dishonesty or moral turpitude."

10           26. Nop's April 22, 2003 misdemeanor conviction for retail fraud, third degree, occurred  
11 within ten years prior to the date she submitted her Application (October 11, 2012).

12           27. During the hearing, Nop testified that she did not understand the word "convicted" on  
13 her Application, but checked the box marked "no" because she thought the ten year period started  
14 on the date of her arrest, July 27, 2001.

15           28. Nop also testified that the word "convicted" is the only word on her Application that  
16 she did not understand.

17           29. Nop's testimony regarding not understanding the word "convicted" and checking the  
18 box marked "no" because she believed the word "convicted" meant "arrested" is not believable  
19 and demonstrates a lack of honesty and integrity.

20           30. Nop submitted a letter written by Chad Asay, Floor Manager of Empire, in support of  
21 her Application. Chad Asay describes Nop as prompt, hardworking and a model employee. He  
22 further describes her as someone with trustworthiness, superior skill in customer service, and  
23 attention to detail.

24           31. Nop also submitted a letter written by Gary Baird, President of Empire, in support of  
25 her Application. Gary Baird describes Nop as punctual, hardworking, honest, a great cashier and  
26 a genuinely good person.

27           32. In addition to submitting two letters from her employer, Nop testified that she has had  
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1 no disciplinary action during her employment at Empire.

2 33. The matter was submitted for Commission consideration on November 12, 2014.

3 LEGAL CONCLUSIONS

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

7 35. At an evidentiary hearing pursuant to Business and Professions Code sections 19870  
8 and 19871 and Title 4, CCR section 12050(b)(2), the burden of proof rests with the applicant to  
9 demonstrate why a license should be issued. Title 4, CCR section 12050(b)(3).

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

12 37. 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. Business and Professions Code section 19856(b).

15 38. In reviewing an application for any license, the Commission shall consider whether  
16 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the  
17 license will undermine public trust that the gambling operations with respect to which the license  
18 would be issued are free from criminal and dishonest elements and would be conducted honestly.  
19 Business and Professions Code section 19856(c).

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

24 40. An "unqualified person" means a person who is found to be unqualified pursuant to  
25 the criteria set forth in Business and Professions Code section 19857, and "disqualified person"  
26 means a person who is found to be disqualified pursuant to the criteria set forth in Business and  
27 Professions Code section 19859. Business and Professions Code section 19823(b).

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1 that the action of the commission was arbitrary and capricious, or that the action  
2 exceeded the commission's jurisdiction.

3 Title 4, CCR section 12050, subsection (d) provides:

4 An appeal of a denial or imposition of conditions by the Commission shall be  
5 subject to judicial review under Code of Civil Procedure section 1085 (pursuant to  
6 Business and Professions Code section 19870, subdivision (e)). Neither the right to  
7 petition for judicial review nor the time for filing the petition shall be affected by failure  
8 to seek reconsideration.

9 ORDER

10 1. Lippine Nop's Application for Initial Regular Work Permit/Temporary Work Permit is  
11 DENIED.

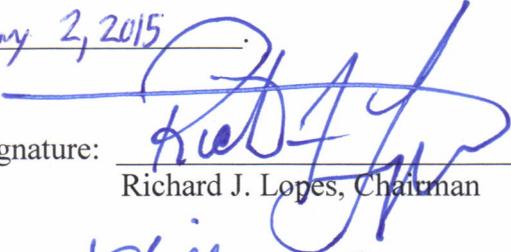
12 2. Lippine Nop may not apply for a license, registration, or work permit for one (1)  
13 year after the effective date of this Order.

14 3. No costs are to be awarded.

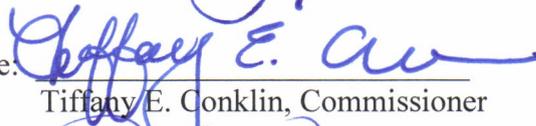
15 4. Each side to pay its own attorneys' fees.

16 This Order is effective on January 2, 2015.

17 Dated: 12/2/2014

18 Signature:   
Richard J. Lopes, Chairman

19 Dated: Dec. 2, 2014

20 Signature:   
Tiffany E. Conklin, Commissioner

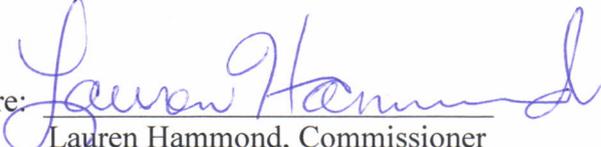
21 Dated: Dec. 2, 2014

22 Signature:   
Richard Schuetz, Commissioner

23 Commissioner Hammond disagrees with the Findings of Facts in paragraphs 23 and 29. As a  
24 result, Commission Hammond does not support the conclusion to deny Nop's Application.

25 However, Commissioner Hammond concurs with the decision not to award costs and for each  
26 side to pay its own attorneys' fees.

27 Dated: 12/2/2014

28 Signature:   
Lauren Hammond, Commissioner