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CALIFORNIA GAMBLING
CONTROL COMMISSION

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10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
12 **STATE OF CALIFORNIA**

14 **In the Matter of the Statement of Against:**

15 **PAUL NGO,**
16 **aka: HENG CHENG NGO**
17 

18 **Respondent.**

BGC Case No. BGC-HQ2012-00003AL

DEFAULT DECISION AND ORDER

(Gov. Code, § 11520)

20 **FINDINGS OF FACT**

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23 1. On or about May 9, 2012, Complainant Martin Horan IV, solely in his official capacity
24 as the Acting Chief of the California Department of Justice, Bureau of Gambling Control, filed
25 and served Statement of Issues No. BGC-HQ2012-00003AL (Statement of Issues) against Paul
26 Ngo, also known as Heng Cheng Ngo (Respondent), before the California Gambling Control
27 Commission (Commission) setting forth the bases for denial of Respondent's Request for
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1 Conversion of a Third Party Proposition Player Services Registration to a License (Application).
2 A copy of the Statement of Issues is attached as Attachment A and incorporated herein by
3 reference.

4 2. After service of the Statement of Issues and the non-receipt of a Notice of Defense,
5 Respondent was advised by the Deputy Attorney General Ronald Diedrich (DAG Diedrich), who
6 is assigned to represent the Complainant in this case, that Respondent had the right to legal
7 representation of his choice at his expense, that should he fail to submit a Notice of Defense (or
8 some other similar appeal) his Application would consequently be denied and that he would have
9 to cease employment as a third party proposition player. Thereafter, on or about May 22, 2012,
10 Respondent voluntarily and knowingly orally affirmed that he no longer wished a hearing and
11 subsequently failed to submit a Notice of Defense. A copy of DAG Diedrich's declaration is
12 attached as Attachment B and incorporated herein by reference.

13 3. To date Respondent has failed to file a Notice of Defense to the Statement of Issues.
14 Additionally, on or about October 10, 2012, Respondent knowingly, voluntarily and with the
15 advice of a representative withdrew his request for a hearing. A copy of Respondent's October 10,
16 2012 letter to DAG Diedrich and a copy of the October 10, 2012 email from Michael Vasey to
17 DAG Diedrich are attached as Attachment C and incorporated herein by reference.

18 JURISDICTION

19 4. Government Code section 11503 provides in pertinent part:

20 A hearing to determine whether a right, authority, license, or
21 privilege should be granted, dissuaded, or renewed shall be initiated by
filing a statement of issues.

22 5. Government Code section 11506, subdivision (c), provides in pertinent part:

23 The respondent shall be entitled to a hearing on the merits *if the*
24 *respondent files a notice of defense*, and shall be deemed a specific
denial of all parts of the accusation not expressly admitted. *Failure to*
25 *file a notice of defense shall constitute a waiver of respondent's right*
26 *to a hearing*, but the agency in its discretion may nevertheless grant a
hearing.

27 (Italics added.)

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6. Government Code section 11520, subdivision (a) provides:

If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent; *and where the burden of proof is on the respondent to establish that respondent is entitled to the agency action sought, the agency may take action without taking evidence.*

(Italics added.)

7. Business and Professions Code section 19856 provides in pertinent part:

(a) . . . The burden of proving his or her qualifications to receive any license is on the applicant.

DETERMINATION OF ISSUES

8. Based on the foregoing findings of fact, Respondent's Application is subject to denial.

9. Service of Statement of Issues No. BGC-HQ2012-00003AL and all related documents was proper and in accordance with the law.

10. As a result of Respondent's knowing and voluntary withdrawal of his request for a hearing the Commission has jurisdiction to adjudicate this case by default and to order the denial of Respondent's Application.

11. The Commission is authorized to deny Respondent's Application based upon the assertions set forth in the Statement of Issues.

Respondent's Application is subject to denial pursuant to Business and Professions Code sections 19856, 19857 and 19859 in that the Respondent has demonstrated a lack of the requisite good general character, honesty and integrity; and his prior activities, criminal record, habits, and associations pose a threat to the public interest of this state, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled gambling. Respondent has engaged in repeated criminal behavior since 1994, demonstrating an inherent willingness to violate the law

1 and a conscious disregard for the health, safety and welfare of others. Respondent's criminal
2 convictions include:

3 a. On or about November 29, 1994, Respondent was convicted of violating Penal
4 Code section 242, battery, a misdemeanor, in the case of *People v. Paul Ngo, aka Heng Cheng*
5 *Ngo*, (Super. Ct. Orange County, 1994, No. 94CM07594).

6 b. On or about March 10, 1999, Respondent was convicted of violating Vehicle
7 Code section 23152, subdivisions (a) and (b), driving under the influence of drugs/alcohol, a
8 misdemeanor, in the case of *People v. Paul Ngo* (Super. Ct. Orange County (1999) No.
9 99CM02701).

10 c. On or about July 20, 2007, Respondent was convicted, upon a plea of guilty, of
11 violating Vehicle Code section 23152, subdivision (a), driving under the influence of
12 drugs/alcohol with one prior, a misdemeanor, in the case of *People v. Paul Ngo, aka Heng Cheng*
13 *Ngo* (Super. Ct. Orange County (2007) No. 07WM06815).

14 d. On or about June 26, 2009, Respondent was convicted, upon a plea of guilty, of
15 violating Vehicle Code section 23152, subdivision (a), driving under the influence of
16 drugs/alcohol with one prior, misdemeanor, in the case of *People v. Paul Ngo, aka Heng Cheng*
17 *Ngo* (Super. Ct. Orange County (2009) No. 07WM05355).

ORDER

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2 **BASED UPON THE FOREGOING FINDINGS OF FACT AND**
3 **DETERMINATION OF ISSUES, IT IS ORDERED** that Respondent Paul Ngo's Request for
4 Conversion of a Third Party Proposition Player Services Registration to a License is denied.

5 Pursuant to government Code section 11520, subdivision (c), Respondent may serve a
6 written motion requesting that this Default Decision and Order be vacated and stating the
7 grounds relied on within seven (7) days after service of this Default Decision and Order on
8 Respondent. The Commission in its discretion may vacate this Default Decision and Order and
9 grant a hearing on a showing of good cause, as defined in the statute.
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13 This Default Decision and Order shall become effective on 12/31/2012.

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15 Dated: Nov. 15, 2012

Signature: Stephanie Shimazu
Stephanie Shimazu, Chairperson

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17 Dated: Nov. 15, 2012

Signature: Tiffany E. Conklin
Tiffany E. Conklin, Commissioner

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19 Dated: Nov. 15, 2012

Signature: Lauren R. Hammond
Lauren Hammond, Commissioner

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21 Dated: Nov. 15, 2012

Signature: Richard Schuetz
Richard Schuetz, Commissioner