	BEFORE THE					
1	CALIFORNIA GAMBLING CONTROL COMMISSION					
2						
3	In the Matter of the Application for Approval  CGCC Case No. CGCC-2020-0109-15Ci					
5	of Initial Third-Party Proposition Player Services License Regarding:  DEFAULT DECISION AND ORDER					
6	KEANU TREYENATE QUENGA					
7	Applicant. Hearing Date: Thursday, June 11, 2020 Time: 10:00 a.m.					
8						
9	1. This matter was scheduled for hearing before the California Gambling Control					
10	Commission (Commission) pursuant to Business and Professions Code sections 19870 and 1987					
11	and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on					
12	Thursday, June 11, 2020 at 10:00 a.m.					
13	2. Keanu Treyenate Quenga (Applicant) failed to appear and was not represented at					
14	the hearing.					
15	FINDINGS OF FACT					
16	3. On or about December 7, 2017, the Bureau of Gambling Control (Bureau)					
17	received an Application for Approval of Third-Party Proposition Player Services License from					
18	Applicant.					
19	4. Applicant has a valid Third-Party Player Registration, Registration No. TPPL-					
20	023303 which is valid until 5/31/2021.					
21	5. On or about September 6, 2019, the Bureau issued its Third-Party Player					
22	Background Investigation Report in which it concluded that Applicant was unqualified for					
23	licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure					
24	pursuant to Business and Profession Code section 19859. The Bureau recommended that the					
25	Commission deny Applicant's application.					
26	6. On or about November 7, 2019, the Commission considered Applicant's					
27	application and elected to refer Applicant's application to an evidentiary hearing pursuant to Titl					
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- 7. Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record on December 12, 2019 which included a blank Notice of Defense form with instructions to return it to the Commission within 15 days of receipt or else the Commission may issue a default decision. Commission staff received a NOD back from the Applicant signed on January 17, 2020 where applicant checked box 1(A) which indicated he waived his right to a hearing and accepted proposed conditions. (Exhibit A) This box however is inapplicable as there were no conditions proposed at the Commission meeting or in the referral letter.
- 8. Staff next mailed a hearing notice sent certified mail on March 26, 2020 to Applicant's address of record which included Exhibit A and stated that the hearing was set to occur on Thursday, June 11, 2020 at 10:00 a.m.
- 9. On or around May 14, 2020, when the issue on Applicant's NOD became clear, staff mailed out a new letter to Applicant which highlighted the mistake. This letter also included a new NOD with instructions to return the form or else a default decision denying the application could be issued on June 11, 2020 at the previously scheduled meeting. (Exhibit B)
- 10. Staff received an additional NOD from Applicant signed on May 23, 2020. (Exhibit C) This NOD had the same box checked waiving a right to a hearing with the understanding that conditions would be imposed. However, it also had the box checked that Applicant waived the right to a hearing and the line initialed that waived the specific rights involved in a hearing.

## **DETERMINATION OF ISSUES**

- 11. An application to receive a license constitutes a request for a determination of the applicant's general character, integrity, and ability to participate in, engage in, or be associated with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)
- 12. In addition, the burden of proving Applicant's qualifications to receive any license from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

#### 1 NOTICE OF APPLICANT'S APPEAL RIGHTS 2 Applicant has the following appeal rights available under state law: 3 Title 4, CCR section 12064, subdivision (a) and (b) provide, in part: 4 (a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, an applicant denied a license, permit, registration, or 5 finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may 6 request reconsideration by the Commission within 30 calendar days of service of 7 the decision, or before the effective date specified in the decision, whichever is later. 8 (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 9 based upon either: 10 (1) Newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission's issuance of the 11 decision or at the hearing on the matter; or, (2) Other good cause which the Commission may decide, in its sole 12 discretion, merits reconsideration. 13 Business and Professions Code section 19870, subdivision (e) provides: 14 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 15 petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 16 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 17 the court finds that the action of the commission was arbitrary and capricious, or that the action exceeded the commission's jurisdiction. 18 Title 4, CCR section 12066, subdivision (c) provides: 19 A decision of the Commission denying an application or imposing conditions on a 20 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 21 review nor the time for filing the petition shall be affected by failure to seek reconsideration. 22 /// 23 /// /// 24 25 26 27

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Decision and Order, CGCC Case No: CGCC-2020-0109-15Ci



State of California California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 220 Sacramento, CA 95833-4231 (916) 263-0700; Fax: (916) 263-0452 www.cgcc.ca.gov

# 4)

NOTICE OF DEFENSE
CGCC - ND - 002 (New 01/1

In the Matter of:	CGCC No.
Keanu Quenga	CGCC-2020-0109-15Ci

Failure to submit this Notice of Defense to the California Gambling Control Commission (Commission) and the Bureau of Gambling Control (Bureau) may result in a default decision being issue by the Commission. The Notice of Defense is due:

- Within 15 calendar days of receipt, if provided by Commission staff or the Bureau; or,
- Within 15 calendar days of the date of service, if provided with the Notice of Hearing.

	(Plea	se selec	t one of the following:)			
			I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)			
1	B I waive my right to an evidentiary hearing. (See Box 2)					
	C		I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.			
		The	waiver of my right to an evidentiary hearing includes a waiver of the following associated rights:			
			The right to be heard at the hearing			
			The right to a copy of the hearing's governing procedure			
	The right to discovery					
	The right to present oral evidence					
	1.	16	The right to present and examine witnesses			
	K	4	The right to introduce relevant exhibits			
	(In	iual Here)	The right to cross-examine opposing witnesses			
2			The right to impeach witnesses			
~			The right to offer rebuttal evidence			
			The right to challenge evidence used against me			
			The right to request reconsideration following the decision's issuance			
			The right to petition for review of the decision under Section 1085 of the Code of Civil Procedure			
			waiver of an evidentiary hearing may result in a default decision being issued by the Commission based upon the Bureau			
	report, any supplemental reports by the Bureau and any other documents or testimony already provided or which may be provided to the Commission, or that the hearing may continue to occur on the originally noticed date without applicant participation.					

3		I understand English or have had an interpreter read and explain this form to me in	English		
				(Language)	

# NOTICE OF DEFENSE

	(PI				
			I am represented by cou	nsel, whose name, address and telephone numb	er appear below:
			Name:		
	A		Mailing Address:		
4			City, State and Zip Code	e:	
			Telephone Number:		
	В	Ø		rill be provided to the Commission and the Bure	ediate notification of the attorney's name, address eau so that counsel will be on the record to receive
			12 0		1/17 100
Sig	natu	re: _/	from Jung		Date: / 17/20
Rel	atior	ship	to Gambling Enterprise:	Knighted Venture	(N/A if Individual signing on own behalf)

#### GAMBLING CONTROL COMMISSION

2399 Gateway Oaks Drive, Suite 220 Sacramento, CA 95833-4231 (916) 263-0700 Phone (916) 263-0499 Fax www.cgcc.ca.gov JIM EVANS, CHAIRMAN PAULA LABRIE GARETH LACY TRANG TO

May 14, 2020

Keanu Quenga

Re: Case No: CGCC-2020-0109-15Ci

Application for Approval of Third-Party Provider of Proposition Player Services

Player License for Keanu Treyenate Quenga

### Dear Mr. Quenga:

Upon further review of your completed Notice of Defense form (Attachment A) it is not clear that you fully intend to waive your right to an evidentiary hearing before the Commission on your application. Because you marked Box 1A it appears that you are waiving your right to be heard on any conditions that may be placed on your license, however there have been no recommendations for your license to be conditioned. If your intent is to waive your right to a hearing on your application, then the appropriate box to check is Box 1B.

I have enclosed a new notice of defense form (CGCC-ND-002) for you to complete. You are required to complete and return this form to the Commission by June 5, 2020 if you desire a hearing before the Commission on your application. Failure to submit this form to Commission within the time specified may result in the Commission issuing a default decision denying your application at the hearing that is currently scheduled for June 11, 2020.

You may submit your completed Notice of Defense form by email to <a href="mailto:aarndt@cgcc.ca.gov">aarndt@cgcc.ca.gov</a> or by mail to:

Amy Arndt California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 220 Sacramento, CA 95833 Keanu Quenga May 14, 2020 Page 2

You may contact Ms. Arndt by email at <a href="mailto:aarndt@cgcc.ca.gov">aarndt@cgcc.ca.gov</a> if you have any questions concerning this matter.

Sincerely,

DOLORES OLIVAREZ
Deputy Director, Licensing Division

Enclosure(s)

cc: Ms. Yolanda Morrow, Director, via email
Department of Justice, Bureau of Gambling Control

Ms. Pam Mathauser, Administrative Hearing Coordinator, via email Legal Division

Mr. Jordan Aman, Designated Agent Knighted Ventures, LLC

Ms. Sara Drake, Senior Assistant Attorney General, via email Department of Justice, Indian Gaming Law Section

Ms. Michelle Laird, Supervising Deputy Attorney General, via email Department of Justice, Indian Gaming Law Section



State of California California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 220 Sacramento, CA 95833-4231 (916) 263-0700; Fax: (916) 263-0452 www.cgcc.ca.gov 20 MAY 28 AMS:35

# NOTICE OF DEFENSE CGCC - ND - 002 (Rev. 12/18)

In the Matter of:	
Keanu	Quenga

SECTION 1: HEARING REQUEST

CGCC No.

CGCC-2020-0109-15Ci

Failure to submit this Notice of Defense to the California Gambling Control Commission (Commission) and the Bureau of Gambling Control (Bureau) may result in a default decision being issue by the Commission. The Notice of Defense must be received by the Commission and Bureau within 21 days of service by the Commission or Bureau.

PLEA	SE ANS	WER THE FOLLOWING:			
	I REQUEST AN EVIDENTIARY HEARING WHERE THE COMMISSION WILL CONSIDER THE MERITS OF MY APPLICATION, THE BUREAU REPORT, AND ANY RECOMMENDATION OF THE BUREAU.				
W 1	mercus est				
SEC	TION	2: HEARING WAIVER			
PLEA	SE ONL	Y ANSWER THE FOLLOWING IF A HEARING IS NOT REQUESTED UNDER SECTION 1 ABOVE AND IF APPLICABLE:			
1	X	I ACKNOWLEDGE AND ACCEPT THAT THE CONDITIONS, LIMITATIONS AND RESTRICTIONS ATTACHED TO THE NOTICE WILL BE PLACED ON MY LICENSE, REGISTRATION, FINDING OF SUITABILITY OR OTHER APPROVAL, AND I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)			
	X	I WAIVE MY RIGHT TO AN EVIDENTIARY HEARING. (SEE BOX 2)			
	THE WAIVER OF MY RIGHT TO AN EVIDENTIARY HEARING INCLUDES A WAIVER OF THE FOLLOWING ASSOCIATED RIGHTS:  THE RIGHT TO BE HEARD AT THE HEARING THE RIGHT TO A COPY OF THE HEARING'S GOVERNING PROCEDURE				
2	K	THE RIGHT TO DISCOVERY THE RIGHT TO PRESENT ORAL EVIDENCE THE RIGHT TO PRESENT AND EXAMINE WITNESSES THE RIGHT TO INTRODUCE RELEVANT EXHIBITS THE RIGHT TO INTRODUCE RELEVANT EXHIBITS THE RIGHT TO CROSS-EXAMINE OPPOSING WITNESSES THE RIGHT TO IMPEACH WITNESSES THE RIGHT TO OFFER REBUTTAL EVIDENCE THE RIGHT TO CHALLENGE EVIDENCE USED AGAINST ME THE RIGHT TO REQUEST RECONSIDERATION FOLLOWING THE DECISION'S ISSUANCE THE RIGHT TO PETITION FOR REVIEW OF THE DECISION UNDER SECTION 1085 OF THE CODE OF CIVIL PROCEDURE			
The waiver of an evidentiary hearing may result in a default decision being issued by the Commission based upon the Bu supplemental reports by the Bureau and any other documents or testimony already provided or which may be provide Commission, or that the hearing may continue to occur on the originally noticed date without applicant participation					

SECTION 3: LANGUAGE PREFERENCE						
PLEA	PLEASE ANSWER ONE OF THE FOLLOWING (IF YOU REQUIRE ASSISTANCE, PLEASE CONTACT THE COMMISSION AT (916) 263-0700):					
×	I UNDERSTAND ENGLISH AND HAVE READ AND UNDERSTAND THIS FORM.					
	I DO NOT UNDERSTAND ENGLISH AND HAVE HAD AN INTERPRETER READ AND EXPLAIN THIS FORM TO ME.					
	I WILL REQUIRE AN INTERPRET	ER AT THE HEARING.	Interpreter Langua	GE:		
SEC	TION 4: REPRESENTED	BY AN ATTORNEY				
PLEA	SE ONLY ANSWER THE FOLLOW	ING IF YOU ARE REPRESENTED BY	AN ATTORNEY:			
	I AM REPRESENTED BY AN ATTO	DRNEY, WHOSE NAME, ADDRESS, TEL	EPHONE NUMBER, AND EMAIL ADDRESS APPE	AR BELOW:		
NAN	ME:			154 Sept. 154		
MAI	ILING ADDRESS:					
Crry	Y, STATE AND ZIP CODE:					
TEL	EPHONE NUMBER:					
Ема	AIL ADDRESS:					
	MY ATTORNEY REQUESTS THAT VIA MAIL.	T ALL NOTICES OR WRITTEN COMMU	NICATIONS FOR PURPOSES OF THE EVIDENTIAL	RY HEARING BE PROVIDED VIA EMAIL, INSTEAD OF		
SEC	TION 5: SELF-REPRESE	NTED (WITH OR WITHOU	TT LAY REPRESENTATION)			
PLEA			IN ATTORNEY OR IF YOU HAVE THE ASSIST.			
	NUMBER, AND EMAIL ADDRESS	S WILL BE PROVIDED TO THE COMMI	ORNEY IS RETAINED, IMMEDIATE NOTIFICATION SSION AND THE BUREAU SO THAT THE ATTORN ONE NUMBER, AND EMAIL ADDRESS APPEAR B	N OF THE ATTORNEY'S NAME, ADDRESS, TELEPHONE NEY WILL BE ON THE RECORD TO RECEIVE LEGAL FLOW:		
MAI	ILING ADDRESS:	HER PAPERS. WIT ADDRESS, TELETIN	THE NOWIDER, AND EMPLE RODRESS IN LEAK D	BBO 11.		
Ciry	Y, STATE AND ZIP CODE:		4. 36			
TEL	Telephone Number:					
EMA	EMAIL ADDRESS:					
	I REQUEST THAT ALL NOTICES OR WRITTEN COMMUNICATIONS FOR PURPOSES OF THE EVIDENTIARY HEARING BE PROVIDED TO ME VIA EMAIL, INSTEAD OF VIA MAIL.					
I WILL HAVE THE ASSISTANCE OF A LAY REPRESENTATIVE DURING THE HEARING.						
SECTION 6: SIGNATURE						
PLEA	PLEASE FILL OUT THE FOLLOWING. FOR CAPACITY PLEASE LIST THE RELATIONSHIP TO THE APPLICANT (I.E. OWNER, OFFICER, DIRECTOR, MANAGING MEMBER, GENERAL PARTNER, ETC. WRITE N/A IF INDIVIDUAL SIGNING ON OWN BEHALF. LAY REPRESENTATIVES MAY NOT COMPLETE THIS SECTION ON BEHALF OF THE					
APPL	ICANT). TED NAME	SIGNATURE	CAPACITY	DATE (MM/DD/YYYY)		
Ka	2-1 (7)	00 9	N/A	m=122/2020		