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**BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION**

In the Matter of the Application for a Third-Party Proposition Player Services Employee Type License for:

NOE PAUIAGUA RIVAS

Applicant.

CGCC Case No. CGCC-2022-0823-10Aii

DECISION AND ORDER

Hearing Date: March 21, 2023
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, via Zoom video conference, on March 21 2023.

Applicant Noe Pauiguaga Rivas (Rivas) appeared on his own behalf during the evidentiary hearing.

Bart E. Hightower, Deputy Attorney General, State of California (DAG Hightower), represented complainant Yolanda Morrow, solely in her official capacity as Director of the California Department of Justice, Bureau of Gambling Control (Bureau).

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), took official notice of the following documents: the Commission’s Notice and Agenda of Commission Hearing; the Commission’s Conclusion of Prehearing Conference letter; the Commission’s Notice of Hearing and Prehearing Conference with attachments (A) Rivas’ application, and (B) the Bureau’s Third-Party Worker Initial Background Investigation report; the Bureau’s Statement of Reasons; and Rivas’ signed Notice of Defense.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 4-8, 14-16, 18-23, 25, and 28, offered by the Bureau and identified on the Bureau’s Evidentiary Exhibit Index.

PO Patterson closed the administrative record and the matter was submitted for decision on March 21, 2023.

FINDINGS OF FACT

Procedural History

1. Blackstone Gaming, LLC (Blackstone), a licensed third-party proposition player services provider, has employed Rivas since approximately November 2021. On or about November 19, 2021, the Commission issued third-party proposition player worker temporary license number TPWK-002834 to Rivas. The temporary license expires on October 31, 2023.

2. On or about November 9, 2021, the Bureau received an initial Application for Employee Category License requesting a “TPPPS Worker License” and the Commission Work Permit or TPPPS Worker: Supplemental Information form from Rivas (collectively, Application).

3. On or about June 22, 2022, the Bureau submitted a Third-Party Worker Initial Background Investigation Report, Level III, to the Commission recommending that Rivas’ Application be denied.

4. On August 23, 2022, the Commission voted to refer Rivas’ Application to a Gambling Control Act (Act) evidentiary hearing pursuant to CCR section 12060, subdivision (a).¹

5. On August 26, 2022, the Commission sent a letter, via regular and certified mail, to Rivas notifying him that the Commission referred the consideration of his Application to an evidentiary hearing.

6. On September 26, 2022, the Bureau received a signed Notice of Defense from Rivas requesting an evidentiary hearing on his Application.

7. On November 21, 2022, the Commission sent a Notice of Hearing, via e-mail, to Rivas and DAG Hightower. The hearing was set to be conducted via Zoom video conference for March 21, 2023, at 10:00 a.m.

8. On January 12, 2023, the Bureau filed a Statement of Reasons on Rivas’ Application with the Commission. In the Statement of Reasons, the Bureau alleges the Application should be denied because Rivas failed to disclose three misdemeanor convictions on his Application, has derogatory employment history, and has engaged in illegal behavior, demonstrating a willingness

¹ The full text of the Gambling Control Act is contained in Business and Professions Code section 19800 et seq.

1 to violate the law and a conscious disregard for the health, safety, and welfare of others.

2 **Rivas' Criminal History**

3 9. On February 1, 2017, the Los Angeles County Superior Court convicted Rivas of
4 violating Vehicle Code section 23152, subdivision (b), driving under the influence (DUI) with a
5 blood alcohol level of 0.08 percent or higher, a misdemeanor. Rivas received a sentence of three
6 years of probation, 11 days community labor, a First Offender Program, Mothers Against Drunk
7 Driving (MADD) Victim Impact Program (VIP), Alcoholics Anonymous, a fine, and restitution.
8 The sentence was suspended. Rivas was represented by a public defender. Rivas testified that he
9 was told this conviction was for a misdemeanor by the sentencing judge and his attorney. Rivas
10 did not disclose this conviction on his Application.

11 10. On September 17, 2021, the Los Angeles County Superior Court convicted Rivas of
12 violating Vehicle Code section 23103, reckless driving and Vehicle Code section 14601.5,
13 subdivision (a), driving with a suspended license, both misdemeanors. Rivas' driving license was
14 suspended based upon the February 1, 2017 DUI conviction. Rivas received a sentence of three
15 years of probation, and was ordered to complete a second Second-Offender Program, MADD,
16 VIP, as well as pay a fine and restitution. The sentence was suspended. Rivas was represented by
17 a public defender. Rivas did not disclose these convictions on the Application. He also did not
18 disclose that he was on probation. In fact, Rivas indicated that he was not on probation on the
19 Application.

20 11. On November 5, 2021, Rivas appointed Blackstone's employee, Michelle Fernandez
21 (Fernandez) as his designated agent to assist with the preparation of the Application, and to
22 communicate with the Bureau and the Commission on his behalf.

23 **Rivas and Blackstone's Communications with the Bureau**

24 12. The Bureau made three attempts to obtain Rivas' explanation for not disclosing his
25 convictions on the Application.

26 13. After the third attempt, in March 2022, Rivas informed the Bureau that he disclosed
27 his first conviction during his initial job interview with Blackstone. He also disclosed that he
28 failed to disclose his 2021-convictions because he did not understand the Application, and he was

1 “misinformed.”

2 14. On April 21, 2022, the Bureau asked Fernandez if: (a) Rivas disclosed any of his
3 convictions during his interview with Blackstone; and (b) whether Blackstone advised Rivas not
4 to disclose this conviction on the Application, and, if so, for the reasoning behind this advice.

5 15. On May 2, 2022, Fernandez responded, in part:

6 a. “Noe did not disclose the conviction in 2017 or 2021. A conviction in
7 2015 was disclosed and Noe was asked to make sure to disclose it on his
8 DOJ and local badge applications.”

9 b. “It is Blackstone Gaming’s policy to tell applicants to disclose **anything**
10 **and everything regardless if they believe it should be disclosed or not.**
11 An applicant is asked no less than 5 different times throughout the
12 interview and application process to confirm they do not have any
13 convictions applicable to the criminal history section of the DOJ’s
14 supplemental information form. At no time was the applicant or any other
15 applicant ever told not to disclose a conviction as doing so would be a
16 waste of our resources and time. We always tell applicants to disclose
17 anything and everything even down to traffic tickets to make sure they
18 fully understand that everything needs to be disclosed. Additionally, we
19 have asked applicants to provide a written statement indicating the
20 circumstances leading up to the conviction when disclosed in anticipation
21 of the question coming up during the licensing process as well as
22 providing applicable court documents. If an applicant does not list a
23 conviction or disclose it to us, it means they have not truthfully answered
24 the question a minimum of 3 times verbally, and 2 times written. During
25 the interview process, the applicant meets with our recruiters and a
26 manager. Each individual discusses the background process and the
27 applicant is asked to read through the mandatory disqualifiers and the
28 criminal history section of the DOJ application. If such convictions were
disclosed, Noe would have been instructed to fully disclose all applicable
information pertaining to such convictions. Additionally, prior to being
onboarded, they are provided an employment application and the criminal
history section page only of the application and asked to complete it. At
that time, we let them know that everything will come up and it is
important to disclose and if they answer “no” we ask them again to
confirm. Once the criminal history section is completed, it is reviewed
with the applicant and they are asked the question again to confirm that
they are not missing any applicable information. The applicant is again
asked after they complete the entire new license package that they have
completed and disclosed everything.”

(Emphasis original.)

Rivas’ Application – Failure to Disclose Criminal Convictions and Probation Status

16. Rivas’ Application consists of two parts. The first part is the three-page Application
for Employee Category License in which Rivas is requesting a “TPPPS Worker License.” It
contains five sections. The second part is the eight-page Commission Work Permit or TPPPS

1 Worker: Supplemental Information form (Supplemental). It contains nine sections. The first page
2 of the Supplemental advises Rivas to:

3 PLEASE READ THE FOLLOWING INFORMATION CAREFULLY BEFORE
4 YOU COMPLETE THIS FORM

5 “All responses must be truthful and complete. All responses and
6 supplemental documentation are subject to verification and will be
7 used to determine suitability under the Act and California Gambling
8 Control Commission (Commission) regulations. Any
misrepresentation or failure to disclose required information or
documentation may constitute cause for denial of the application or
discipline of the licensee.”

9 17. Rivas testified that he read all of the information on the Supplemental. Rivas signed
10 the Supplemental under penalty of perjury.

11 18. Section 4 of the Supplemental required Rivas to disclose his criminal history
12 information. This sections provides detailed instructions and advises:

13 “YOU ARE REQUIRED TO DISCLOSE ANY AND ALL CRIMINAL
14 CONVICTIONS REGARDLESS OF:

15 1) THE DATE OF THE CONVICTION, I.E. IT MUST BE DISCLOSED NO
16 MATTER HOW OLD THE CONVICTION IS;

17 2) THE DEGREE OF THE CONVICTION, I.E. IT MUST BE DISCLOSED
18 WHETHER IT WAS A FELONY OR MISDEMEANOR, **WHICH INCLUDES**
19 **TRAFFIC VIOLATIONS CHARGED AS MISDEMEANORS OR**
20 **FELONIES, INCLUDING DRIVING UNDER THE INFLUENCE,**
21 **DRIVING ON A SUSPENDED LICENSE, ETC.;**

22 3) THE STATUS OF THE CONVICTION, I.E. IT MUST BE DISCLOSED
23 REGARDLESS OF WHETHER YOU HAD THE CONVICTION REDUCED,
24 DISMISSED, OR EXPUNGED, OR WHETHER YOU ARE ON OR OFF
25 PROBATION;”

26 “HAVE YOU EVER BEEN **CONVICTED** OF A CRIME OR PLED
27 **GUILTY, OR PLED NOLO CONTENDERE (NO CONTEST) TO A**
28 **CRIME? INCLUDE ANY CONVICTIONS REDUCED OR EXPUNGED,**
UNLESS THE RECORDS HAVE BEEN SEALED PURSUANT TO A
COURT ORDER. (DO NOT INCLUDE VEHICLE CODE INFRACTIONS).
IF YES, PROVIDE DETAILS FOR EACH INCIDENT BELOW.”

26 (Emphasis in original.)

27 19. An affirmative answer to the question regarding an applicant’s criminal conviction
28 requires the applicant to provide certain details regarding the conviction, including the

1 approximate date of the conviction, the arresting agency, the court location, and identify whether
2 the crime is a misdemeanor or a felony. Since Rivas had been convicted of three misdemeanors,
3 he was required to provide details regarding his convictions on the Supplemental. However, by
4 answering section 4's criminal history in the negative, Rivas did not provide any details regarding
5 his convictions on the Supplemental. The fact of, and details regarding, Rivas' criminal
6 conviction were discovered by the Bureau during its background investigation.

7 20. In section 4, part (D), the Supplemental asks: ARE YOU CURRENTLY ON
8 PROBATION? Rivas checked the box marked "NO," meaning he was not on probation.

9 **Rivas' Testimony Before the Commission**

10 21. Rivas finished high school. He completed one semester of community college.

11 22. Rivas testified that Blackstone told him that the DOJ is very strict about accurately
12 completing the Application. He stated he told Blackstone about his misdemeanors and DUI
13 arrests. Referring to his criminal history, Rivas stated "I did report this incident in my interview."
14 Referring to his failure to disclose his first conviction, Rivas advised the Bureau on March 12,
15 2022 that: "To the best of my knowledge, I did not understand the application, so I failed to
16 submit the information." For his failure to disclose the last two convictions, Rivas stated: "Did
17 not understand questions or information on application. Misinformed." His employer emphasized
18 that he was required to disclose his criminal history on the Application. He did not ask for
19 assistance in filling out the Application. He stated: "I was not careful. I did not understand." "Had
20 I paid more careful attention, I would have been able to give more accurate answers."

21 23. Rivas testified that he thought DUI's were traffic violations. He never knew that it was
22 a criminal charge. He testified that he did not disclose his probationary status because he thought
23 this question related only to "non-traffic" probation.

24 APPLICABLE STATUTORY AND REGULATORY PROVISIONS

25 24. Division 1.5 of the Business and Professions Code, the provisions of which govern the
26 denial of licenses on various grounds, does not apply to licensure decisions made by the
27 Commission under the Gambling Control Act. (Bus. & Prof. Code, § 476, subd. (a).)

28 25. The Act is an exercise of the police power of the state for the protection of the health,

1 safety, and welfare of the people of the State of California, and shall be liberally construed to
2 effectuate those purposes. (Bus. & Prof. Code, § 19971.)

3 26. Public trust that permissible gambling will not endanger public health, safety, or
4 welfare requires that comprehensive measures be enacted to ensure that gambling is free from
5 criminal and corruptive elements, that it is conducted honestly and competitively, and that it is
6 conducted in suitable locations. (Bus. & Prof. Code, § 19801, subd. (g).)

7 27. Public trust and confidence can only be maintained by strict and comprehensive
8 regulation of all persons, locations, practices, associations, and activities related to the operation
9 of lawful gambling establishments. (Bus. & Prof. Code, § 19801, subd. (h).)

10 28. The Commission has the responsibility of assuring that licenses, approvals, and
11 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose
12 operations are conducted in a manner that is inimical to the public health, safety, or welfare. (Bus.
13 & Prof. Code, § 19823, subd. (a)(1).)

14 29. An “unqualified person” means a person who is found to be unqualified pursuant to
15 the criteria set forth in Section 19857, and “disqualified person” means a person who is found to
16 be disqualified pursuant to the criteria set forth in Section 19859. (Bus. & Prof. Code, §
17 19823, subd. (b).)

18 30. The Commission shall have all powers necessary and proper to enable it fully and
19 effectually to carry out the policies and purposes of this chapter. (Bus. & Prof. Code, § 19824.)

20 31. The Commission has the power to deny any application for a license, permit, or
21 approval for any cause deemed reasonable by the Commission. (Bus. & Prof. Code, § 19824,
22 subd. (b).)

23 32. The Commission has the power to take actions deemed to be reasonable to ensure that
24 no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled
25 gambling activities. (Bus. & Prof. Code, § 19824, subd. (d).)

26 33. The burden of proving his or her qualifications to receive any license from the
27 Commission is on the applicant. (Bus. & Prof. Code, § 19856, subd. (a); CCR, § 12060, subd.
28 (j).)

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

4 35. In reviewing an application for any license, the commission shall consider whether
5 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the
6 license will undermine public trust that the gambling operations with respect to which the license
7 would be issued are free from criminal and dishonest elements and would be conducted honestly.
8 (Bus. & Prof. Code, § 19856, subd. (c).)

9 36. No gambling license shall be issued unless, based on all of the information and
10 documents submitted, the Commission is satisfied that the applicant is a person of good character,
11 honesty, and integrity. (Bus. & Prof. Code, § 19857, subd. (a).)

12 37. No gambling license shall be issued unless, based on all of the information and
13 documents submitted, the Commission is satisfied that the applicant is a person whose prior
14 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
15 public interest of this state, or to the effective regulation and control of controlled gambling, or
16 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
17 the conduct of controlled gambling or in the carrying on of the business and financial
18 arrangements incidental thereto. (Bus. & Prof. Code, § 19857, subd. (b).)

19 38. No gambling license shall be issued unless, based on all of the information and
20 documents submitted, the Commission is satisfied that the applicant is a person that is in all other
21 respects qualified to be licensed as provided in this chapter. (Bus. & Prof. Code, § 19857, subd.
22 (c).)

23 39. The Commission shall deny a license to any applicant who is disqualified for failure of
24 the applicant to provide information, documentation, and assurances required by this chapter or
25 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the
26 supplying of information that is untrue or misleading as to a material fact pertaining to the
27 qualification criteria. (Bus. & Prof. Code, § 19859, subd. (b).)

28 40. An application will be denied if the Commission finds that the applicant has not

1 satisfied the requirements of Business and Professions Code section 19857. (CCR, § 12040, subd.
2 (a)(1).)

3 41. An application will be denied if the Commission finds that any of the provisions of
4 Business and Professions Code section 19859 apply to the applicant. (CCR, § 12040, subd.
5 (a)(2).)

6 42. This evidentiary hearing need not be conducted according to technical rules relating to
7 evidence and witnesses. Any relevant evidence may be considered, and is sufficient in itself to
8 support a finding, if it is the sort of evidence upon which reasonable persons are accustomed to
9 rely upon in the conduct of serious affairs, regardless of the existence of any common law or
10 statutory rule that might make improper the admission of the evidence over objection in a civil
11 action. (Bus. & Prof. Code, § 19871, subd. (a)(4); CCR, § 12060, subd. (g)(2).)

12 43. An applicant for licensing or for any approval or consent required by this chapter,
13 shall make full and true disclosure of all information to the Bureau and the Commission as
14 necessary to carry out the policies of this state relating to licensing, registration, and control of
15 gambling. (Bus. & Prof. Code, § 19866.)

16 44. The Bureau relies, in large part, on the applicant's disclosures while conducting a
17 background investigation. The failure to honestly, accurately, and completely disclose
18 information on an application subverts the Bureau's efforts to conduct a thorough and complete
19 investigation. (Bus. & Prof. Code, §§ 19826, subd. (a), 19866.)

20 45. Both the substance of an applicant's disclosures, and the truthfulness and
21 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
22 recommendation as to the applicant's suitability for licensure, and by the Commission in making
23 a determination whether to approve or deny a license application. (Bus. & Prof. Code, §§ 19824,
24 subs. (a), (d), 19826, subd. (a), and 19866.)

25 ASSESSMENT OF RIVAS' SUITABILITY FOR LICENSURE

26 46. The Commission finds that Rivas' Application is subject to denial because
27 he provided untrue or misleading information material to his qualification for licensure on his
28 Application as follows:

1 a. Rivas denied having ever been convicted of any crime, despite having been
2 convicted of three misdemeanor crimes at the time he signed his Application; and

3 b. Rivas denied being on probation, despite being on probation at the time he signed
4 his Application. (Bus. & Prof. Code, §§ 19856, subd. (b), 19857, subd. (a), 19859, subd. (b),
5 19866; CCR, §§ 12040, subds. (a)(1), (2), 12060, subd. (j).)

6 47. The Application requires us to determine whether Rivas' failure to disclose his
7 criminal convictions and probationary status merit denial of his Application pursuant to sections:
8 19856, subdivision (b) (because it shows an inability to participate in controlled gambling), and
9 subdivision (c) (undermines public trust because his failure to disclose the convictions was
10 dishonest); 19857, subdivision (a) (failure to disclose shows lack of good character, honesty, and
11 integrity); and 19859, subdivision (b) (failure to disclose is a failure to reveal fact material to
12 qualification). Based on the applicable findings of facts, and the reasons below, the Commission
13 determines that the Application should be denied pursuant to all of the statutes cited in this
14 paragraph.

15 48. All of the information requested on the Application has been considered through the
16 legislative and regulatory processes and determined necessary in order for the Bureau and the
17 Commission to discharge its duties properly. An applicant is neither expected, nor permitted, to
18 determine the importance of the information requested, and instead is required to provide true,
19 accurate, and complete information as requested. Indeed, the Act requires Rivas to "make full and
20 true disclosure of all information" to the Bureau and the Commission as necessary to carry out the
21 policies of this state relating to licensing and control of gambling. (Bus. & Prof. Code, § 19866.)

22 49. It is undisputed that Rivas omitted from his Application three misdemeanor
23 convictions and the fact that he was on probation, even though the Application required
24 disclosure of all convictions regardless of when they occurred. Rivas' testimony excusing his
25 failure to disclose his criminal convictions and probationary status was not credible.

26 50. Generally, when an applicant fails to disclose a criminal conviction on an application,
27 it may be subject to denial for mere nondisclosure since the nondisclosure amounts to a
28 representation of the nonexistence of the convictions which were not disclosed. (Bus. & Prof.

1 Code, §§ 19856, subd. (a), 19857, 19859, subd. (b), 19866; CCR, §§ 12040, subds. (a)(1), (2),
2 12060, subd. (j).)

3 51. Rivas did not disclose any of his misdemeanor convictions leaving it to chance
4 whether the Bureau's investigation process would uncover this information. When it did, Rivas
5 was content to rest on his explanations that he was ignorant about the legal requirements to
6 disclose his particular convictions, and he satisfied any requirements by disclosing the
7 convictions to Blackstone. However, we find this explanation to not be credible because
8 according to Fernandez, he did not disclose all of his convictions even though he was advised "to
9 disclose anything and everything regardless if they believe it should be disclosed or not."

10 52. In the circumstances of this particular case, Rivas' ignorance of the legal requirements
11 to disclose his convictions and probation status is implausible as an excuse for his material
12 omissions. After all, his three convictions were too recent in time, necessitated court appearances
13 and compliance with the extensive penalties imposed. Given these circumstances, Rivas should
14 have known that his convictions were for actual crimes and were required to be disclosed on the
15 Application. (Bus. & Prof. Code, §§ 19856, subd. (a), 19857, 19859, subd. (b), 19866; CCR, §§
16 12040, subds. (a)(1), (2), 12060, subd. (j).)

17 53. For similar reasons to the above, Rivas' explanations during the hearing for failure to
18 disclose his criminal convictions on the Application because he did not think they were criminal,
19 but vehicular, are not credible given the penalties he incurred and the circumstances surrounding
20 those convictions. Rivas received a sentence of three years of probation, and was ordered to
21 complete a second Second-Offender Program, MADD, VIP, as well as pay a fine and restitution.
22 The sentence was suspended. Rivas was represented by a public defender.

23 54. The Application is not merely a paperwork exercise to hurdle on the way to obtaining
24 a license. For an applicant such as Rivas, who has multiple criminal convictions, the Application
25 serves as the important, formal written presentation by which he places himself before the Bureau
26 and the Commission for a decision on whether he should be allowed to fulfill the responsibilities
27 of an employee in a closely regulated industry--gambling. In fact, by allowing Rivas to make a
28 full and truthful disclosure about his criminal history, the Application provided him the first

1 opportunity to demonstrate his honesty before the Bureau and the Commission. By failing to
2 make a full and truthful disclosure about his criminal history, Rivas failed to surmount the first
3 hurdle. As evaluators of the Application, the Bureau and the Commission should be able to rely
4 on the Application as being candid and complete in the same manner as a court would rely on a
5 declaration filed in court. Indeed, Rivas signed his Application under penalty of perjury. In this
6 case, given the number of material omissions by Rivas on his Application, including his
7 convictions and probationary status, the Commission is unable to grant the Application. (Bus. &
8 Prof. Code, §§ 19856, subd. (a), 19857, 19859, subd. (b) & 19866; CCR, §§ 12040, subd. (a)(2),
9 12060, subd. (j).)

10 55. Overall, the Commission cannot excuse Rivas' failure to disclose three misdemeanor
11 convictions and probationary status on his Application due to his having revealed at least some of
12 them to Blackstone or due to ignorance of the legal requirements to disclose the convictions.
13 Rather, his offer of those theories to excuse the omissions on the Application during the hearing,
14 casts further doubt that he has achieved any insight into the high standard he must meet for
15 licensure under the Act. Under the totality of the circumstances, we find Rivas' subjective belief
16 that he was not required to disclose his three misdemeanor convictions and probationary status on
17 the Application to be a material omission. (Bus. & Prof. Code, §§ 19856, subd. (a), 19857, 19859,
18 subd. (b) & 19866; CCR, §§ 12040, subd. (a)(2), 12060, subd. (j).)

19 56. For the foregoing reasons, the Commission finds that cause exists to deny the
20 Application.

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

24 NOTICE OF APPLICANT'S APPEAL RIGHTS

25 Rivas has the following appeal rights available under state law:

26 1. CCR section 12064, subdivisions (a) and (b) provide, in part:

27 (a) After the Commission issues a decision following a GCA hearing
28 conducted pursuant to Section 12060, an applicant denied a license,
permit, registration, or finding of suitability, or whose license, permit,

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registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may request reconsideration by the Commission. A request for reconsideration must be:

- (1) Made in writing to the Commission, copied to the Complainant. The Bureau may provide a written response to the Commission within 10 calendar days of receipt of the request; and
- (2) Received by the Commission and Complainant within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is earlier.

(b) A request for reconsideration must 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.

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

A decision of the commission after an evidentiary hearing, 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 held to consider that petition, 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.

3. CCR section 12066, subdivision (c), provides, in part:

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

1. Noe Pauiguaga Rivas’ Application for a Third-Party Proposition Player Services Employee Type License is DENIED.

2. Temporary License Number TPWK-002834, issued to Noe Pauiguaga Rivas, is void and cannot be used hereafter.


3. No costs are awarded.

4. Each side to pay its own attorneys’ fees.

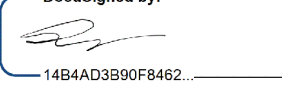
This Order is effective on June 4, 2023.

Dated: 5/4/2023 Signature: 
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Paula LaBrie, Chair

Dated: 5/4/2023 Signature: 
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Cathleen Galgiani, Commissioner

Dated: 5/4/2023 Signature: 
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Eric Heins, Commissioner

Dated: 5/4/2023 Signature: 
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William Liu, Commissioner

Dated: 5/4/2023 Signature: 
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Edward Yee, Commissioner