

The Commission is providing a copy of this pleading (Accusation, or Statement of Reasons, Statement of Particulars, or Statement of Issues) so the public is as informed as possible of pending administrative proceedings regarding the allegations contained in the pleading. An Accusation, Statement of Issues, Statement of Reasons, or Statement of Particulars is simply an allegation of facts that, if true, may rise to the level of disciplinary action against or denial of a license, registration, work permit, or finding of suitability. The facts contained in the pleadings should not be taken as established or proven. The licensee/applicant will have an opportunity to dispute the allegations in a formal administrative proceeding.



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9
10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Reasons for
14 Denial of Application for a Third-Party
Proposition Player Services License for:

15 **SOVANN SOM**
16 

17
18 **Respondent.**
19

BGC Case No. BGC-HQ2024-00010AL

CGCC Case No: CGCC-2023-1221-8Fii

20 **STATEMENT OF REASONS**

21 Hearing Date: October 17, 2024
Hearing Time: 10:00 a.m.
Hearing Place: 2399 Gateway Oaks, Ste. 100,
Sacramento, CA 95833

22 **This hearing will be conducted by means of
video conferencing on Zoom. The Zoom
meeting code is 285 757 8614**

23 Complainant alleges as follows:

24 **PARTIES**

25 1. Yolanda Morrow (“Complainant”) brings this Statement of Reasons solely in her
26 official capacity as Director of the California Department of Justice, Bureau of Gambling Control
27 (“Bureau”).
28

1 2. Sovann Som (“Respondent”) has been employed by third-party proposition player
2 services provider Knighted Ventures LLC (TPPP-000109) since August 17, 2022.

3 **THE APPLICATION AND THIS PROCEEDING**

4 3. In connection with Respondent’s employment with Knighted Ventures LLC, on or
5 about August 29, 2022, the Bureau received from Respondent an initial Application for Employee
6 Category License, together with a Commission Work Permit or Third-Party Proposition Player
7 Services (“TPPPS”) Worker: Supplemental Information form (collectively, the “Application”).

8 4. In connection with Respondent’s Application, on or about September 6, 2022, the
9 California Gambling Control Commission (“Commission”) issued to Respondent temporary
10 third-party worker license number TPWK-004933, which is valid through August 31, 2024.

11 5. The Bureau conducted an initial background investigation with respect to
12 Respondent’s Application. The investigation included several requests for additional information
13 from Respondent following the Bureau’s determination that Respondent:

14 a. Sustained one misdemeanor criminal conviction for violating Penal Code
15 section 243, subdivision (e)(1) [domestic battery] in 2004; and

16 b. Failed to disclose the conviction in his Application.

17 6. On or about November 8, 2022, the Bureau submitted a Third-Party Worker Initial
18 Background Investigation Report, Level III, to the Commission recommending that Respondent’s
19 Application be denied.

20 7. On December 1, 2023, the Commission notified Respondent that his Application
21 would be considered at its December 21, 2023, meeting. At its meeting held on December 21,
22 2023, the Commission referred consideration of Respondent’s Application to an evidentiary
23 hearing to be conducted pursuant to Business and Professions Code sections 19870 and 19871,
24 and California Code of Regulations, title 4, section 12060.¹ On December 21, 2023, the

25
26
27 ¹ The statutes and regulations applicable to this Statement of Reasons are quoted in pertinent
28 part in Appendix A. The full text of the Gambling Control Act is found at Business and Professions
Code section 19800 et seq.

1 Commission notified Respondent of its action upon the Application and provided Respondent
2 with a Notice of Defense form (CGCC-CH1-03).

3 8. Respondent submitted a completed Notice of Defense dated February 9, 2024, to the
4 Commission and the Bureau requesting an evidentiary hearing.

5 9. On July 1, 2024, Respondent was notified that the evidentiary hearing would be held
6 via Zoom before the Commission starting at 10:00 a.m., on October 17, 2024.

7 **JURISDICTION AND BURDEN OF PROOF**

8 10. The Commission has jurisdiction over the licensing of all persons and things having
9 to do with the operation of gambling establishments. (Bus. & Prof. Code, §§ 19811, subd. (b),
10 19850.) The Commission's responsibilities include assuring that licenses are not issued to
11 unqualified or disqualified persons and that no unqualified or disqualified person is materially
12 involved with a licensed gambling operation. (Bus. & Prof. Code, § 19823, subd. (a).) The
13 Commission has all powers necessary and proper to carry out the Act's policies and purposes,
14 including the powers to take actions to ensure that no ineligible, unqualified, disqualified, or
15 unsuitable persons are associated with controlled gambling activities. (Bus. & Prof. Code, §
16 19824, subs. (b) & (d).)

17 11. Respondent has the burden of proving he is qualified to receive a license. (Bus. &
18 Prof. Code, § 19856, subd. (a); Cal. Code Regs., tit. 4, §12060, subd. (k).)

19 **FIRST CAUSE FOR DENIAL**

20 **(Failure to Disclose Required Material Information – Misdemeanor Conviction)**

21 12. Respondent's Application is subject to mandatory denial, and his temporary license
22 subject to cancellation, because Respondent failed to disclose to the Bureau information material to
23 his Application concerning a criminal conviction.

24 13. On or about April 13, 2004, Respondent was convicted of violating Penal Code section
25 243, subdivision (e)(1) [domestic battery], a misdemeanor, and failed to disclose the conviction in his
26 Application. As a result of this conviction, Respondent was sentenced, in sum, to serve three days in
27 jail, complete three years of probation, to complete a work program, and to pay multiple fines. On his
28 Application, Respondent asserted that he had never been convicted of any crime. In a subsequent

1 statement provided to the Bureau, Respondent stated he failed to disclose the conviction because he
2 wanted to forget the incident happened and did not keep his court records.

3 14. Respondent therefore failed to disclose to the Bureau information material to his
4 Application and provided inaccurate and misleading information. (Bus. & Prof. Code, §§ 19859,
5 subd. (b) [mandatory denial], 19866; Cal. Code Regs., tit. 4, § 12040, subd. (a)(2) [mandatory
6 denial].)

7 **SECOND CAUSE FOR DENIAL**

8 **(Failure to Establish Qualification for Licensure – Good Character, Honesty, and Integrity)**

9 15. Respondent’s Application is further subject to mandatory or discretionary denial, and
10 his temporary license subject to cancellation, because Respondent has failed to establish he is a person
11 of good character, honesty, and integrity. As described in paragraphs 12 through 14, above,
12 Respondent failed to make full and true disclosures in his Application as required by the Gambling
13 Control Act, and supplied information that is untrue or misleading. Respondent also engaged in
14 illegal behavior, demonstrating a willingness to violate the law and a conscious disregard for the
15 health, safety, and welfare of others. By acting in the manner described herein, Respondent has failed
16 to establish that his prior activities, criminal record, and habits do not pose a threat to the public
17 interest of this state, or to the effective regulation and control of controlled gambling. (Bus. & Prof.
18 Code, §§ 19856, 19857, subds. (a) & (b), 19859, subd. (a), 19866; Cal. Code Regs., tit. 4, §12040,
19 subd. (a)(1), (2) [mandatory denial].)

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Commission issue a decision:

23 1. Denying Respondent’s Application for a Third-Party Proposition Player Services
24 Worker License;

25 2. Cancelling Respondent’s temporary license number TPWK-004933; and

26 ///

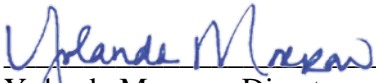
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3. Taking such other and further action as the Commission may deem appropriate.

Dated: July 3, 2024



Yolanda Morrow, Director
Bureau of Gambling Control
California Department of Justice
Complainant

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APPENDIX A

BUSINESS AND PROFESSIONS CODE

1. Business and Professions Code section 19811, subdivision (b), provides:

Jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operations of gambling establishments is vested in the commission.

2. Business and Professions Code section 19823 provides:

(a) The responsibilities of the commission include, without limitation, all of the following:

(1) 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.

(2) Assuring that there is no material involvement, directly or indirectly, with a licensed gambling operation, or the ownership or management thereof, 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.

(b) For the purposes of this section, “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.

3. Business and Professions Code section 19824 provides, in part:

The commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of this chapter,^[2] including, without limitation, the power to do all of the following:

* * *

(b) For any cause deemed reasonable by the commission, deny any application for a license, permit, or approval provided for in this chapter or regulations adopted pursuant to this chapter, limit, condition, or restrict any license, permit, or approval, or impose any

² “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

1 fine upon any person licensed or approved. The commission may
2 condition, restrict, discipline, or take action against the license of an
3 individual owner endorsed on the license certificate of the gambling
4 enterprise whether or not the commission takes action against the
5 license of the gambling enterprise.

6 * * *

7 (d) Take actions deemed to be reasonable to ensure that no
8 ineligible, unqualified, disqualified, or unsuitable persons are
9 associated with controlled gambling activities.

10 4. Business and Professions Code section 19850 provides, in part:

11 Every person who, either as owner, lessee, or employee, whether
12 for hire or not, either solely or in conjunction with others, deals,
13 operates, carries on, conducts, maintains, or exposes for play any
14 controlled game in this state, or who receives, directly or indirectly,
15 any compensation or reward, or any percentage or share of the money
16 or property played, for keeping, running, or carrying on any controlled
17 game in this state, shall apply for and obtain from the commission, and
18 shall thereafter maintain, a valid state gambling license, key employee
19 license, or work permit, as specified in this chapter. In any criminal
20 prosecution for violation of this section, the punishment shall be as
21 provided in Section 337j of the Penal Code.

22 5. Business and Professions Code section 19853, subdivision (a), provides in part:

23 The commission, by regulation or order, may require that the
24 following persons register with the commission, apply for a finding of
25 suitability as defined in subdivision (j) of Section 19805, or apply for a
26 gambling license:

27 * * *

28 (3) Any person who does business on the premises of a
licensed gambling establishment.

6. Business and Professions Code section 19856 provides:

(a) Any person who the commission determines is qualified to
receive a state license, having due consideration for the proper
protection of the health, safety, and general welfare of the residents of
the State of California and the declared policy of this state, may be
issued a license. The burden of proving his or her qualifications to
receive any license is on the applicant.

(b) 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.

1 (c) In reviewing an application for any license, the commission
2 shall consider whether issuance of the license is inimical to public
3 health, safety, or welfare, and whether issuance of the license will
4 undermine public trust that the gambling operations with respect to
5 which the license would be issued are free from criminal and dishonest
6 elements and would be conducted honestly.

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7. Business and Professions Code section 19857 provides:

No gambling license shall be issued unless, based on all of the information and documents submitted, the commission is satisfied that the applicant is all of the following:

(a) A person of good character, honesty, and integrity.

(b) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not 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 or in the carrying on of the business and financial arrangements incidental thereto.

(c) A person that is in all other respects qualified to be licensed as provided in this chapter.

8. Business and Professions Code section 19859 provides, in part:

The commission shall deny a license to any applicant who is disqualified for any of the following reasons:

(a) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.

(b) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria.

9. Business and Professions Code section 19866 provides:

An applicant for licensing or for any approval or consent required by this chapter, shall make full and true disclosure of all information to the department and the commission as necessary to carry out the policies of this state relating to licensing, registration, and control of gambling.

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2 10. Business and Professions Code section 19870 provides:

3 (a) The commission, after considering the recommendation of the
4 chief and any other testimony and written comments as may be
5 presented at the meeting, or as may have been submitted in writing to
6 the commission prior to the meeting, may deny the application, grant a
7 license to an applicant who it determines to be qualified to hold the
8 license, or refer the application to an evidentiary hearing.

9 (b) When the commission grants an application for a license or
10 approval, the commission may limit or place restrictions on the license
11 or approval as it may deem necessary in the public interest, consistent
12 with the policies described in this chapter.

13 (c) If, during a meeting, the commission denies an application,
14 denies approval, or approves with limits, restrictions, or conditions,
15 the action shall be stayed for a period of 30 days after the meeting,
16 during which the applicant may request an evidentiary hearing. If the
17 applicant does not file a request for an evidentiary hearing within 30
18 days, the action of the commission taken at the meeting is final. If the
19 applicant waives the right to hearing and assents to the action of the
20 commission in writing, upon receipt of the waiver by the commission,
21 the action shall no longer be stayed. If the applicant files a timely
22 request for an evidentiary hearing, the action shall be vacated and the
23 application shall be reviewed de novo at the evidentiary hearing.

24 (d) When an application is denied after an evidentiary hearing,
25 the commission shall prepare and file a detailed statement of its
26 reasons for the denial.

27 (e) All proceedings relating to an application at a meeting of the
28 commission or at an evidentiary hearing shall be recorded
stenographically or by audio or video recording.

(f) 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 does 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.

11. Business and Professions Code section 19871 provides:

(a) An evidentiary hearing described in Section 19870 shall be
conducted in accordance with regulations of the commission and as
follows:

(1) Oral evidence shall be taken only upon oath or
affirmation.

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(2) Each party shall have all of the following rights:

(A) To call and examine witnesses.

(B) To introduce exhibits relevant to the issues of the case.

(C) To cross-examine opposing witnesses on any matters relevant to the issues, even if the matter was not covered on direct examination.

(D) To impeach any witness, regardless of which party first called the witness to testify.

(E) To offer rebuttal evidence.

(3) If the applicant does not testify on their own behalf, the applicant may be called and examined as if under cross-examination.

(4) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered, and is sufficient in itself to support a finding, if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of that evidence over objection in a civil action.

(b) This section does not confer upon an applicant a right to discovery of the department's investigative reports or to require disclosure of any document or information the disclosure of which is otherwise prohibited by any other provision of this chapter.

CALIFORNIA CODE OF REGULATIONS

12. California Code of Regulations, title 4, section 12040, provides, in part:

(a) An application for an initial or renewal license:

(1) Will be denied if the Commission finds that the applicant has not satisfied the requirements of Business and Professions Code section 19857; or,

(2) Will be denied if the Commission finds that any of the provisions of Business and Professions Code section 19859 apply to the applicant.

* * *

1 13. California Code of Regulations, title 4, section 12054, provides, in pertinent part:

2 (a) At a Commission meeting, the Commission may take, but is
3 not limited to taking, one of the following actions:

4 * * *

5 (4) Elect to hold or retract an evidentiary hearing in
6 accordance with Section 12056 and, for a renewal application,
7 issue an interim renewal license pursuant to Section 12035. The
8 Commission will identify those issues for which it requires
9 additional information or consideration related to the applicant's
10 suitability.

11 14. California Code of Regulations, title 4, section 12056, provides, in part:

12 (a) If the Commission elects to hold an evidentiary hearing, or an
13 applicant has elected to request an evidentiary hearing following a
14 Commission approval with conditions, restrictions, or limitations
15 pursuant to paragraph (2) of subsection (a) of Section 12054 or a
16 denial pursuant to paragraph (3) of subsection (a) of Section 12054,
17 the hearing will be conducted as a GCA hearing under Section 12060,
18 unless the Executive Director or the Commission determines the
19 hearing should be conducted as an APA hearing under Section 12058.
20 . . .

21 15. California Code of Regulations, title 4, section 12060, provides:

22 (a) If the Executive Director determines it is appropriate, he or she
23 may set an application for consideration at a GCA hearing in advance of
24 a meeting pursuant to Section 12054. The Executive Director will give
25 notice to the applicant, pursuant to paragraph (2) subsection (c) of
26 Section 12052, to the Office of the Attorney General, and to the Bureau
27 no later than 90 calendar days in advance of the GCA hearing. The
28 Executive Director's determination will be based on information
contained in the Bureau's report or other appropriate sources including,
without limitation, a request from the Bureau or applicant as well as the
Commission's operational considerations.

(b) When a GCA hearing is elected pursuant to Section 12056,
subsection (a), the Executive Director will give notice to the applicant,
pursuant to paragraph (2) subsection (c) of Section 12052, to the Office
of the Attorney General, and to the Bureau no later than 60 calendar days
in advance of the GCA hearing.

(c) An applicant may request that his, her, or its GCA hearing be
held at a Southern California location instead of the Commission's
principal office in Sacramento, by completing the appropriate section on
the Notice of Defense, CGCC-CH1-03 (Rev. 08/21). The request must be
made on the initial Notice of Defense form submitted to the Commission
and Bureau within the timeframes specified on the form.

(1) The Executive Director will approve a Southern
California GCA hearing, if the request is timely made on the initial

1 Notice of Defense form and meets all of the following criteria:

2 (A) The GCA hearing is estimated by Commission
3 staff to last no longer than four hours.

4 (B) The primary residence of the applicant is located in
5 one of the following counties: Imperial, Kern, Los Angeles,
6 Orange, Riverside, San Diego, San Luis Obispo, San
7 Bernardino, Santa Barbara, or Ventura.

8 (C) A GCA hearing will be noticed for a Southern
9 California location only when it is in the best public interest,
10 promotes judicial economy, and comports with the
11 Commission's availability.

12 (2) If at any time before the hearing, the Executive Director
13 determines that the criteria in subparagraphs (A) through (C) of
14 paragraph (1) are no longer met, Commission staff may cancel the
15 Southern California GCA hearing and issue a new notice for a
16 hearing at the Commission's principal office in Sacramento.

17 (d) The presiding officer and her or his support staff will have no
18 communication with the Commission or Commission staff upon the
19 merits of an application prior to the evidentiary hearing. The Executive
20 Director will designate a presiding officer which will be:

21 (1) A member of the Commission's legal staff; or,

22 (2) An Administrative Law Judge.

23 (e) The applicant or the complainant, or the applicant and the
24 complainant, may request a continuance in writing to the Executive
25 Director stating the reason for the continuance and any proposed future
26 hearing dates. The Executive Director or Commission may approve the
27 request. For a Southern California GCA hearing, if a continuance is
28 granted, the hearing may be scheduled in Sacramento or Southern
California based on the criteria specified in subparagraphs (A) through
(C) of paragraph (1) of subsection (c).

(f) The complainant will provide to the applicant, subject to
subsection (b) of Section 12056, at least 45 calendar days prior to the
GCA hearing, and the applicant must provide to the complainant, at least
30 calendar days prior to the GCA hearing, the following items:

(1) A list of potential witnesses with the general subject of
the testimony of each witness;

(2) Copies of all documentary evidence intended to be
introduced at the hearing and not previously provided;

(3) Reports or statement of parties and witnesses, if
available; and

(4) All other written comments, writings, or other items
containing relevant evidence.

1 (g) The provisions of subsection (f) of this section provide the
2 exclusive right to and method of discovery between the applicant and
3 complainant to a GCA hearing. Discovery is not permitted upon a
4 Commission member or an advisor of the Commission unless a showing
5 is made that they have direct personal factual information pertaining to
6 material issues related to the application at issue and the information to
7 be gained from the Commission member or advisor of the Commission is
8 not available through any other sources.

9 (h) A presiding officer will rule on the admissibility of evidence and
10 on any objections raised except for objections raised under subsection
11 (h). A ruling by the presiding officer is final.

12 (1) In advance of the GCA hearing, upon a motion of a
13 party or by order of the presiding officer, the presiding officer may
14 conduct a pre-hearing conference, either in person, via
15 teleconference, or by email exchange, subject to the presiding
16 officer's availability and will issue a pre-hearing order if appropriate
17 or requested by either party. The pre-hearing conference and order
18 may address the following:

19 (A) Evidentiary issues;

20 (B) Witness and exhibit lists;

21 (C) Alterations in the Bureau recommendation;

22 (D) Stipulations for undisputed facts and/or the
23 admission of evidence including without limitation the
24 Bureau's report;

25 (E) Authorizing offsite livestreaming appearances for
26 parties or witnesses if good cause has been presented and
27 only if the process for offsite livestreaming has been
28 approved by the Executive Director; and,

(F) Other issues that may be deemed appropriate to
promote the orderly and prompt conduct of the hearing.

(2) The GCA hearing need not be conducted according to
technical rules of evidence. Any relevant evidence may be
considered, and is sufficient in itself to support findings if it is the
sort of evidence on which reasonable persons are accustomed to
rely in the conduct of serious affairs, regardless of the existence of
any common law or statutory rule that might make improper the
admission of that evidence over objection in a civil action.

(i) The Commission may, at any time upon a showing of prejudice
by the objecting party:

(1) Prohibit the testimony of any witness or the introduction
of any documentary evidence that has not been disclosed pursuant
to subsection (f); or

(2) Continue any meeting or hearing as necessary to mitigate

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any prejudice.

(i) The complainant will present all facts and information in the Bureau report, if any, and the results of the Bureau's background investigation, and the basis for any recommendation, if the Bureau filed one with the Commission according to Business and Professions Code section 19868, to enable the Commission to make an informed decision on whether the applicant has met his, her, or its burden of proof. The complainant may but is not required to recommend or seek any particular outcome during the evidentiary hearing, unless it so chooses.

(k) 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 Act.

(l) The applicant may choose to represent himself, herself, or itself, or may retain an attorney or lay representative. Lay representatives may assist the applicant but are not authorized to serve as an attorney as otherwise defined and regulated by state law.

(m) Except as otherwise provided in subsection (i), the complainant and applicant will have the right to call and examine witnesses under oath; to introduce relevant exhibits and documentary evidence; to cross-examine opposing witnesses on any relevant matter, even if the matter was not covered in direct examination; to impeach any witness, regardless of which party first called the witness to testify; and to offer rebuttal evidence. If the applicant does not testify on his, her or its behalf, the applicant may be called and examined, under oath, as if under cross-examination.

(n) Oral evidence will be taken upon oath or affirmation, which may be administered by the Executive Director, a member of the Commission, or the presiding officer if an Administrative Law Judge.

(o) At the conclusion of the evidentiary hearing, the members of the Commission will take the matter under submission, may discuss the matter in a closed session meeting, and may schedule future closed session meetings for deliberation.