

1 KAMALA D. HARRIS
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 RONALD DIEDRICH
Deputy Attorney General
4 State Bar No. 95146
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-1043
Fax: (916) 327-2319
7 E-mail: Ronald.Diedrich@doj.ca.gov
Attorneys for Complainant

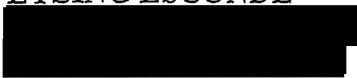
8
9 **BEFORE THE**
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**
11 **STATE OF CALIFORNIA**

12
13
14 **In the Matter of the Accusation Against:**

BGC No.: BGC-HQ2012-0001AC

15 **LYSING ESCONDE**

OAH No. _____

16 
17
18 **License Number**
BGC-GEKE-001586

ACCUSATION

19
20 Complainant alleges as follows:

21 **PARTIES**

- 22 1. Wayne J. Quint, Jr. (Complainant) brings this Accusation solely in his official
23 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control.
24 2. On or about June 30, 2011, the California Gambling Control Commission
25 (Commission) issued Lysing Esconde's (Respondent) Key Employee License, California State
26 Gambling License number GEKE-001586. Respondent's Key Employee License will expire on
27 June 30, 2013, unless renewed.
28

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

4 6. Business and Professions Code section 19826 provides, in part:

5 The department^[2] shall have all of the following responsibilities:

6 * * *

7 (c) To investigate suspected violations of this chapter or laws of this
8 state relating to gambling

9 * * *

10 (e) To initiate, where appropriate, disciplinary actions as provided in
11 this chapter. In connection with any disciplinary action, the department
12 may seek restriction, limitation, suspension, or revocation of any license
13 or approval, or the imposition of any fine upon any person licensed or
14 approved.

15 7. Business and Professions Code section 19930, subdivision (b) provides:

16 If, after any investigation, the department is satisfied that a license,
17 permit, finding of suitability, or approval should be suspended or revoked,
18 it shall file an accusation with the commission in accordance with Chapter
19 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of
20 the Government Code.

21 COST RECOVERY

22 8. Business and Professions Code section 19930 provides, in part:

23 (d) In any case in which the administrative law judge recommends
24 that the commission revoke, suspend, or deny a license, the
25 administrative law judge may, upon presentation of suitable proof,
26 order the licensee or applicant for a license to pay the department the
27 reasonable costs of the investigation and prosecution of the case.

28 * * *

(f) For purposes of this section, "costs" include costs incurred for
any of the following:

29 ² "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.
30 (h).)

1 (1) The investigation of the case by the department.

2 (2) The preparation and prosecution of the case by the
3 Office of the Attorney General.

4 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

5 9. Business and Professions Code section 19854, subdivisions (a) and (b) provide:

6 (a) Every key employee shall apply for and obtain a key employee
7 license.

8 (b) No person may be issued a key employee license unless the
9 person would qualify for a state gambling license.³

10 10. Business and Professions Code section 19857 provides, in part:

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

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

15 (b) A person whose prior activities, criminal record, if any,
16 reputation, habits, and associations do not pose a threat to the public
17 interest of this state, or to the effective regulation and control of
18 controlled gambling, or create or enhance the dangers of unsuitable,
19 unfair, or illegal practices, methods, and activities in the conduct of
20 controlled gambling or in the carrying on of the business and financial
21 arrangements incidental thereto.

22 11. Business and Professions Code section 19859 provides in part:

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

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

27 12. California Code of Regulations, title 4, section 12568, subdivision (c), provides, in
28 part:

(c) A . . . finding of suitability . . . shall be subject to revocation by
the Commission on any of the following grounds:

³ "State gambling license" is defined as: any license issued by the state that authorizes the person named therein to conduct a gambling operation. (Bus. & Prof. Code, § 19805, subd. (p).)

1 (1) If the Commission finds the holder to have been
2 convicted of . . . a crime of moral turpitude that would disqualify
3 the holder from licensure.

4 * * *

5 (3) If the Commission finds the holder no longer meets any
6 criterion for eligibility, qualification, suitability or continued
7 operation, including those set forth in Business and Professions
8 code sections 19857, 19858, or 19880, as applicable, or

9 (4) If the Commission finds the holder currently meets any of
10 the criteria for mandatory denial of an application set forth in
11 Business and Professions Code sections 19859 or 19860.

12 **FIRST CAUSE OF ACTION FOR REVOCATION**

13 **(Conviction of Crimes of Moral Turpitude)**

14 13. Respondent's Key Employee License is subject to revocation pursuant to Business
15 and Professions Code sections 19854, 19857 and 19859, and California Code of Regulations, title
16 4, section 12568, in that on or about February 20, 2013, Respondent was convicted, upon her
17 pleas of guilty to violating Penal Code sections 487, subdivision (a) (grand theft), a misdemeanor
18 and a crime of moral turpitude; and, 503 (embezzlement), a misdemeanor and a crime of moral
19 turpitude, in the case of *People of the State of California vs. Lysing Prathamnavong Esconde*
20 (Super. Ct. Fresno County, 2013, No. F12903820).

21 **SECOND CAUSE OF ACTION FOR REVOCATION**

22 **(Theft from Gambling Establishment)**

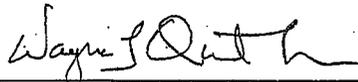
23 14. Respondent's Key Employee License is subject to revocation pursuant to Business
24 and Professions Code sections 19854, 19857 and 19859, and California Code of Regulations, title
25 4, section 12568, in that, on or between October 27, 2011, and November 11, 2011, Respondent
26 falsified prize agreement forms and took the prize-winning money for her own benefit while
27 engaged in her duties as a key employee at Club One Casino, a licensed gambling establishment
28 in Fresno, California.

PRAYER

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

1. Revoke the Key Employee License issued by the Commission to Respondent;
2. Award Complainant the costs of investigation and costs of bringing this Accusation before the Commission, pursuant to Business and Professions Code section 19930, in a sum according to proof; and
3. Take such other and further action as the Commission may deem appropriate.

Dated: 6/6/13



WAYNE J. QUINT, JR., Chief
Bureau of Gambling Control
Department of Justice
State of California
Complainant

ATTACHMENT B

1 KAMALA D. HARRIS
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 RONALD DIEDRICH
Deputy Attorney General
4 State Bar No. 95146
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-1043
Fax: (916) 327-2319
7 E-mail: Ronald.Diedrich@doj.ca.gov
Attorneys for Complainant
8

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

13
14 **In the Matter of the Accusation Against:**

15
16 **LYSING ESCONDE**
9897 N. Meridian Avenue
Fresno, California 93720

17
18 **License Number**
BGC-GEKE-001586

BGC No.: BGC-HQ2012-0001AC

OAH No. _____

**CERTIFICATE OF SERVICE BY
PERSONAL SERVICE**

19
20 I, Alfredo Cardwood, declare:

21 I am employed in the County of Fresno, California. I am 18 years of age or older and not a
22 party to the within entitled cause; my business address is 1781 East Fir Avenue, Fresno,
23 California, 93720.

24 On August 15th, 2013, I served the attached:

25 **ACCUSATION; STATEMENT TO RESPONDENT [Gov. Code, §**
26 **11505, subd. (b)]; REQUEST FOR DISCOVERY [Gov. Code, §**
27 **11507.6]; GOVERNMENT CODE SECTIONS 11507.5, 11507.6**
28 **AND 11507.7; and two copies of the NOTICE OF DEFENSE [Gov.**
Code, §§ 11505 and 11506].

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

XX (BY PERSON SERVICE) I caused such envelope to be personally delivered to the address of the addressee listed below.

Lysing Esconde
9897 N. Meridian Avenue
Fresno, CA 93720

@ TNT CLOSET


I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 19th, 2013, at Fresno, California.

Alfredo Cardwood
Declarant


Signature