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BEFORE THE

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CALIFORNIA GAMBLING CONTROL COMMISSION

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

Chanthou Suon,

Respondent

Agency Case No. DGC #108056

OAH No. 2007010839

**FIRST AMENDED STATEMENT
OF ISSUES**

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Complainant alleges as follows:

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PARTIES

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1. Robert E. Lytle, Jr. ("Complainant") brings this Statement of Issues solely in his official capacity as the Director for the Department of Justice's Division of Gambling Control ("Division").

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2. On or about September 26, 2005, the Division received an Application for a work permit submitted by Respondent Chanthou Suon, dated September 15, 2005, to work at the Empire Sportsmen's Association as a card dealer.

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APPLICATION STATUS

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3. On or about July 10, 2006, the California Gambling Control Commission ("Commission") mailed to Respondent a letter informing Respondent that the Division had recommended to the Commission that Respondent's application be denied on the grounds that

1 within 10 years of the application, Respondent had been convicted of a misdemeanor involving
2 moral turpitude, i.e., a conviction for violation of Penal Code section 243(e)(1), battery on a
3 spouse, a person with whom the defendant is cohabiting, a person who is the parent of the
4 defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant
5 currently has, or has previously had, a dating or engagement relationship.

6 4. On or about July 20, 2006, at a regularly scheduled Commission meeting,
7 Respondent orally requested a hearing on the denial.

8 **JURISDICTION**

9 5. This Statement of Issues is brought before the Commission, pursuant to the
10 authority detailed in the following paragraphs 6 through 17.

11 6. Business and Professions Code section 19810, in relevant part, states:

12 There is within the Department of Justice, the Division of
13 Gambling Control as provided in Section 15001 of the
Government Code. . . .

14 7. Business and Professions Code section 19826, in relevant part, states:

15 The division shall have all of the following responsibilities:

16 (a) To investigate the qualifications of applicants before any
17 license, permit, or other approval is issued, and to investigate any
18 request to the commission for any approval that may be required
pursuant to this chapter. The division may recommend denial or
19 the limitation, conditioning, or restriction of any license, permit or
other approval.

20 8. Business and Professions Code section 19811, in relevant part, states:

21 (a) There is in state government the California Gambling Control
22 Commission, consisting of five members appointed by the
Governor, subject to confirmation by the Senate. . . .

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

26 9. Business and Professions Code, section 19823, provides as follows:

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

1 (1) Assuring that licenses, approvals, and permits are not issued
2 to, or held by, unqualified or disqualified persons, or by persons
3 whose operations are conducted in a manner that is inimical to the
4 public health, safety, or welfare.

5 (2) Assuring that there is no material involvement, directly or
6 indirectly, with a licensed gambling operation, or the ownership or
7 management thereof, by unqualified or disqualified persons, or by
8 persons whose operations are conducted in a manner that is
9 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.

10 10. Business and Professions Code, section 19824, provides as follows:

11 The commission shall have all powers necessary and proper to
12 enable it fully and effectually to carry out the policies and purposes
13 of this chapter, including, without limitation, the power to do all of
14 the following:

15 (a) Require any person to apply for a license, permit, registration,
16 or approval as specified in this chapter, or regulations adopted
17 pursuant to this chapter.

18 (b) For any cause deemed reasonable by the commission, deny
19 any application for a license, permit, or approval provided for in
20 this chapter or regulations adopted pursuant to this chapter, limit,
21 condition, or restrict any license, permit, or approval, or impose
22 any fine upon any person licensed or approved.

(c) Approve or disapprove transactions, events, and processes as
provided in this chapter.

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

23 (h) Issue subpoenas to compel attendance of witnesses and
24 production of documents and other material things at a meeting or
25 hearing of the commission or its committees, including advisory
26 committees.

27 11. Business and Professions Code section 19825 states:

28 The commission may require that any matter that the commission
is authorized or required to consider in a hearing or meeting of an
adjudicative nature regarding the denial, suspension, or revocation
of a license, permit, or a finding of suitability, be heard and

1 determined in accordance with Chapter 5 (commencing with
2 Section 11500) of Part 1 of Division 3 of Title 2 of the
Government Code.

3 **STATUTORY PROVISIONS**

4 12. Business and Professions Code section 19805, subdivision (b) defines "Applicant"
5 as follows:

6 Any person who has applied for, or is about to apply for, a state
7 gambling license, a key employee license, a registration, a finding
8 of suitability, a work permit, a manufacturer's or distributor's
license, or an approval of any act or transaction for which the
approval or authorization of the commission or division is required
or permitted under this chapter.

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10 13. Business and Professions Code, section 19857, states:

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

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

14 (b) A person whose prior activities, criminal record, if any,
15 reputation, habits, and associations do not pose a threat to the
16 public interest of this state, or to the effective regulation and
17 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.

18 14. Business and Professions Code, section 19859, states:

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

21 * * *

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

26 * * *

27 (d) Conviction of the applicant for any misdemeanor involving
28 dishonesty or moral turpitude within the 10-year period
immediately preceding the submission of the application, unless
the applicant has been granted relief pursuant to Section 1203.4,

1 1203.4a, or 1203.45 of the Penal Code; provided, however, that the
2 granting of relief pursuant to Section 1203.4, 12093.4a, or 1203.45
3 of the Penal Code shall not constitute a limitation on the discretion
of the commission under Section 19856 or affect the applicant's
burden under Section 19857.

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**
5 **(Conviction Involving Crime of Moral Turpitude)**

6 15. Respondent's application is subject to denial pursuant to Business and Professions
7 Code section 19859(d), for conviction of the applicant for any misdemeanor involving dishonesty
8 or moral turpitude within the 10-year period immediately preceding the submission of the
9 application, in that on February 14, 2002, in a proceeding entitled *People of the State of*
10 *California v. Chanthou Chan Suon, aka Chan Suon*, case number SM223104A, in Department
11 15 of the Superior Court of the County of San Joaquin, Respondent was convicted of a
12 misdemeanor involving moral turpitude, to wit, violation of Penal Code section 243(e)(1),
13 misdemeanor battery on a spouse, a person with whom the defendant is cohabiting, a person who
14 is the parent of the defendant's child, former spouse, fiance, or fiancée, or a person with whom
15 the defendant currently has, or has previously had, a dating or engagement relationship.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**
17 **(Character, Honesty, Integrity)**

18 16. Complainant hereby incorporates the allegations contained in paragraph 15,
19 above, as though set forth herein at length.

20 17. Respondent's application is subject to denial because, based on Respondent's
21 conviction for violation of Penal Code section 243(e)(1), the underlying facts that led to the
22 conviction, and the existence of a current outstanding arrest warrant for probation violation,
23 Respondent is not person of good character, honesty and integrity as required by Business and
24 Professions Code section 19857(a).

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PRAYER

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

4 1. Denying the application for a finding of suitability for Chanthou Suon pursuant to
5 Business and Professions Code section 19859, subdivisions (b) or (d), or section 19857,
6 subdivisions (a) or (b).

7 2. Taking such and further action as is deemed necessary and proper.

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9 Dated: March 27, 2007



10 ROBERT E. LYTLE, JR., Director
11 Division of Gambling Control
12 California Department of Justice
13 Complainant
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