

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval
of Initial Work Permit Regarding:

THYDA NOP
Applicant.

CGCC Case No. GCADS-GEWP-002140

DEFAULT DECISION AND ORDER

Hearing Date: July 30, 2015
Time: 1:30 p.m.

1. This matter was scheduled for hearing before 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, in Sacramento, California, on July 30, 2015.

2. Thyda Nop (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about April 28, 2014, the Bureau of Gambling Control (Bureau) received an Initial Regular Work Permit/Temporary Work Permit Application from Applicant.

4. On or about January 21, 2015, the Bureau issued its Work Permit Employee Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's application.

5. On or about February 9, 2015, the Commission's Executive Director referred Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060, subdivision (a).

6. Applicant received notice of Commission consideration of Applicant's application in two ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record on February 9, 2015 which included a blank Notice of

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(F) The waiver of an evidentiary hearing, or failure of the applicant to submit a Notice of Defense, or failure of an applicant to appear at an evidentiary hearing, may result in:

1. 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 might be provided to the Commission

12. The Commission takes official notice of the Bureau report, any supplemental reports by the Bureau and any other documents or testimony already provided to it in this matter as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR section 12052, subdivision (c)(2)(F)(1).

13. The Commission has jurisdiction to adjudicate this case by default.

14. The Commission may deny Applicant's application based upon the Bureau report, any supplemental reports by the Bureau and any other documents or testimony already provided to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions Code sections 19857 and 19859.

15. The Commission may further also deny Applicant's application based upon Applicant's failure to prove to the Commission Applicant is qualified to receive either a work permit, as required by Business and Profession Code section 19856(a) and Title 4, CCR section 12060, subdivision (i).

16. Therefore, as the Applicant returned the Notice of Defense form waiving Applicant's right to a hearing, did not attend the default hearing, and did not submit any information or evidence in favor of granting Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a work permit should be issued pursuant to Business and Professions Code section 19856(a) and Title 4, CCR section 12060(i). The Commission further finds that pursuant to California Code of Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to denial.

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NOTICE OF APPLICANT'S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

Title 4, CCR section 12064, subsection (a) and (b) provide, in part:

(a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, an applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may request reconsideration by the Commission within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is later.

(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 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.

Business and Professions Code section 19870, subdivision (e) provides:

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 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 described in the foregoing sentence, 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.

Title 4, CCR section 12066, subsection (c) provides:

A decision of the Commission denying an application or imposing conditions on a 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 review nor the time for filing the petition shall be affected by failure to seek reconsideration.

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ORDER

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3 1. Thyda Nop's Initial Regular Work Permit/Temporary Work Permit Application is
4 DENIED.

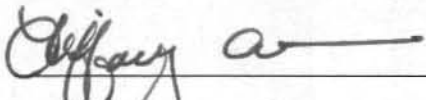
5 2. Thyda Nop's may not apply to the Commission or the Bureau for any type of
6 license, registration or work permit for one (1) year after the effective date of this Order.

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8 This Order is effective on September 14, 2015.

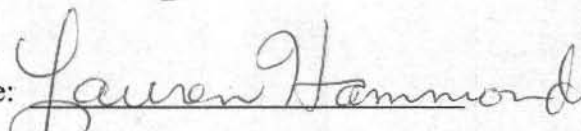
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11 Dated: 8-13-15

Signature: 
12 Jim Evans, Chairman

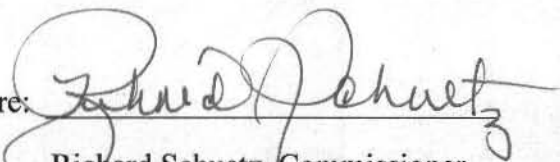
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14 Dated: Aug. 13, 2015

Signature: 
15 Tiffany E. Conklin, Commissioner

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17 Dated: 8-13-15

Signature: 
18 Lauren Hammond, Commissioner

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20 Dated: Aug. 13, 2015

Signature: 
21 Richard Schuetz, Commissioner



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

NOTICE OF DEFENSE
CGCC - ND - 002 (New 01/14)

In the Matter of:

Thyda Ny

CGCC No. _____

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.

(Please select one of the following:)

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| 1 | A | <input checked="" type="checkbox"/> | 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) |
| | B | <input type="checkbox"/> | I waive my right to an evidentiary hearing. (See Box 2) |
| | C | <input checked="" type="checkbox"/> | I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau. |

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(initial here)

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
- The right to present and examine witnesses
- 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 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.

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| 3. | <input checked="" type="checkbox"/> | I understand English or have had an interpreter read and explain this form to me in _____ language. |
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NOTICE OF DEFENSE

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|---|--|
| (Please select one of the following:) | |
| 4 | <input type="checkbox"/> I am represented by counsel, whose name, address and telephone number appear below: |
| | Name: |
| | Mailing Address: |
| | City, State and Zip Code: |
| | Telephone Number: |
| <input type="checkbox"/> I am not represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be provided to the Commission and the Bureau so that counsel will be on the record to receive legal notices, pleadings, and other papers. | |

Signature: *Shonda Ray*

Date: 2/18/15

Relationship to Gambling Enterprise: _____ (N/A if Individual signing on own behalf)