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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

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

BUNNY HENG

Respondent.

BGC Case No. BGC-HQ2021-00043SL

CGCC Case No. CGCC-2022-0324-9

**DECISION AND ORDER**

Hearing Date: January 19, 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 January 19, 2023.

Attorney Tiffany Lichtig (Attorney Lichtig) of California Gaming Advisors represented respondent Bunny Heng (Heng) during the evidentiary hearing.

Jane Crue, Deputy Attorney General, State of California (DAG Crue), represented complainant Yolanda Morrow, Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Andrew Sam (Sam) initially provided interpretation services in Cambodian for Heng during the evidentiary hearing. After Heng expressed that he was not confident that Sam was interpreting his testimony accurately, the Commission obtained a replacement interpreter, Sylvia Phon, who provided interpretation services in Cambodian for Heng throughout the remainder of the evidentiary hearing.

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), Attorney III of the Commission, 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 with attachments (A) Heng’s Application, and (B) the Bureau’s background investigation report; the Bureau’s Statement of Reasons; and Heng’s signed Notice of Defense form.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-14, Bates

1 Nos. Complainant 001-214, offered by the Bureau and identified on the Bureau’s Evidentiary  
2 Exhibit Index, pursuant to a stipulation between the parties.

3 PO Patterson accepted into evidence Exhibits A and B, Bates Nos. BH001-003, offered by  
4 Heng and identified on Heng’s Hearing Exhibit Index, pursuant to a stipulation between the  
5 parties. PO Patterson also accepted into evidence Exhibit C, an Employee Change Form and a  
6 letter to Heng from Lucky Chances Casino (Lucky Chances) regarding his termination of  
7 employment, without objection from either party.

8 PO Patterson closed the administrative record and the matter was submitted for decision  
9 on January 19, 2023.

10 FINDINGS OF FACT

11 **Procedural History**

12 1. In April 2021, Heng started working as a dealer for Napa Valley Casino (NVC).

13 2. On or about April 1, 2021, the Bureau received an Application for Employee Category  
14 License: Commission Work Permit and Supplemental Information form (Supplemental)  
15 (collectively, Application) from Heng.

16 3. On or about April 14, 2021, the Commission issued temporary work permit number  
17 GEWP-002985 to Heng for his employment as a dealer at NVC. Heng’s temporary work permit  
18 was extended on August 4, 2021 and January 26, 2022.

19 4. On or about January 27, 2022, the Commission received a Level III Work Permit  
20 Initial Background Investigation Report (Background Report) on Heng from the Bureau. In its  
21 Background Report, the Bureau alleges that Heng failed to disclose derogatory gaming  
22 employment history (a termination from Lucky Chances) and provided misleading statements to  
23 the Bureau regarding his derogatory gaming employment history (the reason he left employment  
24 with Lucky Chances). Based on the foregoing, the Bureau recommends that the Commission  
25 deny Heng’s Application.

26 5. On or about March 24, 2022, the Commission voted to refer the consideration of  
27 Heng’s Application to a Gambling Control Act (Act) evidentiary hearing pursuant to CCR section  
28 12060(a).

1           6. On or about April 5, 2022, the Commission received a signed Notice of Defense form  
2 from Heng requesting an evidentiary hearing on the consideration of his Application. Heng also  
3 requested a Cambodian interpreter at the evidentiary hearing.

4           7. On or about June 30, 2022, the Commission sent a Notice of Hearing, via e-mail, to  
5 Attorney Lichtig and Deputy Attorney General Ronald Giusso. The hearing was set for January  
6 19, 2023 at 10:00 a.m.

7           8. On or about November 30, 2022, the Bureau sent a Statement of Reasons to Attorney  
8 Lichtig, via e-mail, and to the Commission. In the Statement of Reasons, the Bureau alleges two  
9 causes for denial of Heng’s Application: (1) Heng is disqualified from, and unqualified for,  
10 licensure because Heng failed to disclose that he was terminated from his position as a dealer at  
11 Lucky Chances, provided inaccurate and misleading information to the Bureau regarding the  
12 circumstances surrounding his termination, and failed to disclose required information that is  
13 material to his Application; and (2) Heng provided untrue and misleading statements to the  
14 Bureau in connection with the incident that led to his termination from Lucky Chances, and made  
15 statements that were inconsistent with, and omitted material facts provided in, a police report and  
16 other documentation. Based on the foregoing, the Bureau requests that the Commission deny  
17 Heng’s Application.

18           9. On or about December 7, 2022, the noticed Prehearing Conference was held before  
19 PO Patterson. Attorney Lichtig attended on behalf of Heng. DAG Crue attended on behalf of the  
20 Bureau.

21           10. On or about December 7, 2022, PO Patterson sent a Conclusion of Prehearing  
22 Conference letter, via e-mail, to Attorney Lichtig and DAG Crue.

23           11. The Commission heard this matter via Zoom video conference on January 19, 2023.  
24 PO Patterson closed the administrative record on January 19, 2023.

25 **Heng’s Employment History in Controlled Gambling**

26           12. Heng worked as a third-party proposition player for PT Gaming, LLC from October  
27 2015 to July 2017.

28           13. Heng worked as a dealer for San Pablo Lytton Casino from July 2017 to January 2018.

1           14. Heng worked as an Asian Games Dealer for Lucky Chances from January 19, 2018 to  
2 December 20, 2018. According to an Employee Change Form, Heng was terminated by Lucky  
3 Chances for “gross misconduct: engaging in personal financial transaction” on or about  
4 December 20, 2018.

5           15. According to Lucky Chances’ Incident Report (Incident Report), a dealer with Lucky  
6 Chances pressed the “deal” button on the shuffle machine, which caused the first hand of the deck  
7 to be dealt into the card tray of the machine. There were no players at the table at the time. The  
8 dealer peeked at the cards and left them in the tray. The dealer asked Heng to watch the table as  
9 the dealer purchased gaming chips from a Chip Runner. The dealer returned to the table and  
10 passed the gaming chips to Heng. Heng passed the gaming chips to an Assistant Asian Games  
11 Coordinator, who returned to the table and placed the gaming chips in the dealer’s tip box. The  
12 dealer removed the gaming chips from the tip box and placed them on the table. The Assistant  
13 Asian Games Coordinator then placed a \$500 wager on that hand, including \$400 on the “Pair  
14 Plus” bonus wager, which resulted in an approximate payout of \$2,500 including \$2,400 on the  
15 six-to-one “Pair Plus” bonus wager. This sequence of events is referred to in this Decision and  
16 Order as the “Incident.”

17           16. Following this Incident, the dealer and Assistant Asian Games Coordinator were  
18 terminated by Lucky Chances and arrested by the Colma Police Department. Heng was  
19 interviewed by Lucky Chances’ General Manager and claimed no knowledge of the cheating  
20 taking place. However, Heng was terminated by Lucky Chances for “engaging in personal  
21 financial transaction (passing of chips).”

22           17. According to the Colma Police Department Report (Police Report), after obtaining  
23 gaming chips from a Chip Runner, the dealer requested that Heng place a bet for him. Heng  
24 refused to place the bet and gave the gaming chips to a floor supervisor. Following an interview  
25 with Heng, the Colma Police Department “believed that Heng did not having working knowledge  
26 of the cheating.” Due to Heng’s limited involvement in the Incident, Heng was not arrested.

27           18. Heng worked as a Chip Seller/Dealer for Artichoke Joe’s Casino from December 2019  
28 to April 2021.

1 19. Heng worked as a dealer for NVC from May 2021 to the present.

2 **Heng's Application**

3 20. Heng's Application consists of two parts. The first part is three pages and contains  
4 five sections, including applicant information. Heng signed the first part of the Application on or  
5 about March 24, 2021.

6 21. The second part of the Application is the Supplemental, which is eight pages and  
7 contains nine sections. The Supplemental requires that the applicant disclose, among other things,  
8 their work history information.

9 22. Section (6) of the Supplemental requires an applicant to disclose their work history  
10 information. For each employer in the last ten years, the applicant is required to provide the  
11 reason for leaving employment. If the applicant was terminated, the applicant is required to  
12 explain the circumstances for the termination.

13 23. On the Supplemental, Heng disclosed that he worked for Lucky Chances from January  
14 20, 2018 to December 22, 2018. As his reason for leaving, Heng wrote "emagency." Heng's  
15 answer was inaccurate because he had been terminated by Lucky Chances for "gross misconduct:  
16 engaging in personal financial transaction." Given that Heng was terminated by Lucky Chances,  
17 he was required to provide the reason for the termination. However, by failing to disclose that he  
18 had been terminated, Heng did not provide the reason for his termination. The fact of, and details  
19 regarding, Heng's termination by Lucky Chances were discovered by the Bureau during its  
20 background investigation.

21 24. Section (9) of the Supplemental is a Declaration, signed by Heng on or about  
22 March 24, 2021, in which Heng declared under penalty of perjury that the information provided  
23 in the Supplemental was "true, accurate, and complete." However, the Supplemental contained  
24 information that was not true or accurate because Heng did not leave his employment with Lucky  
25 Chances due to an "emagency" [*sic*]. Additionally, the Supplemental was not complete because  
26 Heng failed to provide the reason for his termination by Lucky Chances.

27 **Heng's Communications with the Bureau**

28 25. On or about May 21, 2021, the Bureau informed Heng that during its background

1 investigation it determined that Heng was terminated by Lucky Chances. The Bureau requested  
2 that Heng provide a statement explaining: (1) the circumstances that led to the termination; and  
3 (2) why he did not disclose this termination on his Supplemental. The Bureau also asked Heng to  
4 provide the reason he left employment with Flying Food, which was Heng's employer from  
5 March 2014 to November 2014.

6 26. On or about May 26, 2021, Heng submitted a signed statement in response to the  
7 Bureau's May 21, 2021 inquiry. Regarding his reason for leaving Flying Food, Heng wrote:  
8 "emergency, go back to Cambodia." Heng did not provide a written response to the Bureau's  
9 questions regarding his termination by Lucky Chances until June 22, 2021. On or about June 22,  
10 2021, regarding his termination by Lucky Chances, Heng wrote: "I was no call no show and they  
11 terminated at me, (I missed out sorry)."

12 27. On or about June 30, 2021, the Bureau informed Heng that it had information that  
13 Heng was terminated by Lucky Chances due to "gross misconduct: engaging in personal financial  
14 transaction." The Bureau requested that Heng: (1) explain the discrepancy between this  
15 information and his statement that he "was no call no show and they terminated at me"; (2)  
16 explain in more detail why he did not disclose his termination by Lucky Chances on the  
17 Supplemental; and (3) provide a statement explaining, in detail, the circumstances that led to his  
18 termination.

19 28. On or about July 8, 2021, Heng responded to the Bureau's June 30, 2021 inquiry.  
20 Regarding his termination by Lucky Chances, Heng wrote that the reason for his termination was  
21 "breaking company transaction policies, loaning money to my co-worker." Regarding his failure  
22 to disclose the termination on his Supplemental, Heng wrote: "I did not fully understood the  
23 question."

24 29. On or about July 9, 2021, the Bureau wrote to Heng that his response "I did not fully  
25 understood the question" is not sufficient. The Bureau also stated "I missed out" does not provide  
26 an explanation and that Heng's initial response "emagency" [*sic*] was misleading. The Bureau  
27 again asked Heng to explain why he did not tell the Bureau that he was terminated by Lucky  
28 Chances.

1           30. In a signed but undated letter to the Bureau, Heng provided the following statement  
2 regarding the circumstances surrounding his termination by Lucky Chances and why he failed to  
3 disclose it on his Supplemental:

4  
5           “I apologize, I was embarrassed about how I was terminated, I did  
6 not intend to mislead. In the end I was terminated for “gross  
7 misconduct: engaging in a personal financial transaction” on  
8 12/20/2018. I was seen on camera handing \$500 in chips to a  
9 floorman while working on the gaming floor, though they were not  
10 my funds I was terminated none the less. The incident involved a  
11 dealer and a floorman, the dealer had asked to borrow money  
12 which I did not have at the time. The dealer then asked for a break  
13 to go to the restroom, the floorman had me stand for him at the  
14 table. When the dealer returned he discreetly handed me \$500 in  
15 chips and asked me to bet for him, I declined, as I walked away he  
16 then asked that I give the \$500 to a floorman, which is the personal  
17 transaction that caused my termination even though they were not  
18 my funds and I had no involvement.”

19           31. On or about January 26, 2022, Heng submitted a written statement to the Bureau in  
20 Cambodian. The Bureau had the statement translated into English. The English translation  
21 provides as follows:

22           “The occurrence took place at the Lucky Chances Casino was not  
23 totally my fault. The reason I signed the letter of discontinue  
24 employment at that time, because I did not understand the meaning  
25 and the content in the letter. All my statements given to the Bureau  
26 of Investigation at that time were incomplete and incorreced based  
27 on the questions presented to me, because of my limited  
28 knowledge of English language I did not completely understand all  
the questions. Therefore, I would like to request the Bureau of  
Investigation to pardon me of my unintentional mistake and  
provide employment authorization, so I can get job to get income  
to support my family and children to continue their education.”

### 29 **Andrea Farris’s Testimony During the Evidentiary Hearing**

30           32. Andrea Farris (Farris) is a Staff Services Manager I for the Bureau. During the  
31 evidentiary hearing, Farris testified that she oversees five employees that conduct background  
32 investigations on key employee and work permit applicants. Farris testified that the background  
33 investigation of Heng was assigned to an analyst. Information submitted by Heng was reviewed  
34 by the analyst, who identified questions for Heng and drafted letters to request responses to those

1 questions. Farris testified that she was involved in the background investigation of Heng and  
2 completion of the Bureau's Background Report. Farris also testified that she was familiar with the  
3 documents produced in this matter. Farris testified that the Bureau sent an employment  
4 verification request to Lucky Chances and it responded that Heng was terminated. Farris testified  
5 that the Bureau is requesting denial of Heng's Application because he failed to disclose his  
6 termination by Lucky Chances and provided misleading information regarding the reason for  
7 leaving Lucky Chances.

### 8 **Heng's Testimony During the Evidentiary Hearing**

9 33. During the evidentiary hearing, Heng testified that he does not dispute that he was  
10 terminated by Lucky Chances. Heng testified that he did not disclose his termination by Lucky  
11 Chances on his Application and that he wrote "emagency" [*sic*] on the Supplemental as his reason  
12 for leaving Lucky Chances. Heng stated that he thought writing "emagency" [*sic*] as the reason  
13 for leaving Lucky Chances was sufficient. Heng testified that he wrote "no call no show" in a  
14 subsequent letter to the Bureau as his reason for leaving Lucky Chances. Heng admitted that his  
15 statements "emagency" [*sic*] and "no call no show" were not the truth. Heng testified that he  
16 provided these answers to the Bureau because he was worried that his termination by Lucky  
17 Chances would interfere with his work at NVC.

18 34. Heng later testified that he wrote "no call no show" because he did not do anything  
19 wrong and that it was not his fault that he was terminated. Heng subsequently testified that he  
20 wrote "no call no show" because he had difficulty explaining the truth to the Bureau and  
21 Commission. Later, Heng testified that he knew "no call no show" was untruthful when he wrote  
22 it. Heng later testified that he did not explain the whole truth about the termination because the  
23 termination was not his fault.

24 35. Heng also testified that he provided different answers to the question of why he left  
25 Lucky Chances because he does not understand much English and did not know how to report it  
26 the right way in English. Heng testified that he thought that "emagency" [*sic*] would be enough of  
27 an explanation. Heng testified that he thought "no call no show" was enough of an explanation  
28 until he received another e-mail from the Bureau and brought the e-mail to his manager at NVC,



1 and they told him that he did not answer the right way.

2 36. Heng later testified that he understood the Application but had difficulty writing  
3 responses. Heng testified that he can understand what he reads in English, but does not  
4 comprehend that well when speaking. Heng testified he filled out the entire Application himself  
5 and did not ask for any help in filling out the Application. Heng testified that he understood the  
6 question on the Supplemental asking about the reason for leaving employment. However, Heng  
7 testified that he did not understand the word “termination” until he received an e-mail from the  
8 Bureau and took the letter to his manager at NVC and asked for help. Heng testified that his  
9 signature appears on the Application and Supplemental.

10 37. Regarding the questions from the Bureau in its May 21, 2021 e-mail, Heng testified  
11 that he understood the questions and answered them, that no one helped him, and that he had seen  
12 the same kind of questions and applied for many jobs so he understood them. These questions  
13 included requests that Heng provide: (1) a signed and dated statement explaining the  
14 circumstances that led to your termination; and (2) a signed and dated statement explaining why  
15 you did not disclose this termination on your Supplemental.

16 38. Heng testified that it was not his intention to lie on the Application. Heng testified that  
17 he regrets not responding very well on his Application and to the Bureau and Commission. Heng  
18 also testified that he realized he should have put the truth on the Application after receiving the  
19 July 9, 2021 e-mail from the Bureau because he took the e-mail and spoke with his manager  
20 about his termination by Lucky Chances.

21 39. Regarding the Employee Change Form, Heng testified that his signature appears on  
22 the form notifying him of his termination.

23 40. When asked if he told Artichoke Joe’s Casino about his termination from Lucky  
24 Chances, Heng testified that he did not disclose the termination because he was afraid they would  
25 not hire him.

26 41. When asked about writing “emergency, Cambodia” as his reason for leaving Flying  
27 Food, Heng testified that his family member in Cambodia was ill and he asked for emergency  
28 leave to fly to Cambodia. Flying Food told him that he cannot have time off because he is a new

1 worker. As a result, Heng quit his position at Flying Food.

2 **Jason Giannini's Testimony During the Evidentiary Hearing**

3 42. Jason Giannini (Giannini) is the Director of Operations at NVC. Giannini testified that  
4 he has worked for NVC since 2005, initially as a Chip Runner, then as a Dealer, then as a Floor  
5 Supervisor, and finally as the Director of Operations. Giannini testified that his job duties include  
6 assisting the General Manager in all aspects of the cardroom operations, including overseeing  
7 customer relations, staffing, scheduling, permitting and licensing of work permittees and key  
8 employees, serving on the anti-money laundering committee, and advising the General Manager  
9 and cardroom owners on various projects. Giannini testified that he was the Floor Supervisor over  
10 Heng until he became the Director of Operations.

11 43. Giannini testified that he was disheartened after reviewing the Incident Report and  
12 Police Report. Giannini testified that he was concerned that Heng had blatantly lied to the Bureau  
13 and questioned whether to retain Heng as an employee. However, Giannini also testified that he  
14 no longer questions Heng's suitability. Giannini testified that Heng has not had any disciplinary  
15 incidents while working at NVC. Giannini testified that Heng has been an exemplary employee  
16 with strong character, that he is part of the NVC family, that he has their full support, and that he  
17 is liked by customers. Giannini testified that this was his first time testifying in support of an  
18 applicant.

19 44. Regarding the Incident and Heng's termination, Giannini testified that Heng was not  
20 involved in the cheating transaction at Lucky Chances. Giannini testified that although he  
21 believes that Heng understood that he was terminated, he also believes that Heng did not fully  
22 understand the Incident at Lucky Chances and that Heng was terminated even though he did not  
23 do anything wrong. Giannini testified that Heng lacked the ability to explain everything properly  
24 due to the language barrier, and that Heng had a lack of understanding regarding the application  
25 process. Giannini testified that Lucky Chances' management did not speak Heng's primary  
26 language when terminating him and that Heng did not have the Incident Report or Police Report  
27 when filling out his Application. Giannini also testified that he understands why Heng was  
28 hesitant with the truth and reluctant to share information. Giannini testified that it was an isolated

1 incident that does not reflect Heng’s character.

2 **Christopher Huang’s Letter of Reference**

3 45. Christopher Huang (Huang) is the General Manager of NVC. Huang submitted a letter  
4 of reference in support of Heng’s Application. Huang has worked with Heng since April 2021.  
5 Huang wrote that Heng is reliable, an invaluable member of the team, and an upstanding  
6 employee. Huang wrote that Heng is one of the hardest working people he has known and that  
7 Heng assisted NVC on many occasions by working with little or no notice during the pandemic  
8 when there were staff shortages. Huang also wrote that he would value the opportunity to keep  
9 working with Heng.

10 **Arthur Van Loon’s Letter of Reference**

11 46. Arthur Van Loon (Van Loon) submitted a letter of reference in support of Heng’s  
12 Application. Van Loon wrote that he has known Heng for approximately nine years. Van Loon  
13 wrote that he has tremendous respect for Heng as a person, and that Heng is honest and caring.  
14 Van Loon wrote that Heng worked hard to support his wife and sons in Cambodia and was  
15 recently able to migrate them to the United States. Van Loon wrote that Heng stayed at his house  
16 while working for PT Gaming and was helpful, kind, and has integrity.

17 Assessment of Heng’s Suitability for Licensure

18 47. For the reasons provided below, the Commission finds that Heng is disqualified from  
19 licensure. The Commission also finds that Heng has failed to meet his burden of proving his  
20 qualifications for licensure. Therefore, cause exists to deny Heng’s Application.

21 *Heng Failed to Provide Information Required by the Act*

22 48. All of the information requested on the application has been considered through the  
23 legislative and regulatory processes and determined necessary in order for the Commission to  
24 discharge its duties properly. An applicant is neither expected, nor permitted, to determine the  
25 importance of the information requested, and instead is required to provide true, accurate, and  
26 complete information as requested. To address any issues in completing the application, and to  
27 ensure that the information disclosed on an application is “true, accurate, and complete,” the  
28 burden is on the applicant to carefully and thoroughly read the application, and to seek assistance

1 with filling out the application if necessary. The applicant is responsible for both the information  
2 they disclose, and for failing to disclose required information, on the application. The applicant  
3 maintains this burden even if the applicant does not understand a question on the application.

4 49. Heng was required to disclose the reason he left employment with Lucky Chances on  
5 the Supplemental. Since Heng was terminated by Lucky Chances, Heng was also required to  
6 explain the circumstances for the termination. The Bureau only determined that Heng had been  
7 terminated from Lucky Chances through conducting its background investigation. On his  
8 Supplemental, Heng disclosed that his reason for leaving Lucky Chances was “emagency” [sic].  
9 By failing to disclose his termination from Lucky Chances, and the circumstances for the  
10 termination, Heng failed to provide information required by the Act. By failing to provide  
11 information required by the Act on his Supplemental, Heng’s Application is subject to denial  
12 pursuant to Business and Professions Code section 19859(b) and CCR section 12040(a)(2).

13 *Heng Failed to Reveal Facts Material to Qualification*

14 50. The existence of, and details regarding, an applicant’s work history, and particularly  
15 their work history in controlled gambling, are facts material to the qualification for licensure of an  
16 applicant. For instance, they may affect the assessment of the applicant’s general character,  
17 honesty, integrity, and/or ability to participate in controlled gambling. They may lead to a finding  
18 that the issuance of a license to such an applicant would be inimical to public health, safety, or  
19 welfare, or undermine public trust that the gambling operations with respect to which the license  
20 would be issued are free from criminal and dishonest elements, and would be conducted honestly.  
21 An applicant’s work history, and particularly their work history in controlled gambling, may be  
22 sufficient to support a factual finding and legal conclusion that the applicant poses a threat to the  
23 public interest of this state, to the effective regulation and control of controlled gambling, or  
24 creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities  
25 in the conduct of controlled gambling or in the carrying on of the business and financial  
26 arrangements thereto.

27 51. Heng failed to disclose his termination by Lucky Chances on his Supplemental.  
28 Additionally, and as a direct result of failing to disclose his termination, Heng failed to explain

1 the circumstances for his termination on his Supplemental. As provided above, these details are  
2 facts material to Heng's qualifications for licensure. By failing to disclose his termination by  
3 Lucky Chances and the circumstances for the termination on his Supplemental, Heng failed to  
4 reveal facts material to his qualifications for licensure. By failing to reveal facts material to his  
5 qualifications for licensure, Heng's Application is subject to denial pursuant to Business and  
6 Professions Code section 19859(b) and CCR section 12040(a)(2).

7 *Heng Supplied Information that is Untrue or Misleading as to a Material Fact Pertaining to the*  
8 *Qualification Criteria*

9 52. As stated previously, the existence of, and details regarding, an applicant's work  
10 history, and particularly their work history in controlled gambling, are facts material to the  
11 qualification for licensure of an applicant. On his Supplemental, Heng disclosed that his reason  
12 for leaving his employment with Lucky Chances was "emagency" [sic]. Heng's response was  
13 untrue because he had been terminated by Lucky Chances. In response to an inquiry from the  
14 Bureau regarding his termination from Lucky Chances, on or about June 22, 2021, Heng wrote: "I  
15 was no call no show and they terminated at me, (I missed out sorry)." Although Heng admitted  
16 that he had been terminated, Heng's response regarding the reason for his termination was untrue  
17 because he had been terminated for "gross misconduct: engaging in personal financial  
18 transaction" and not because he was "no call no show." By supplying untrue information on his  
19 Supplemental, and additional untrue information in response to the Bureau's inquiry during its  
20 background investigation, Heng supplied information that is untrue regarding a material fact  
21 pertaining to the qualification criteria for licensure. As a result, Heng's Application is subject to  
22 denial pursuant to Business and Professions Code section 19859(b) and CCR section 12040(a)(2).

23 *Heng Failed to Meet His Burden of Demonstrating that he is a Person of Good Character,*  
24 *Honesty, and Integrity*

25 53. An applicant demonstrates good character, honesty, and integrity by providing  
26 truthful, accurate, and complete responses on their Application and Supplemental, in response to  
27 Bureau inquiries during the Bureau's background investigation, and while testifying during the  
28 evidentiary hearing. An applicant also demonstrates good character and integrity by accepting

1 responsibility for their actions.

2 54. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity  
3 by omitting pertinent information, and providing untrue, misleading, and/or contradictory  
4 information on their Application and Supplemental, in response to Bureau inquiries, and while  
5 testifying during the evidentiary hearing. An applicant also demonstrates a lack of good character  
6 and integrity by failing to take responsibility for their actions through the use of untrue and/or  
7 unsupported excuses.

8 55. Heng demonstrated a lack of good character, honesty, and integrity based on each of  
9 the following:

- 10 (a) Heng failed to disclose his termination by Lucky Chances and explain the reason  
11 for his termination on his Supplemental;
- 12 (b) Heng provided untrue information when he wrote “emagency” [*sic*] as his reason  
13 for leaving his employment with Lucky Chances on his Supplemental when he had  
14 been terminated;<sup>1</sup>
- 15 (c) Heng provided untrue information when he wrote “no call no show” as his reason  
16 for leaving employment with Lucky Chances in response to a Bureau inquiry  
17 during its background investigation when he had been terminated for “gross  
18 misconduct: engaging in personal financial transaction”;
- 19 (d) Heng provided misleading information and omitted material information regarding  
20 his termination when he wrote “breaking company transaction policies, loaning  
21 money to my co-worker” in response to a subsequent Bureau inquiry regarding the  
22 reason for Heng’s termination. Heng was terminated for “gross misconduct:  
23 engaging in a personal financial transaction,” but that financial transaction was not  
24 Heng loaning money to a co-worker. The “personal financial transaction” involved  
25 Heng passing gaming chips from a dealer to an Assistant Asian Games

26  
27 <sup>1</sup> Heng appears to have known what “emergency” meant given that he wrote “emergency, Cambodia” as his reason  
28 for leaving Flying Food to explain that his family member in Cambodia was ill and that he asked for emergency leave to fly to Cambodia.

1 Coordinator, which resulted in the wagering of those gaming chips in a cheating  
2 incident. In a subsequent written statement to the Bureau, Heng states that the  
3 gaming chips he handed to “the floorman” were not his funds. Thus, Heng did not  
4 loan money to a co-worker. Following the investigation of the wager, the dealer  
5 and Assistant Asian Games Coordinator were terminated by Lucky Chances and  
6 arrested by the Colma Police Department for theft. Even though Heng was  
7 determined not to be involved in the Incident, Heng omitted pertinent details  
8 regarding his role in the Incident and the “personal financial transaction” that  
9 resulted in his termination in his responses to the Bureau’s written inquiries;

10 (e) Heng provided untrue, misleading, and/or contradictory statements when he wrote  
11 to the Bureau “I did not fully understood the question” as his reason for failing to  
12 disclose the termination on his Supplemental. In a subsequent letter to the Bureau,  
13 Heng wrote that his reason for failing to disclose his termination on the  
14 Supplemental was embarrassment about how he was terminated. During the  
15 evidentiary hearing, Heng testified that he wrote “emagency” [*sic*] and “no call no  
16 show” as his reasons for leaving employment with Lucky Chances because he was  
17 worried that his termination would interfere with his work at NVC. Heng also  
18 testified that he understood the Application, filled out the entire Application  
19 himself, did not ask for any help in filling out the Application, and that he  
20 understood the question on the Supplemental asking about the reason for leaving  
21 employment with Lucky Chances;

22 (f) Heng provided untrue, misleading, and/or contradictory statements when he wrote  
23 to the Bureau that “all my statements given to the Bureau of Investigation at that  
24 time were incomplete and uncorrected [*sic*] based on the questions presented to me,  
25 because of my limited knowledge of English language I did not completely  
26 understand all the questions.” As provided above, in a subsequent letter to the  
27 Bureau, Heng wrote that his reason for failing to disclose his termination on the  
28 Supplemental was embarrassment about how he was terminated. During the

1 evidentiary hearing, Heng testified that he wrote “emagency” [*sic*] and “no call no  
2 show” as his reasons for leaving employment with Lucky Chances because he was  
3 worried that his termination would interfere with his work at NVC. Heng also  
4 testified that he understood the Application, filled out the entire Application  
5 himself, and did not ask for any help in filling out the Application. Heng testified  
6 that he understood the question on the Supplemental asking about the reason for  
7 leaving employment with Lucky Chances. Heng also admitted that he understood  
8 the questions asked by the Bureau in its May 21, 2012 e-mail. Heng testified that  
9 he answered the questions, that no one helped him, and that he had seen the same  
10 kind of questions and applied for many jobs so he understood the questions; and  
11 (g) Heng provided untrue, misleading, and/or contradictory statements while testifying  
12 under oath throughout the evidentiary hearing. At various points during the  
13 evidentiary hearing, Heng testified as follows:

- 14 (1) That his statements “emagency” [*sic*] and “no call no show” as his reasons for  
15 leaving Lucky Chances were not the truth;
- 16 (2) That he wrote untruthful responses because he was worried that his termination  
17 by Lucky Chances would interfere with his work at NVC;
- 18 (3) That he wrote “no call no show” because he did not do anything wrong and it  
19 was not his fault he was terminated;
- 20 (4) That he wrote “no call no show” because he had difficulty explaining the truth  
21 to the Bureau and Commission;
- 22 (5) That he knew “no call no show” was untruthful when he wrote it;
- 23 (6) That he provided different answers regarding why he left Lucky Chances  
24 because he does not understand much English and did not know how to report  
25 it the right way in English;
- 26 (7) That he thought “emagency” [*sic*] would be enough of an explanation  
27 regarding why he left Lucky Chances; and
- 28 (8) That he thought “no call no show” was enough of an explanation regarding





1 in making its determination on Heng’s Application.

2 LEGAL CONCLUSIONS

3 *Applicable Statutes and Regulations*

4 61. Division 1.5 of the Business and Professions Code, the provisions of which govern the  
5 denial of licenses on various grounds, does not apply to licensure decisions made by the  
6 Commission under the Act. Business and Professions Code section 476(a).

7 62. The Act is an exercise of the police power of the state for the protection of the health,  
8 safety, and welfare of the people of the State of California, and shall be liberally construed to  
9 effectuate those purposes. Business and Professions Code section 19971.

10 63. Public trust that permissible gambling will not endanger public health, safety, or  
11 welfare requires that comprehensive measures be enacted to ensure that gambling is free from  
12 criminal and corruptive elements, that it is conducted honestly and competitively, and that it is  
13 conducted in suitable locations. Business and Professions Code section 19801(g).

14 64. Public trust and confidence can only be maintained by strict and comprehensive  
15 regulation of all persons, locations, practices, associations, and activities related to the operation  
16 of lawful gambling establishments. Business and Professions Code section 19801(h).

17 65. The Commission has the responsibility of assuring that licenses, approvals, and  
18 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose  
19 operations are conducted in a manner that is inimical to the public health, safety, or welfare.  
20 Business and Professions Code section 19823(a)(1).

21 66. An “unqualified person” means a person who is found to be unqualified pursuant  
22 to the criteria set forth in Section 19857, and “disqualified person” means a person who is found  
23 to be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions  
24 Code section 19823(b).

25 67. The Commission shall have all powers necessary and proper to enable it fully and  
26 effectually to carry out the policies and purposes of this chapter. Business and Professions Code  
27 section 19824.

28 68. The Commission has the power to deny any application for a license, permit, or

1 approval for any cause deemed reasonable by the Commission. Business and Professions Code  
2 section 19824(b).

3 69. The Commission has the power to take actions deemed to be reasonable to ensure  
4 that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled  
5 gambling activities. Business and Professions Code section 19824(d).

6 70. The burden of proving his or her qualifications to receive any license from the  
7 Commission is on the applicant. Business and Professions Code section 19856(a); CCR section  
8 12060(j).

9 71. An application to receive a license constitutes a request for a determination of the  
10 applicant's general character, integrity, and ability to participate in, engage in, or be associated  
11 with, controlled gambling. Business and Professions Code section 19856(b).

12 72. In reviewing an application for any license, the commission shall consider whether  
13 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the  
14 license will undermine public trust that the gambling operations with respect to which the license  
15 would be issued are free from criminal and dishonest elements and would be conducted honestly.  
16 Business and Professions Code section 19856(c).

17 73. No gambling license shall be issued unless, based on all of the information and  
18 documents submitted, the Commission is satisfied that the applicant is a person of good character,  
19 honesty, and integrity. Business and Professions Code section 19857(a).

20 74. No gambling license shall be issued unless, based on all of the information and  
21 documents submitted, the Commission is satisfied that the applicant is a person whose prior  
22 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the  
23 public interest of this state, or to the effective regulation and control of controlled gambling, or  
24 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in  
25 the conduct of controlled gambling or in the carrying on of the business and financial  
26 arrangements incidental thereto. Business and Professions Code section 19857(b).

27 75. No gambling license shall be issued unless, based on all of the information and  
28 documents submitted, the Commission is satisfied that the applicant is a person that is in all other

1 respects qualified to be licensed as provided in this chapter. Business and Professions Code  
2 section 19857(c).

3 76. The Commission shall deny a license to any applicant who is disqualified for  
4 failure of the applicant to provide information, documentation, and assurances required by this  
5 chapter or requested by the chief, or failure of the applicant to reveal any fact material to  
6 qualification, or the supplying of information that is untrue or misleading as to a material fact  
7 pertaining to the qualification criteria. Business and Professions Code section 19859(b).

8 77. An application will be denied if the Commission finds that the applicant has not  
9 satisfied the requirements of Business and Professions Code section 19857. CCR section  
10 12040(a)(1).

11 78. An application will be denied if the Commission finds that any of the provisions of  
12 Business and Professions Code section 19859 apply to the applicant. CCR section 12040(a)(2).

13 79. The hearing need not be conducted according to technical rules relating to evidence  
14 and witnesses. Any relevant evidence may be considered, and is sufficient in itself to support a  
15 finding, if it is the sort of evidence upon which reasonable persons are accustomed to rely upon in  
16 the conduct of serious affairs, regardless of the existence of any common law or statutory rule that  
17 might make improper the admission of the evidence over objection in a civil action. Business and  
18 Professions Code section 19871(a)(4); CCR section 12060(g)(2).

19 80. An applicant for licensing or for any approval or consent required by this chapter,  
20 shall make full and true disclosure of all information to the department and the commission as  
21 necessary to carry out the policies of this state relating to licensing, registration, and control of  
22 gambling. Business and Professions Code section 19866.

23 81. The Bureau relies, in large part, on the applicant's disclosures while conducting a  
24 background investigation. The failure to honestly, accurately, and completely disclose  
25 information on an application subverts the Bureau's efforts to conduct a thorough and complete  
26 investigation. Business and Professions Code sections 19826(a) and 19866.

27 82. Both the substance of an applicant's disclosures, and the truthfulness and  
28 thoroughness of an applicant's disclosures, are considered by the Bureau in making a

1 recommendation as to the applicant’s suitability for licensure, and by the Commission in making  
2 a determination whether to approve or deny a license application. Business and Professions Code  
3 sections 19824(a) and (d), 19826(a), and 19866.

4 *Assessment of Heng’s Suitability for Licensure*

5 83. Heng failed to provide information required by the Act. Therefore, Heng is  
6 disqualified from licensure pursuant to Business and Professions Code section 19859(b) and his  
7 Application must be denied pursuant to CCR section 12040(a)(2).

8 84. Heng failed to reveal facts material to his qualification for licensure. Therefore, Heng  
9 is disqualified from licensure pursuant to Business and Professions Code section 19859(b) and his  
10 Application must be denied pursuant to CCR section 12040(a)(2).

11 85. Heng supplied information that is untrue regarding a material fact pertaining to the  
12 qualification criteria for licensure. Therefore, Heng is disqualified from licensure pursuant to  
13 Business and Professions Code section 19859(b) and his Application must be denied pursuant to  
14 CCR section 12040(a)(2).

15 86. Heng failed to meet his burden of demonstrating that he is a person of good character,  
16 honesty, and integrity. Therefore, Heng is unqualified for licensure pursuant to Business and  
17 Professions Code section 19857(a) and his Application must be denied pursuant to CCR section  
18 12040(a)(1).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Heng has the following appeal rights available under state law:

CCR section 12064, subsections (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. 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.

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.

CCR section 12066, subsection (c) provides, in part:

A decision of the Commission denying an application or imposing conditions or restrictions on a license after an evidentiary hearing will be subject to judicial review as provided in Business and Professions Code section 19870, subdivision (f). Neither the right to petition for judicial review nor the time for filing the petition will be affected by failure to seek reconsideration.

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**ORDER**

1. Bunny Heng’s Application for Employee Category License: Commission Work Permit is DENIED.

2. Heng’s temporary work permit number GEWP-002985 is void and cannot be used hereafter pursuant to CCR section 12122(d).

3. No costs are awarded.

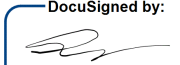
4. Each side to pay its own attorneys’ fees.

This Order is effective on May 1, 2023.

Dated: 3/30/2023 Signature:   
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Paula LaBrie, Chair

Dated: 3/30/2023 Signature:   
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Eric Heins, Commissioner

Dated: 3/30/2023 Signature:   
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William Liu, Commissioner

Dated: 3/30/2023 Signature:   
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Edward Yee, Commissioner