

BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval  
of Third-Party Proposition Player Services  
License Regarding:

KIN PING WONG

Respondent.

BGC Case No. BGC-HQ2017-000015SL  
CGCC Case No. CGCC-2017-0828-10B

**DECISION AND ORDER**

Hearing Date: March 21, 2018  
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, in Sacramento, California, on March 21, 2018.

Timothy Muscat (Muscat), Deputy Attorney General, Department of Justice, State of California, represented complainant Nathan DaValle, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Respondent Kin Ping Wong (Wong) appeared on her own behalf. Interpreter Jeff Chu (Chu) translated this matter into Cantonese for Wong.

During the evidentiary hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing, with enclosures, sent by the Commission to Wong, Becky Gray (Gray) of Metis TPS, LLC, and Muscat, via certified mail, on November 14, 2017.

During the evidentiary hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Bureau:

- (1) Statement to Respondent dated Jan 18, 2018; and Statement of Particulars dated Jan 12, 2018, Bates Nos. 001-013;
- (2) Notice of Hearing dated Nov 14, 2017, with attachments; Notice of Defense dated Sept 8, 2017; CGCC Referral of Application to Hearing dated Aug 31, 2017; Notice of Scheduled CGCC Meeting dated Aug 16, 2017; CGCC Conclusion of Prehearing Conference letter to Kin Ping

- 1 Wong dated Feb 6, 2018, Bates Nos. 014-043;
- 2 (3) BGC's Third-Party Player Background Investigation Report re Kin Ping
- 3 Wong dated July 2017, Bates Nos. 044-048;
- 4 (4) Los Angeles County Superior Court records of Kin Ping Wong and Wai
- 5 Hung Leung, Bates Nos. 049-105;
- 6 (5) BGC letter requesting additional information and attachments dated Mar 3,
- 7 2017 re Kin Ping Wong, Bates Nos. 106-120;
- 8 (6) Application for Third Party Proposition Player Services License for Kin
- 9 Ping Wong dated May 29, 2016, Bates Nos. 121-135; and
- 10 (7) Appointment of Designated Agent Metis TPS, LLC for Kin Ping Wong
- 11 dated May 29, 2016, two copies, Bates Nos. 136-137.

12 The matter was submitted on March 21, 2018.

13 FINDINGS OF FACT

- 14 1. On or about June 16, 2016, Wong submitted an Application for Third-Party
- 15 Proposition Player Services License for Supervisor, Player, or Other Employee and a Level I
- 16 Supplemental Information form (collectively, Application) to the Bureau.
- 17 2. In July 2017, the Bureau submitted a Third-Party Player Background Investigation
- 18 Report to the Commission. In this report, the Bureau recommends that the Commission approve
- 19 Wong's Application.
- 20 3. At its August 28, 2017 meeting, the Commission voted to refer consideration of
- 21 Wong's Application to a Gambling Control Act evidentiary hearing.
- 22 4. On or about September 8, 2017, Wong submitted a signed Notice of Defense to the
- 23 Commission requesting an evidentiary hearing on the consideration of her Application.
- 24 5. On or about November 14, 2017, the Commission sent a Notice of Hearing, via
- 25 certified mail, to Wong, Gray, and Muscat.
- 26 6. On or about January 18, 2018, the Bureau sent a Statement of Particulars to the
- 27 Commission and served the Statement of Particulars on Wong via certified mail. In its Statement
- 28

1 of Particulars, the Bureau recommends that the Commission approve Wong's Application.

2 7. On or about February 6, 2018, the noticed Prehearing Conference was held before  
3 Presiding Officer Jason Pope, Attorney III of the Commission. Deputy Attorney General Muscat  
4 appeared on behalf of the Bureau. Respondent Wong appeared on her own behalf. An interpreter  
5 translated the information during the Prehearing Conference into Cantonese for Wong.

6 8. Also on or about February 6, 2018, the Commission sent a Conclusion of  
7 Prehearing Conference letter to Wong and Muscat.

8 9. The Commission heard CGCC Case No. CGCC-2017-0828-10B on March 21,  
9 2018. The Bureau was represented throughout the hearing by Deputy Attorney General Muscat.  
10 Respondent Wong appeared on her own behalf. Wong received the assistance of Interpreter Chu  
11 throughout the hearing.

12 10. Wong currently works as a third party proposition player for Metis TPS, LLC. She  
13 has worked as a third party proposition player since January 2006, a period of more than 12 years.

14 11. On or about October 16, 1996, Wong was convicted of violating Penal Code  
15 section 550(a)(4), filing a false claim regarding the loss of a motor vehicle, a felony, in the case of  
16 *People of the State of California v. Kin Ping Wong* (Super. Ct. Los Angeles County, 1996, Case  
17 No. BA 129658). Wong disclosed the conviction on her Application. Wong was sentenced to  
18 three years of probation and ordered to pay a fine and perform community service. Wong  
19 successfully completed probation.

20 12. On or about October 22, 2004, Wong successfully petitioned the Superior Court of  
21 the State of California, County of Los Angeles, to have her felony conviction reduced to a  
22 misdemeanor pursuant to Penal Code section 17(b), and then had the conviction set aside and  
23 dismissed pursuant to Penal Code section 1203.4.

24 13. On or about June 8, 2017, Wong submitted a written statement to the Bureau  
25 regarding the circumstances surrounding her conviction. In her written statement, Wong states  
26 that she bought a car for her ex-husband<sup>1</sup> under her name because he had no credit. Wong's ex-

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27 <sup>1</sup> Wong was married to her ex-husband from 1989 to 2011. He was her husband at the time of the loan and her conviction, but not  
28 at the time of her application or hearing. For the purposes of this decision we will refer to him as her ex-husband.

1 husband attempted to cheat the insurance company by filing an insurance claim on the basis that  
2 the motor vehicle was lost. Wong was arrested because the motor vehicle was registered under  
3 her name.

4 14. During the evidentiary hearing, Wong testified regarding the circumstances  
5 surrounding her conviction. Wong testified that her ex-husband told her that he had no credit to  
6 buy a motor vehicle and asked if he could use her credit to purchase a motor vehicle. Wong  
7 agreed and her ex-husband purchased a motor vehicle under her name and with her credit. A few  
8 months later, Wong's ex-husband told her that the motor vehicle had been lost after being stolen.  
9 The police investigated and arrested her ex-husband. After the arrest, Wong learned that her ex-  
10 husband had filed an insurance claim. Wong testified that she did not participate in the filing of  
11 the false insurance claim. Wong plead guilty to filing a false claim regarding the loss of a motor  
12 vehicle on the advice of her attorney, who stated that she would have to plead guilty because the  
13 motor vehicle was registered under her name. Wong's testimony regarding the circumstances  
14 surrounding her conviction was credible.

15 15. Wong also testified that her ex-husband received a sentence of 365 days in county  
16 jail as a result of his felony conviction of filing a false claim regarding the loss of a motor vehicle.  
17 Wong's ex-husband was sent home with an electronic tracking device after serving only 3 days in  
18 jail. The fact that Wong's ex-husband received a harsher sentence for the same criminal  
19 conviction supports Wong's testimony that her ex-husband was more culpable in filing the false  
20 insurance claim.

21 16. Regarding her work history, Wong testified that she has never been fired or  
22 disciplined at her job while working as a third party proposition player. Wong's testimony is  
23 supported by the fact that there was no evidence presented during the evidentiary hearing that  
24 Wong has ever been fired or had any employment-related disciplinary issues during her  
25 approximately 12 year career as a third party proposition player.

26 17. Filing a false claim regarding the loss of a motor vehicle is a serious crime and  
27 would usually reflect very poorly upon the character, honesty, and integrity of anyone convicted  
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1 of that crime. However, Wong's conviction of filing a false claim regarding the loss of a motor  
2 vehicle has extenuating circumstances. Wong did not originate or knowingly assist in the filing of  
3 the false insurance claim. Wong's guilty plea was based upon the advice of her attorney and the  
4 fact that the motor vehicle was registered in her name. As a result, Wong's conviction of filing a  
5 false claim regarding the loss of a motor vehicle does not significantly negatively impact the  
6 assessment of her character, honesty, and integrity.

7 18. Wong successfully completed probation and her petition to have her felony  
8 reduced to a misdemeanor and set aside and dismissed was granted by the court. A significant  
9 amount of time (21 years) has passed since the conviction and there was no evidence presented  
10 that Wong has had any prior or subsequent criminal convictions.

11 19. Wong demonstrated honesty and candor by disclosing the criminal conviction on  
12 her Application and her testimony regarding the circumstances surrounding her conviction  
13 appeared honest and credible.

14 20. Wong's successful completion of probation, her disclosure of the conviction on  
15 her Application, her candid and honest testimony during the hearing, the lack of any subsequent  
16 criminal conviction, and her lengthy work history in controlled gambling as a third party  
17 proposition player without any employment-related disciplinary issues all reflect positively upon  
18 Wong's character, honesty, and integrity.

19 21. In light of the foregoing, Wong has met her burden of demonstrating that she is a  
20 person of good character, honesty, and integrity.

21 22. Wong's criminal conviction is an isolated incident that had extenuating  
22 circumstances. Wong plead guilty to filing a false claim regarding the loss of a motor vehicle on  
23 the advice of her attorney and because the motor vehicle was purchased using her credit and  
24 registered in her name. Wong did not originate or knowingly assist in the filing of a false  
25 insurance claim. As a result, and given her lengthy history of working in controlled gambling  
26 without any employment-related disciplinary issues, Wong has also met her burden of  
27 demonstrating that she is a person whose prior activities, criminal record, reputation, habits, and  
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1 associations do not pose a threat to the public interest of this state, or to the effective regulation  
2 and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or  
3 illegal practices, methods, and activities in the conduct of controlled gambling or in the carrying  
4 on of the business and financial arrangements incidental thereto.

5 23. There was no evidence presented that Wong is ineligible for licensing as a third-  
6 party proposition player for any of the reasons provided in CCR section 12218.11.

7 24. All documentary and testimonial evidence submitted by the parties that is not  
8 specifically addressed in this Decision and Order was considered but not used by the Commission  
9 in making its determination on Wong's Application.

10 25. The matter was submitted for Commission consideration on March 21, 2018.

#### 11 LEGAL CONCLUSIONS

12 26. Division 1.5 of the Business and Professions Code, the provisions of which govern  
13 the denial of licenses on various grounds, does not apply to licensure decisions made by the  
14 Commission under the Gambling Control Act. Business and Professions Code section 476(a).

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

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

23 29. An "unqualified person" means a person who is found to be unqualified pursuant  
24 to the criteria set forth in Section 19857, and "disqualified person" means a person who is found  
25 to be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions  
26 Code section 19823(b).

27 30. The Commission has the power to deny any application for a license, permit, or  
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1 approval for any cause deemed reasonable by the Commission. Business and Professions Code  
2 section 19824(b).

3 31. 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 32. 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).

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

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

16 35. At an evidentiary hearing pursuant to Business and Professions Code sections  
17 19870 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove  
18 his or her qualifications to receive any license under the Gambling Control Act. CCR section  
19 12060(i).

20 36. 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 of good character,  
22 honesty, and integrity. Business and Professions Code section 19857(a).

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

3 38. The commission shall deny a license to any applicant who is disqualified for  
4 licensure. Business and Professions Code section 19859.

5 39. A requester shall be ineligible for licensing [as a third party proposition player] if  
6 the requester has failed to meet the requirements of Business and Professions Code sections  
7 19856 or 19857. CCR section 12218.11(e).

8 40. Wong has met her burden of proving that she is a person of good character,  
9 honesty, and integrity. Therefore, Wong is qualified to receive a third party proposition player  
10 license pursuant to Business and Professions Code section 19857(a). As a result, Wong is not  
11 ineligible to receive a third party proposition player license pursuant to CCR section 12218.11(e).

12 41. Wong has met her burden of proving that she is a person whose prior activities,  
13 criminal record, if any, reputation, habits, and associations do not pose a threat to the public  
14 interest of this state, or to the effective regulation and control of controlled gambling, or create or  
15 enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the  
16 conduct of controlled gambling or in the carrying on of the business and financial arrangements  
17 incidental thereto. Therefore, Wong is qualified to receive a third party proposition player license  
18 pursuant to Business and Professions Code section 19857(b). As a result, Wong is not ineligible  
19 to receive a third party proposition player license pursuant to CCR section 12218.11(e).

20 42. Wong has met her burden of proving that she is not disqualified from licensure  
21 pursuant to Business and Professions Code section 19859 nor ineligible for licensing as a third  
22 party proposition player pursuant to CCR section 12218.11.



ORDER

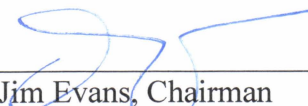
1  
2 1. Respondent King Ping Wong's Application for a Third-Party Proposition Player  
3 Services License for Supervisor, Player, or Other Employee is APPROVED.

4 2. No costs are to be awarded.

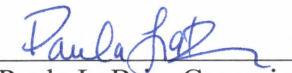
5 3. Each side to pay its own attorneys' fees.

6 This Order is effective on April 2, 2018.

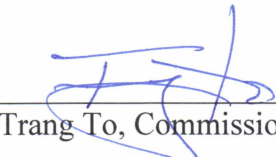
7 Dated: 4/2/18

8 Signature:   
Jim Evans, Chairman

9  
10 Dated: 4/2/18

11 Signature:   
Paula LaBrie, Commissioner

12 Dated: 4/2/18

13 Signature:   
Trang To, Commissioner

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