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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGADS-021604

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

AMY JIAO GUAN

Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: Thursday, November 19, 2020
Time: 10:00 a.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 Thursday, November 19, 2020 at 10:00 a.m.

2. Amy Jiao Guan (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about July 13, 2018, the Bureau of Gambling Control (Bureau) received an Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, from Applicant.

4. On or about January 21, 2020, the Bureau issued its Third-Party Player Background Investigation Report, Level III, in which it concluded that Applicant was unqualified for licensure pursuant to Business and Professions Code section 19857, subdivisions (a) and (b) and disqualified for licensure pursuant to Business and Professions Code section 19859, subdivision (d). The Bureau recommended that the Commission deny Applicant's application.

5. On February 19, 2020, the Commission's Executive Director referred consideration of the Applicant's application to a Gambling Control Act (GCA) hearing pursuant to 4 CCR section 12060, subdivision (a).

6. Applicant received notice of the Commission's consideration of Applicant's

1 application when Commission staff sent an evidentiary hearing referral letter by certified mail to
2 Applicant's address of record on or about February 19, 2020, which included a blank Notice of
3 Defense form with instructions to return it to the Commission within 15 days of receipt or the
4 Commission may issue a default decision.

5 7. Applicant timely submitted a signed Notice of Defense form requesting an
6 evidentiary hearing on the consideration of her Application. The Notice of Defense form was
7 signed by Applicant on or about February 28, 2020 and also notified the Commission that she was
8 represented by counsel, Meei-Ling Chen, Esq.

9 8. Applicant's Registration, Number TPPL-021604, expired on June 30, 2020 and
10 Applicant did not apply to renew it.

11 9. Applicant received notice of Commission consideration of Applicant's application
12 through notice of the hearing sent certified mail on September 15, 2020 to Applicant's attorney
13 which stated that the hearing was set to occur on November 6, 2020 at 10:00 a.m.

14 10. On September 2, 2020, Ms. Chen, on Applicant's behalf, made a written request to
15 withdraw Applicant's request for an evidentiary hearing, thereby waiving the rights listed under 4
16 CCR sections 12052(c)(2)(D) and 12060. A copy of the September 2, 2020 correspondence from
17 Applicant's attorney is attached hereto as Exhibit A.

18 11. As a result of Applicant's request to withdraw her request for a hearing, on
19 September 8, 2020, Commission staff notified Applicant's attorney that the Commission removed
20 the evidentiary hearing on Applicant's application from the November 6, 2020 calendar. The
21 September 8, 2020 correspondence also provided notice that a default hearing was scheduled on
22 the application for Thursday, November 19, 2020 by means of video conference using Zoom and
23 provided information on how to participate in or view the hearing.

24 **DETERMINATION OF ISSUES**

25 12. An application to receive a license constitutes a request for a determination of the
26 applicant's general character, integrity, and ability to participate in, engage in, or be associated
27 with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)
28

1 reports by the Bureau and any other documents or testimony already provided to it in this matter
2 as required by Business and Professions Code section 19870(a) and CCR section
3 12052(c)(2)(F)(1).

4 20. The Commission has jurisdiction to adjudicate this case by default.

5 21. The Commission may deny Applicant's application based upon the Bureau report,
6 any supplemental reports by the Bureau and any other documents or testimony already provided
7 to it, pursuant to CCR section 12052(c)(2)(F)(1) and Business and Professions Code sections
8 19857 and 19859.

9 22. The Commission may also deny Applicant's application based upon Applicant's
10 failure to prove to the Commission that Applicant is qualified to receive a license or other
11 approval as required by Business and Profession Code section 19856(a) and CCR section
12 12060(i).

13 23. Therefore, as the Applicant submitted a written waiver of her right to an
14 evidentiary hearing, did not attend the default hearing, and did not submit any information or
15 evidence in favor of granting her application, Applicant did not meet her burden of demonstrating
16 why a license should be issued pursuant to Business and Professions Code section 19856(a) and
17 CCR section 12060(i). The Commission further finds that pursuant to CCR section
18 12052(c)(2)(F)(1), Applicant's application is subject to denial.

19 24. In addition, as Applicant's application is subject to denial, Applicant would no
20 longer be eligible for a registration under Title 4, CCR section 12204, subdivision (d) and
21 Applicant's current registration is subject to cancellation pursuant to Title 4, CCR section 12205,
22 subdivision (a).

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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, 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 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

1. AMY GUAN’S Application for Approval of Third-Party Proposition Player Services License is DENIED.

2. AMY GUAN may not apply to the Commission or the Bureau for any type of license, registration, or work permit for one (1) year after the effective date of this Order.
This Order is effective on December 21, 2020.

Dated: 11-19-2020

Signature: 

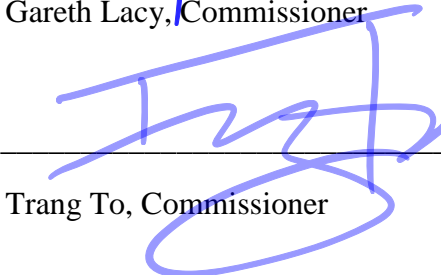
Paula LaBrie, Commissioner

Dated: 11/19/20

Signature: 

Gareth Lacy, Commissioner

Dated: 11/19/20

Signature: 

Trang To, Commissioner

EXHIBIT A

From: mchen@mlclawoffices.com [mailto:mchen@mlclawoffices.com]
Sent: Wednesday, September 2, 2020 4:37 PM
To: Mathauser, Pamela <pmathauser@cgcc.ca.gov>; 'Noel A. Fischer' <Noel.Fischer@doj.ca.gov>
Subject: RE: Evidentiary Hearing for Amy Guan

Hi Ms. Mathauser and Ms. Fischer,

Please be advised that Amy Guan, through this office, would like to withdraw her request for a hearing scheduled on November 6, 2020. Thanks.

Meei-Ling Chen, A Professional Law Corp.
19803 Valley Boulevard
Walnut, CA 91789
(626) 854-6616 (O)
(909) 869-8869 (O)
(909) 869-8867 (F)
mchen@mlclawoffices.com

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