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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

VICTOR ESPINOZA-DOWNEY

Respondent.

BGC Case No. BGC-HQ2021-00036SL

CGCC Case No. GCADS-TPPL-024823

DECISION AND ORDER

Hearing Date: July 14, 2022

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, and in satellite locations located in San Francisco and Chino, California, and held via Zoom video conference, on July 14, 2022.

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

Respondent Victor Espinoza-Downey (Espinoza-Downey) did not attend the evidentiary hearing. Espinoza-Downey’s Designated Agent, Melissa Ezaki (DA Ezaki), appeared and testified as a witness during 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) Espinoza-Downey’s Application, and (B) the Bureau’s background investigation report; the Commission’s Notice of Continued Hearing; the Bureau’s Statement of Reasons; and Espinoza-Downey’s signed Notice of Defense.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-10, Bates

1 Nos. BGC 001-141, as identified on the Bureau’s Exhibit Index, offered by the Bureau without
2 objection from Espinoza-Downey.

3 PO Patterson closed the administrative record and the matter was submitted for decision
4 on July 14, 2022.

5 FINDINGS OF FACT

6 **Procedural History**

7 1. In January 2020, Espinoza-Downey starting working as a third-party proposition
8 player for 2 Kings Gaming, Inc. (2 Kings), a registered third-party provider of proposition player
9 services.

10 2. On or about January 24, 2020, the Commission issued third-party proposition player
11 registration number TPPL-024823 to Espinoza-Downey for his employment as a third-party
12 proposition player for 2 Kings.

13 3. On or about March 2, 2020, the Bureau received an Application for Third-Party
14 Proposition Player Services Player License and Level I Supplemental Information form
15 (Supplemental) (collectively, Application) from Espinoza-Downey.

16 4. On or about May 28, 2021, the Commission received a Third-Party Player Initial
17 Background Investigation Report on Espinoza-Downey from the Bureau. In this report, the
18 Bureau recommends that the Commission deny Espinoza-Downey’s Application.

19 5. On or about July 16, 2021, the Executive Director of the Commission referred the
20 consideration of Espinoza-Downey’s Application to a Gambling Control Act (Act) evidentiary
21 hearing pursuant to CCR section 12060(a).

22 6. On or about July 16, 2021, the Commission sent a letter, via regular and certified
23 mail, to Espinoza-Downey notifying him that the Commission referred the consideration of his
24 Application to an evidentiary hearing.

25 7. On or about August 4, 2021, the Bureau received a signed Notice of Defense from
26 Espinoza-Downey requesting an evidentiary hearing on the consideration of his Application.

27 8. On or about January 21, 2022, the Commission sent a Notice of Hearing, via U.S.
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1 mail, to Espinoza-Downey, DA Ezaki, and DAG Waian. The hearing was set for May 11, 2022 at
2 10:00 a.m.

3 9. On or about March 25, 2022, the Bureau sent a Statement of Reasons to Espinoza-
4 Downey, DA Ezaki, and the Commission. In the Statement of Reasons, the Bureau alleges the
5 following two causes for denial: (1) Espinoza-Downey was convicted of a crime involving moral
6 turpitude; and (2) Espinoza-Downey failed to disclose details of his misdemeanor conviction on
7 his Application. Based on the foregoing, the Bureau requests that the Commission deny Espinoza-
8 Downey's Application.

9 10. On or about March 29, 2022, the noticed Prehearing Conference was held before
10 PO Patterson. Espinoza-Downey and DA Ezaki attended. DAG Waian attended on behalf of the
11 Bureau.

12 11. On or about April 1, 2022, PO Patterson sent a Conclusion of Prehearing
13 Conference letter, via e-mail and U.S. mail, to Espinoza-Downey and DAG Waian, and via e-mail
14 only to DA Ezaki.

15 12. On or about May 17, 2022, the Commission sent a Notice of Continued Hearing, via
16 U.S. mail, to Espinoza-Downey, DA Ezaki, and DAG Waian. The hearing was continued to July
17 14, 2022 at 10:00 a.m.

18 13. The Commission heard this matter via Zoom video conference on July 14, 2022. PO
19 Patterson closed the administrative record on July 14, 2022.

20 **Espinoza-Downey Failed to Attend the Evidentiary Hearing**

21 14. Espinoza-Downey failed to attend this evidentiary hearing despite submitting a Notice
22 of Defense requesting an evidentiary hearing on the consideration of his Application. Espinoza-
23 Downey also did not submit any information or evidence in support of his Application during the
24 hearing.

25 **Espinoza-Downey's Employment History in Controlled Gambling**

26 15. Espinoza-Downey worked as a third-party proposition player for 2 Kings starting in
27 January 2020. Espinoza-Downey is no longer employed by 2 Kings.

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1 **Espinoza-Downey’s Criminal History**

2 16. On or about January 22, 2020, Espinoza-Downey was convicted by the Merced
3 County Superior Court of violating Vehicle Code section 20001(b)(1), hit and run resulting in
4 injury, a misdemeanor, in the case *People v. Espinoza-Downey*, Case Number 19CR-05880.
5 Espinoza-Downey was sentenced to 60 days in jail, three years of probation, and ordered to pay a
6 fine. The starting date of Espinoza-Downey’s probation was January 22, 2020.

7 17. On or about February 26, 2020, Espinoza-Downey appeared in the Superior Court of
8 Merced County and requested additional time “in regards to jail turn in.” The court granted the
9 request and the start date for Espinoza-Downey to serve jail time was continued to March 27,
10 2020. This court appearance did not result in any change, continuance, or postponement of the
11 commencement date of Espinoza-Downey’s probation.

12 18. There was no evidence provided during the hearing that Espinoza-Downey had
13 received relief from his conviction pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal
14 Code.

15 **Espinoza-Downey’s Application**

16 19. Espinoza-Downey’s Application consists of two parts. The first part is two pages and
17 contains four sections, including applicant information. Espinoza-Downey signed the first part of
18 the Application on or about February 12, 2020.

19 20. The second part of the Application is the Supplemental, which is nine pages and
20 contains four sections. The Supplemental requires that the applicant disclose, among other things,
21 their criminal history information.

22 21. Section (4) of the Supplemental required Espinoza-Downey to disclose his criminal
23 history information. Espinoza-Downey checked the box marked “yes” to Question (2) which
24 asked, “Have you been convicted of a misdemeanor within the last 10 years?” Espinoza-
25 Downey’s answer was accurate because he had been convicted of a misdemeanor within the last
26 10 years. By answering Question (2) in the affirmative, Espinoza-Downey was required to
27 provide details regarding the conviction, including the date of the conviction, the arresting
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1 agency's location, the original charge, the final charge, the court location, the case number, and
2 the disposition. Espinoza-Downey did not provide any details regarding the conviction on the
3 Supplemental. The details of Espinoza-Downey's criminal conviction were discovered by the
4 Bureau during its background investigation.

5 22. Espinoza-Downey checked the box marked "no" to Question (3) on the Supplemental
6 which asked, "Are you currently on probation?" Espinoza-Downey's answer was not accurate
7 because Espinoza-Downey was on probation (starting on January 22, 2020) at the time he filled
8 out the Supplemental (February 10, 2020).

9 23. The Supplemental includes a Declaration, signed by Espinoza-Downey on or about
10 February 10, 2020, in which Espinoza-Downey declared under penalty of perjury that the
11 foregoing information in the Supplemental was "true, correct, and complete." However, the
12 Supplemental contained information that was not true or correct because Espinoza-Downey
13 inaccurately stated that he was not currently on probation at the time he filled out the
14 Supplemental. Additionally, the Supplemental was not complete because Espinoza-Downey
15 failed to provide the details regarding his conviction on the Supplemental.

16 **Testimony of DA Ezaki**

17 24. DA Ezaki testified during the evidentiary hearing that Espinoza-Downey is no longer
18 employed by 2 Kings, but she did not know his last date of employment. DA Ezaki also testified
19 that she reached out to Espinoza-Downey several times since the hearing date was continued but
20 Espinoza-Downey never responded.

21 Assessment of Espinoza-Downey's Suitability for Licensure

22 25. For the reasons provided below, the Commission finds that Espinoza-Downey failed
23 to meet his burden of proving his qualifications for licensure. The Commission also finds that
24 Espinoza-Downey is disqualified from licensure. Therefore, cause exists to deny Espinoza-
25 Downey's Application.

26 *Espinoza-Downey Failed to Meet His Burden of Proving His Qualifications for Licensure*

27 26. The burden is on the applicant to demonstrate their qualifications and suitability for
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1 licensure. Espinoza-Downey did not attend this evidentiary hearing despite submitting a Notice of
2 Defense requesting an evidentiary hearing on the consideration of his Application. As a result,
3 DAG Waian and the Commissioners were not able to ask Espinoza-Downey any questions during
4 the hearing. Additionally, Espinoza-Downey's failure to attend and testify during the hearing
5 deprived the Commissioners from receiving and considering any testimony from Espinoza-
6 Downey and evaluating his demeanor while testifying under oath. Further, Espinoza-Downey did
7 not submit any information or evidence in support of his Application during the hearing. As a
8 result of Espinoza-Downey's failure to attend and participate in the evidentiary hearing, and his
9 failure to submit any information or evidence in support of his Application during the hearing,
10 Espinoza-Downey has failed to meet his burden of proving his qualifications for licensure.
11 Therefore, Espinoza-Downey's Application is subject to denial pursuant to Business and
12 Professions Code sections 19856 and 19857, and CCR section 12040(a)(1).

13 *Espinoza-Downey Failed to Provide Information Required by the Act*

14 27. All of the information requested on the Application has been considered through the
15 legislative and regulatory processes and determined necessary in order for the Commission to
16 discharge its duties properly. An applicant is neither expected, nor permitted, to determine the
17 importance of the information requested, and instead is required to provide true, accurate, and
18 complete information as requested.

19 28. An applicant who discloses a criminal conviction on an application for licensure is
20 required to provide details regarding the criminal conviction, including the arresting agency's
21 location, the original charge, the final charge, the court location, the case number, and the
22 disposition. Espinoza-Downey disclosed a criminal conviction on his Application. Espinoza-
23 Downey was then required to provide details regarding his criminal conviction but failed to do so.
24 The Bureau only determined the details of Espinoza-Downey's criminal conviction through
25 conducting its background investigation. Additionally, Espinoza-Downey did not appear at the
26 evidentiary hearing to explain or answer questions regarding his failure to provide the details of
27 his criminal conviction on his Application. By failing to provide any details of his criminal
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1 conviction on his Application, Espinoza-Downey has failed to provide information required by
2 the Act. By failing to provide information required by the Act on his Application, Espinoza-
3 Downey's Application is subject to denial pursuant to Business and Professions Code section
4 19859(b) and CCR section 12040(a)(2).

5 *Espinoza-Downey Failed to Reveal Facts Material to Qualification*

6 29. The existence of, and details regarding, an applicant's criminal conviction are facts
7 material to the qualification for licensure of an applicant. For instance, they may affect the
8 assessment of the applicant's general character, honesty, integrity, and/or ability to participate in
9 controlled gambling. They may lead to a finding that the issuance of a license to such an applicant
10 would be inimical to public health, safety, or welfare, or undermine public trust that the gambling
11 operations with respect to which the license would be issued are free from criminal and dishonest
12 elements, and would be conducted honestly. An applicant's criminal record may be sufficient to
13 support a factual finding and legal conclusion that the applicant poses a threat to the public
14 interest of this state, to the effective regulation and control of controlled gambling, or creates or
15 enhances 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 thereto. Finally, the existence of, and details regarding, an applicant's criminal conviction may
18 reveal that the applicant is disqualified from licensure for conviction of a certain felony or a
19 misdemeanor involving dishonesty and/or moral turpitude.

20 30. While Espinoza-Downey disclosed his criminal conviction on the Application, he
21 failed to provide the required details of his conviction, including the date of conviction, the final
22 charge(s), and the disposition of the criminal case. As provided above, these details are facts
23 material to Espinoza-Downey's qualifications for licensure. Additionally, Espinoza-Downey did
24 not appear at the evidentiary hearing to explain or answer questions regarding his failure to
25 provide the details of his criminal conviction on his Application. By failing to provide any details
26 of his criminal conviction on his Application, Espinoza-Downey failed to reveal facts material to
27 his qualifications for licensure. By failing to reveal facts material to his qualifications for
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1 licensure, Espinoza-Downey's Application is subject to denial pursuant to Business and
2 Professions Code section 19859(b) and CCR section 12040(a)(2).

3 *Espinoza-Downey Supplied Information that is Untrue or Misleading as to a Material Fact*
4 *Pertaining to the Qualification Criteria*

5 31. As stated previously, the existence of, and details regarding, an applicant's criminal
6 conviction are facts material to the qualification for licensure of an applicant. One of the details
7 regarding an applicant's criminal history that they are required to honestly and accurately disclose
8 is whether they are currently on probation.

9 32. On his Application, Espinoza-Downey stated that he was not currently on probation.
10 Espinoza-Downey's response on the Application that he was not currently on probation was
11 untrue. Espinoza-Downey signed the Supplemental on February 10, 2020, and signed the first
12 part of the Application on February 12, 2020. Espinoza-Downey was convicted of hit and run
13 resulting in injury on January 22, 2020. As a result of his criminal conviction, Espinoza-Downey
14 was sentenced to three years of probation which began on the date of his conviction, January 22,
15 2020. Thus, Espinoza-Downey was on probation at the time he submitted his Application and his
16 response that he was not currently on probation was untrue. By supplying untrue information on
17 his Application regarding his criminal history, and more specifically responding on the
18 Application that he was not currently on probation, Espinoza-Downey supplied information that
19 is untrue regarding a material fact pertaining to the qualification criteria for licensure. As a result,
20 Espinoza-Downey's Application is subject to denial pursuant to Business and Professions Code
21 section 19859(b) and CCR section 12040(a)(2).

22 *Espinoza-Downey was Convicted of a Misdemeanor Involving Moral Turpitude*

23 33. During its background investigation, the Bureau determined that Espinoza-Downey
24 had been convicted of violating Vehicle Code section 20001(b)(1), hit and run resulting in injury,
25 a misdemeanor, in the case *People v. Espinoza-Downey*, Case Number 19CR-05880. A violation
26 of Vehicle Code section 20001(b)(1) is a crime involving moral turpitude. *See People v. Bautista*
27 (1990) 217 Cal.App.3d 1, 3 (holding that the offense of felony hit and run with injury, which
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1 involves the same elements as the offense of misdemeanor hit and run with injury, involves moral
2 turpitude under the least adjudicated elements test in *People v. Castro* (1985) 38 Cal.3d 301). As
3 a result, Espinoza-Downey was convicted of a misdemeanor involving moral turpitude.

4 34. Espinoza-Downey's conviction of a misdemeanor involving moral turpitude occurred
5 on or about January 22, 2020. Espinoza-Downey signed his Application on or about February 12,
6 2020 and the Bureau received his Application on or about March 2, 2020. As a result, Espinoza-
7 Downey's conviction involving moral turpitude occurred within the 10-year period immediately
8 preceding the submission of his application. Additionally, there was no evidence provided at the
9 hearing that Espinoza-Downey had been granted relief from his criminal conviction pursuant to
10 Section 1203.4, 1203.4a, or 1203.45 of the Penal Code. Given that Espinoza-Downey was
11 convicted of a misdemeanor involving moral turpitude within the 10-year period immediately
12 preceding the submission of his Application, and there was no evidence provided at the hearing
13 that he had been granted relief from his criminal conviction pursuant to Section 1203.4, 1203.4a,
14 or 1203.45 of the Penal Code, Espinoza-Downey's Application is subject to denial pursuant to
15 Business and Professions Code section 19859(d) and CCR section 12040(a)(2).

16 35. All documentary and testimonial evidence submitted by the parties that is not
17 specifically addressed in this Decision and Order was considered but not used by the Commission
18 in making its determination on Espinoza-Downey's Application.

19 LEGAL CONCLUSIONS

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

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

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

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

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

10 41. An “unqualified person” means a person who is found to be unqualified pursuant to
11 the criteria set forth in Section 19857, and “disqualified person” means a person who is found to
12 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
13 section 19823(b).

14 42. The Commission shall have all powers necessary and proper to enable it fully and
15 effectually to carry out the policies and purposes of this chapter. Business and Professions Code
16 section 19824.

17 43. The Commission has the power to deny any application for a license, permit, or
18 approval for any cause deemed reasonable by the Commission. Business and Professions Code
19 section 19824(b).

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

23 45. The burden of proving his or her qualifications to receive any license from the
24 Commission is on the applicant. Business and Professions Code section 19856(a).

25 46. 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. Business and Professions Code section 19856(b).

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

6 48. The burden of proof is always on the applicant to prove his, her, or its
7 qualifications to receive any license or other approval under the Gambling Control Act. CCR
8 section 12060(j).

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

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

19 51. No gambling license shall be issued unless, based on all of the information and
20 documents submitted, the Commission is satisfied that the applicant is a person that is in all other
21 respects qualified to be licensed as provided in this chapter. Business and Professions Code
22 section 19857(c).

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

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1 53. The Commission shall deny a license to any applicant who is disqualified due to
2 conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within
3 the 10-year period immediately preceding the submission of the application, unless the applicant
4 has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code;
5 provided, however, that the granting of relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of
6 the Penal Code shall not constitute a limitation on the discretion of the commission under Section
7 19856 or affect the applicant’s burden under Section 19857. Business and Professions Code
8 section 19859(d).

9 54. An application will be denied if the Commission finds that the applicant has not
10 satisfied the requirements of Business and Professions Code section 19857. CCR section
11 12040(a)(1).

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

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

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

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

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1 59. Both the substance of an applicant's disclosures, and the truthfulness and
2 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
3 recommendation as to the applicant's suitability for licensure, and by the Commission in making
4 a determination whether to approve or deny a license application. Business and Professions Code
5 sections 19824(a) and (d), 19826(a), and 19866.

6 60. Espinoza-Downey failed to meet his burden of proving his qualifications for licensure.
7 By failing to meet his burden of proving his qualifications for licensure, Espinoza-Downey has
8 failed to satisfy the Commission that he is a person that is in all other respects qualified to be
9 licensed pursuant to Business and Professions Code section 19857(c). Therefore, Espinoza-
10 Downey is unqualified for licensure and his Application must be denied pursuant to Business and
11 Professions Code sections 19856 and 19857, and CCR section 12040(a)(1).

12 61. Espinoza-Downey failed to provide information required by the Act. Therefore,
13 Espinoza-Downey is disqualified from licensure pursuant to Business and Professions Code
14 section 19859(b) and his Application must be denied pursuant to CCR section 12040(a)(2).

15 62. Espinoza-Downey failed to reveal facts material to his qualification for licensure.
16 Therefore, Espinoza-Downey is disqualified from licensure pursuant to Business and Professions
17 Code section 19859(b) and his Application must be denied pursuant to CCR section 12040(a)(2).

18 63. Espinoza-Downey supplied information that is untrue regarding a material fact
19 pertaining to the qualification criteria for licensure. As a result, Espinoza-Downey is disqualified
20 from licensure pursuant to Business and Professions Code section 19859(b) and his Application
21 must be denied pursuant to CCR section 12040(a)(2).

22 64. Espinoza-Downey was convicted of a misdemeanor involving moral turpitude within
23 the 10-year period immediately preceding the submission of his Application, and there was no
24 evidence provided that Espinoza-Downey had been granted relief from his criminal conviction
25 pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code. Therefore, Espinoza-Downey
26 is disqualified from licensure pursuant to Business and Professions Code section 19859(d) and his
27 Application must be denied pursuant to CCR section 12040(a)(2).
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NOTICE OF APPLICANT’S APPEAL RIGHTS

Espinoza-Downey 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:

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. Victor Espinoza-Downey’s Application for Third-Party Proposition Player Services Player License is DENIED.

2. Victor Espinoza-Downey’s third-party registration number TPPL-024823 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 September 12, 2022.

8/11/2022
Dated: _____ Signature:  _____
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Paula LaBrie, Chair

8/11/2022
Dated: _____ Signature:  _____
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Cathleen Galgiani, Commissioner

8/11/2022
Dated: _____ Signature:  _____
2B4CE9620F8845C...
Eric Heins, Commissioner

8/11/2022
Dated: _____ Signature:  _____
7722F4571120449...
William Liu, Commissioner

8/11/2022
Dated: _____ Signature:  _____
14B4AD3B90F8462...
Edward Yee, Commissioner