

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

PACIFIC UNITED SERVICE, INC.

BILL VI DO - CEO, PRESIDENT,
SECRETARY, TREASURER,
DIRECTOR, SOLE SHAREHOLDER

Applicants.

CGCC Case No. CGCC-2020-0827-10

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.

2. Pacific United Service, LLC and Bill Vi Do – CEO, President, Secretary, Treasurer, Director, and Sole Shareholder of Pacific United Services, (collectively Applicants), failed to appear and were not represented at the hearing.

FINDINGS OF FACT

3. On or about October 5, 2016 and October 27, 2016 the Bureau of Gambling Control (Bureau) received applications for Third-Party Provider of Proposition Player Services License from Bill Vi Do and Pacific United Service, Inc. respectively (collectively Applications).

4. On or about March 17, 2020, the Bureau issued its Initial Background Investigation Report (Bureau Report) in which it concluded that Applicants were not qualified for licensure pursuant to Business and Professions Code section 19857 and disqualified for licensure pursuant to Business and Professions Code section 19859. The Bureau recommended that the Commission deny Applicants’ Applications.

5. On or about August 27, 2020, the Commission considered Applicants’ Applications and voted to refer them to an evidentiary hearing pursuant to Title 4, CCR section

1 12054, subdivision (a).

2 6. Applicants received noticed of Commission consideration of Applicants'
3 Applications in two ways. First, Commission staff mailed an evidentiary hearing referral letter via
4 regular mail and certified mail to Applicants' address of record on August 28, 2020 which
5 included a blank Notice of Defense form with instructions to return it to the Commission within
6 15 days of receipt or else the Commission may issue a default decision. Commission staff
7 received no response. (Exhibit A)

8 7. Applicants subsequently received notice of Commission consideration of
9 Applicants' Applications through a Notice of Hearing Without Applicant Participation sent
10 certified mail to Applicants' attorney and Applicants' address of record and stated that the
11 hearing was set to occur on Thursday, November 19, 2020 at 10:00 a.m. Commission staff
12 received no response.

13 **DETERMINATION OF ISSUES**

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

17 9. In addition, the burden of proving Applicant's qualifications to receive any license
18 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

19 10. At an evidentiary hearing pursuant to Business and Professions Code sections
20 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to
21 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

22 11. Title 4, CCR section 12052, subdivision (c), provides in pertinent part:

23 (c) An applicant for any license, permit, finding of suitability,
24 renewal, or other approval shall be given notice of the meeting at
25 pursuant to Section 12006.

26 * * *

27 (2) If the application is to be scheduled at an evidentiary
28 hearing, pursuant to subsections (a) or (b) of Section 12060, the
notice of hearing shall inform the applicant of the following:

1
2 (F) The waiver of an evidentiary hearing, or failure of
3 the applicant to submit a Notice of Defense, or failure of an applicant
4 to appear at an evidentiary hearing, may result in:

5 1. A default decision being issued by the
6 Commission based upon the Bureau report, any supplemental reports
7 by the Bureau and any other documents or testimony already
8 provided or which might be provided to the Commission

9 12. An applicant for an owner, supervisor or player license is ineligible for a license if
10 they have failed to meet the requirements of Business and Professions Code sections 19856 or
11 19857. (Cal. Code Regs., tit. 4, § 12236, subd. (e).)

12 13. An applicant for an owner, supervisor or player registration is ineligible for a
13 registration if they have had an application denied under Title 4, CCR Chapter 2.1 or the
14 Gambling Control Act. (Cal. Code Regs., tit. 4, § 12204, subd. (d).)

15 14. The Commission has the power to deny applications for the renewal of licenses.
16 (Bus. & Prof. Code § 19876, subd. (1).)

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

21 16. The Commission has jurisdiction to adjudicate this case by default.

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

26 18. The Commission may further also deny Applicant's application based upon
27 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other
28 approval as required by Business and Professions Code section 19856, subdivision (a) and Title 4,
CCR section 12060(i).

1 19. Therefore, as the Applicants failed to return a Notice of Defense form, did not
2 attend the default hearing, and did not submit any information or evidence in favor of granting
3 Applicants' Applications, Applicants did not meet their burden of demonstrating why a license
4 should be issued pursuant to Business and Professions Code section 19856(a) and Title 4, CCR
5 section 12060(i). The Commission further finds that based on Title 4, CCR section 12236(e),
6 Applicants are ineligible for a Third-Party Provider of Proposition Player Services license. The
7 Commission lastly finds that pursuant to California Code of Regulations, Title 4, section 12052,
8 subdivision (c)(2)(F)(1), Applicant's Application is subject to denial.

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NOTICE OF APPLICANTS' APPEAL RIGHTS

Applicants have the following appeal rights available under state law:

Title 4, CCR section 12064, subdivision (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, subdivision (c) provides:

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

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ORDER

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3 1. PACIFIC UNITED SERVICE, INC.'S Application for Third-Party Provider of
4 Proposition Player Services License, is DENIED.

5 2. BILL VI DO'S Application for Third-Party Provider of Proposition Player
6 Services License, is DENIED.

7 3. Neither PACIFIC UNITED SERVICE, INC. nor BILL VI DO may apply to the
8 Commission or the Bureau for any type of license, registration or work permit for one (1) year
9 after the effective date of this Order.

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11 This Order is effective on December 21, 2020.

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13 Dated: 11-19-2020

Signature: 

Paula Labrie, Commissioner

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16 Dated: 11/19/20

Signature: 

Gareth Lacy, Commissioner

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18
19 Dated: 11/19/20

Signature: 

Trang To, Commissioner

DECLARATION OF SHANA MARQUEZ

I, Shana Marquez, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Pacific United Service, Inc.'s case has been assigned to me for processing.

On August 28, 2020, I mailed a Gambling Control Act hearing referral letter to Pacific United Service, Inc. at [REDACTED] [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Pacific United Service, Inc. that consideration of their application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-ND-002) with instructions to return the Notice of Defense to the Commission within 21 days of receipt in order to preserve their right to an administrative hearing.

Today is October 1, 2020, and I have not received the Notice of Defense form or any communication from Pacific United Service, Inc. regarding a request for a Gambling Control Act hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Executed on October 1, 2020, in Sacramento, California.



Shana Marquez