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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

BINH HO

Respondent.

BGC Case No. BGC-HQ2023-00005AL

CGCC Case No. CGCC-2023-0223-7A

DECISION AND ORDER

Hearing Date: November 27, 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 November 27, 2023.

Binh Ho (Ho) appeared on his own behalf during the evidentiary hearing.

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

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), Attorney III of the Commission, took official notice and admitted into the administrative record 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 and Prehearing Conference with attachments (A) Ho’s Application, and (B) the Bureau’s Background Investigation Report; the Bureau’s Statement of Reasons; and Ho’s signed Notice of Defense form.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-12, Bates Nos. Complainant 001-177, offered by the Bureau and identified on the Bureau’s Evidentiary Exhibit Index, pursuant to a stipulation between the parties.

PO Patterson also accepted into evidence Exhibits A-C, offered by Ho, pursuant to a stipulation between the parties. Exhibit A is a letter of reference from Phuong Thai. Exhibit B is a letter of reference from Phung Thai. Exhibit C is a letter of reference from Cuong Thai.

1 PO Patterson closed the administrative record and the matter was submitted for decision
2 on November 27, 2023.

3 FINDINGS OF FACT

4 **Procedural History**

5 1. Ho started working as a third-party proposition player for Blackstone Gaming, LLC
6 (Blackstone), a licensed third-party provider of proposition player services, in March 2019. Ho
7 started working as a third-party proposition worker for Blackstone in December 2021. Ho
8 currently possesses third-party proposition player services worker license number TPWK-
9 001535.

10 2. On or about April 15, 2022, the Bureau received an Application for Employee
11 Category License: TPPPS Supervisor License and Key Employee or TPPPS Supervisor:
12 Supplemental Information form (Supplemental) (collectively, Application) from Ho to work as a
13 third-party proposition supervisor for Blackstone.

14 3. On or about April 28, 2022, the Commission issued temporary third-party proposition
15 player services supervisor license number TPSU-002040 to Ho for his employment as a third-
16 party proposition supervisor for Blackstone. Ho's temporary third-party proposition player
17 services supervisor license expires on April 30, 2024.

18 4. On or about December 12, 2022, the Commission received a Level III Third-Party
19 Supervisor Initial Background Investigation Report (Background Report) on Ho from the Bureau.
20 In its Background Report, the Bureau alleges that Ho was convicted of a misdemeanor offense,
21 and provided false and misleading information and failed to provide material information to the
22 Bureau regarding the circumstances that led to the misdemeanor conviction. The Bureau also
23 alleges that Ho failed to disclose the issuance and revocation of a security guard license on his
24 Supplemental. Based on the foregoing, the Bureau recommends that the Commission deny Ho's
25 Application and revoke Ho's third-party proposition player services worker license number
26 TPWK-001535.

27 5. On or about February 23, 2023, the Commission voted to refer the consideration of
28 Ho's Application to a Gambling Control Act (GCA) evidentiary hearing pursuant to CCR

1 sections 12054(a)(4) and 12060. On or about February 27, 2023, the Commission sent a notice of
2 its referral of Ho’s Application to a GCA hearing via certified and regular mail to Ho and his
3 Designated Agent Michelle Fernandez (DA Fernandez).

4 6. On or about March 17, 2023, the Commission received a signed Notice of Defense
5 form from Ho requesting an evidentiary hearing on the consideration of his Application. Ho also
6 requested that all notices or written communications for purposes of the evidentiary hearing be
7 provided via email.

8 7. On or about August 18, 2023, the Commission sent a Notice of Hearing and
9 Prehearing Conference, via email, to Ho, DA Fernandez, and DAG Houston. The hearing was set
10 for November 27, 2023, at 10:00 a.m. The Prehearing Conference was set for October 9, 2023, at
11 10:00 a.m.

12 8. On or about October 5, 2023, the Bureau sent a Statement of Reasons to Ho
13 via email, to DA Fernandez via U.S. regular mail, and to the Commission. In the Statement of
14 Reasons, the Bureau alleges one cause for denial of Ho’s Application: Ho failed to establish
15 qualifications for licensure. In support of the cause for denial, the Bureau alleges that Ho
16 provided the Bureau with false and misleading information regarding his April 3, 2000,
17 misdemeanor conviction for possession of burglary tools. The Bureau also alleges that Ho failed
18 to disclose the issuance and revocation of his security guard license on his Supplemental. Based
19 on the foregoing, the Bureau requests that the Commission deny Ho’s Application and revoke his
20 third-party proposition player services worker license number TPWK-001535.

21 9. On or about October 9, 2023, the noticed Prehearing Conference was held before
22 PO Patterson. Ho attended on his own behalf. DAG Houston attended on behalf of the Bureau.

23 10. On or about October 10, 2023, PO Patterson sent a Conclusion of Prehearing
24 Conference letter, via email, to Ho, DA Fernandez, and DAG Houston.

25 11. The Commission heard this matter via Zoom video conference on November 27, 2023.
26 PO Patterson closed the administrative record on November 27, 2023.

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1 **Ho’s Criminal History**

2 12. Ho was convicted on or about April 3, 2000, by the Los Angeles County Superior
3 Court of violating Penal Code section 466, possession of burglary tools, a misdemeanor, in Case
4 Number OAL 00846. Ho was sentenced to 10 days in jail and ordered to pay a fine and
5 restitution.

6 13. According to the police report, Ho’s vehicle was pulled over because his front turn
7 signals and front marker lights had improper color illuminations. The police officer noticed
8 screwdrivers and a dent puller in Ho’s vehicle and arrested Ho for possession of burglary tools.

9 14. On or about April 6, 2018, Ho’s misdemeanor conviction for possession of burglary
10 tools was set aside and dismissed by the Los Angeles County Superior Court pursuant to Penal
11 Code section 1203.4.

12 **Ho’s Employment History in Controlled Gambling**

13 15. Ho worked as a third-party proposition player for Blackstone from August 2016 to
14 June 2017, and from March 2019 to December 2021. Ho worked as a third-party proposition
15 worker for Blackstone from December 2021 to April 2022. Ho was promoted and worked as a
16 third-party proposition supervisor for Blackstone from April 2022 to the present.

17 16. There was no evidence presented that Ho has had any derogatory employment history
18 while working in controlled gambling.

19 **Ho’s Non-Gaming Professional Licenses, Registrations, and Permits**

20 17. Ho received a security guard registration issued by the Bureau of Security and
21 Investigative Services (BSIS) on December 9, 1999. On September 19, 2001, BSIS revoked Ho’s
22 security guard registration due to his April 3, 2000, misdemeanor conviction for possession of
23 burglary tools.

24 **Ho’s Application**

25 18. Ho’s Application consists of two parts. The first part is three pages and contains
26 five sections, including applicant information. The instructions provide that “all responses must
27 be truthful and complete” and that “any misrepresentation or failure to disclose required
28 information or documentation may constitute cause for denial of the application.” (Emphasis in

1 original). Ho signed the first part of the Application on or about April 2, 2022.

2 19. The second part of the Application is the Supplemental, which is 12 pages and
3 contains 12 sections. The instructions on the Supplemental also provide that “all responses must
4 be truthful and complete” and that “any misrepresentation or failure to disclose required
5 information or documentation may constitute cause for denial of the application.” (Emphasis in
6 original). The Supplemental requires that the applicant disclose, among other things, their
7 criminal convictions and licensing history information.

8 20. Section (4) of the Supplemental requires an applicant to disclose any and all criminal
9 convictions other than “infractions, i.e. speeding or parking tickets,” and any conviction sealed
10 pursuant to a court order. For each criminal conviction, the applicant is required to provide the
11 approximate date of conviction, the arresting agency, the court location, the criminal conviction,
12 and the factual circumstances that led to the conviction.

13 21. Section (7) of the Supplemental requires an applicant to disclose their licensing history
14 information. Subsection D) requires an applicant to disclose if they have ever held or applied for a
15 vocational, professional, or occupational license unrelated to gaming. For each license, the
16 applicant is required to provide the license number, type of application, issuing agency, dates the
17 license was held, the city, county, state, and country where the license was issued, the action
18 taken on the license, and a brief explanation of the circumstances if the license was denied,
19 suspended, withdrawn, revoked, or conditioned.

20 22. On the Supplemental, Ho checked the box marked “yes” to the question “have
21 you ever been convicted or pled guilty or nolo contendere (no contest) to a misdemeanor or
22 felony?” (Emphasis in original). Ho’s response in Section (4) of the Supplemental regarding
23 criminal convictions was accurate because Ho had been convicted on or about April 3, 2000, of a
24 misdemeanor for possession of burglary tools. Ho provided all of the required information related
25 to his conviction, including the approximate date of the conviction, the arresting agency, the court
26 location, the criminal conviction, and the factual circumstances that led to the conviction on a
27 separate sheet of paper. Regarding the circumstances that led to the conviction, Ho wrote that his
28 vehicle was pulled over by a police officer because his front turn signal light was out. The police

1 officer searched Ho's vehicle and found screwdrivers and a dent puller. The police officer then
2 arrested Ho for possession of burglary tools. Ho also provided additional information on the
3 Supplemental regarding his misdemeanor conviction, including the case number, the original
4 charges, the final charge, and the disposition.

5 23. On the Supplemental, Ho checked the box marked "no" to the following questions in
6 Section (7), subsection D): (1) "Have you ever held or applied for a vocational, professional, or
7 occupational license, permit, certificate, or finding of suitability not related to gaming?"; and (2)
8 "Have you ever had any other license permit, certification, or finding of suitability not related to
9 gaming denied, suspended, or revoked?" (Emphasis in original). Ho's response on Section (7),
10 subsection D) of the Supplemental was inaccurate because Ho received a security guard
11 registration that was issued by BSIS on December 9, 1999, and revoked by BSIS on September
12 19, 2001. Ho's response on Section (7), subsection D) of the Supplemental was also incomplete
13 because Ho did not provide any details or information regarding his security guard registration,
14 including its revocation.

15 24. Section (12) of the Supplemental is a Declaration, signed by Ho on or about
16 April 2, 2022, in which Ho declared under penalty of perjury that the information provided in the
17 Supplemental was "true, accurate, and complete." However, the Supplemental contained
18 information that was not true or accurate because Ho had been issued a security guard registration
19 and his security guard registration was revoked. Additionally, the Supplemental was not complete
20 because Ho did not disclose or provide any details or information regarding his security guard
21 registration, including its revocation.

22 **Ho's Communications with the Bureau**

23 25. On or about May 20, 2022, the Bureau requested additional information and
24 documentation from Ho concerning the issuance and revocation of Ho's security guard
25 registration and the reason why he did not disclose this registration on his Supplemental.

26 26. In response, on or about May 28, 2022, Ho sent a letter to the Bureau providing the
27 circumstances surrounding the issuance and revocation of his security guard registration. Ho
28 wrote that BSIS issued him a security license on or about December 9, 1999, which was revoked

1 on or about September 19, 2001, as a result of his arrest and misdemeanor conviction for
2 possession of burglary tools. Ho apologized for not disclosing the security guard registration and
3 revocation on his Supplemental. Ho stated that he forgot he had the security guard registration
4 because he only held a security guard position for about three months, and it was over 20 years
5 ago.

6 27. On or about July 28, 2022, the Bureau requested additional information from Ho
7 regarding discrepancies between Ho's April 2, 2022, written statement and the police report
8 regarding the circumstances surrounding his misdemeanor conviction for possession of burglary
9 tools.

10 28. In response, on or about August 6, 2022, Ho sent a letter to the Bureau explaining in
11 greater detail the circumstances surrounding his misdemeanor conviction for possession of
12 burglary tools. Ho stated that he could not remember all of the details of the arrest and conviction
13 because it occurred over 20 years ago. Ho stated that he went to the courthouse to get copies of
14 the arrest report so that he could provide more details regarding the arrest and conviction. Ho
15 acknowledged being the owner of the screwdrivers and dent puller that the police officer found in
16 Ho's vehicle. Ho stated that he could not recall making the various statements to the police
17 officer that appear in the arrest report.

18 **Brian Gilleland's Testimony During the Evidentiary Hearing**

19 29. Brian Gilleland (Gilleland) was a Staff Services Manager II for the Bureau over the
20 third-party provider of proposition player services unit.¹ During the evidentiary hearing, Gilleland
21 testified that he oversees staff who conduct background investigations on third-party applicants.
22 Gilleland testified that he is familiar with Ho's Application and reviewed and approved the final
23 version of the Background Report. Gilleland testified that Ho disclosed his misdemeanor
24 conviction for possession of burglary tools on his Supplemental. Gilleland testified that there
25 were discrepancies between the police report and Ho's statements regarding the circumstances
26 surrounding his misdemeanor conviction. Gilleland testified that Ho did not disclose his security

27 ¹ Gilleland started working as the Deputy Director of the Commission's Licensing Division on January 1,
28 2024. Gilleland has not had any communications with the Commissioners or Commission staff on this matter since
commencing work for the Commission.

1 guard registration on his Supplemental. Gilleland testified that Ho provided statements in
2 response to Bureau requests for additional information. Gilleland also testified that Ho has been
3 employed in the gambling industry for a number of years without any incident.

4 **Ho's Testimony During the Evidentiary Hearing**

5 *The Misdemeanor Conviction*

6 30. During the evidentiary hearing, Ho testified that his misdemeanor conviction occurred
7 more than twenty years ago and that he did not recall much of the incident. Ho testified that his
8 written statements to the Bureau were his best recollection at the time he wrote the statements. Ho
9 testified that he did not recall making statements to the police officer that were included on the
10 police report.

11 *The Supplemental and the Security Guard Registration*

12 31. Ho testified that he forgot about his security guard registration at the time he filled out
13 his Supplemental. Ho testified that he only worked as a security guard for three months. Ho also
14 testified that his security guard registration was revoked because of his misdemeanor conviction.

15 *Work History in Controlled Gambling*

16 32. Ho testified that he has been working in the gambling industry for seven years without
17 any incident.

18 **Phuong Thai's Letter of Reference**

19 33. Phuong Thai is an accounting supervisor at Pomona College and Ho's sister-in-law.
20 Phuong Thai submitted a letter of reference in support of Ho's Application. Phuong Thai wrote
21 that she has known Ho for 17 years. Phuong Thai wrote that Ho mentioned his arrest to their
22 family. Phuong Thai wrote that Ho has shown great levels of honesty, responsibility, and
23 dependability. Phuong Thai wrote that Ho is a person of strong moral character who displays
24 integrity in all aspects of life. Phuong Thai wrote that Ho has a great work ethic and commitment
25 towards his goals in life and as a father. Phuong Thai wrote that Ho has learned from his mistakes
26 and will continue to work hard as a responsible citizen and great employee. Phuong Thai also
27 wrote that Ho is a person with good moral character and deserves a second chance.

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Phung Thai's Letter of Reference

34. Phung Thai is Ho's wife. Phung Thai wrote a letter of reference in support of Ho's Application. Phung Thai wrote that Ho is a loving husband and genuinely good person. Phung Thai wrote that Ho has a strong moral compass and sincere commitment to personal growth and responsibility. Phung Thai wrote that Ho admitted to his past mistakes including his arrest. Phung Thai wrote that Ho is dedicated to self-improvement and adherence to moral values and has consistently been a source of support and inspiration. Phung Thai wrote that Ho has taken on significant responsibilities in caring for their family, exemplifying dedication as a loving husband and caring father. Phung Thai wrote that Ho also played a pivotal role in caring for her younger siblings. Phung Thai wrote that Ho demonstrates empathy and compassion and is a fundamentally good person who has learned from his past and deserves a second chance.

Cuong Thai's Letter of Reference

35. Cuong Thai is a veterinary assistant at Elwood Animal Clinic and Ho's brother-in-law. Cuong Thai wrote a letter of reference in support of Ho's Application. Cuong Thai wrote that Ho played an integral role as a father figure. Cuong Thai wrote that he has unwavering faith in Ho's character and firmly believes Ho to be a genuinely good person who consistently strives to better himself. Cuong Thai wrote that Ho has been candid about his past mistakes including his arrest. Cuong Thai wrote that Ho demonstrates unwavering honesty and a relentless pursuit of self-improvement. Cuong Thai wrote that Ho is a fundamentally good person who has learned from his past and deserves a second chance.

Assessment of Ho's Suitability for Licensure

36. For the reasons provided below, the Commission finds that Ho has met his burden of proving his qualifications for licensure. Therefore, Ho's Application is approved.

Ho Failed to Provide Information Required by the GCA

37. All of the information requested on the application has been considered through the legislative and regulatory processes and determined necessary in order for the Commission to discharge its duties properly. An applicant is neither expected, nor permitted, to determine the importance of the information requested, and instead is required to provide true, accurate, and

1 complete information. To address any issues in completing the application, and to ensure that the
2 information disclosed on an application is “true, accurate, and complete,” the burden is on the
3 applicant to carefully and thoroughly read the application, and to seek assistance with filling out
4 the application if necessary. The applicant is responsible for both the information they disclose,
5 and for failing to disclose required information, on the application.

6 38. Ho was required to disclose his security guard registration on the Supplemental. Since
7 Ho’s security guard registration was revoked, Ho was also required to provide a brief explanation
8 of the circumstances for the revocation. The Bureau only determined that Ho had been issued a
9 security guard registration, which was subsequently revoked, through conducting its background
10 investigation. By failing to disclose his security guard registration and provide a brief explanation
11 of the circumstances for its revocation on his Supplemental, Ho failed to provide information
12 required by the GCA.

13 *Ho Failed to Reveal Facts Material to Qualification*

14 39. The existence of, and details regarding, an applicant’s license history, including
15 licenses that are not directly related to controlled gambling, are facts material to the qualification
16 for licensure of an applicant. For instance, they may affect the assessment of the applicant’s
17 general character, honesty, integrity, and/or ability to participate in controlled gambling. They
18 may lead to a finding that the issuance of a license to such an applicant would be inimical to
19 public health, safety, or welfare, or undermine public trust that the gambling operations with
20 respect to which the license would be issued are free from criminal and dishonest elements, and
21 would be conducted honestly. An applicant’s license history may be sufficient to support a factual
22 finding and legal conclusion that the applicant poses a threat to the public interest of this state, to
23 the effective regulation and control of controlled gambling, or creates or enhances the dangers of
24 unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled
25 gambling or in the carrying on of the business and financial arrangements thereto.

26 40. Ho failed to disclose his security guard registration on the Supplemental. Additionally,
27 and as a direct result of failing to disclose his security guard registration, Ho failed to provide a
28 brief explanation of the circumstances of its revocation. As provided above, these details are facts

1 material to Ho’s qualifications for licensure. By failing to disclose his security guard registration
2 and provide a brief explanation of the circumstances of its revocation on his Supplemental, Ho
3 failed to reveal facts material to his qualifications for licensure.

4 *Ho’s disclosure of his misdemeanor conviction on his Supplemental, written explanations, and*
5 *testimony demonstrate an intent to provide true, accurate, and complete information*

6 41. Ho disclosed his misdemeanor conviction on his Supplemental. Ho provided all of the
7 required information related to his conviction, including the approximate date of the conviction,
8 the arresting agency, the court location, the criminal conviction, and the factual circumstances
9 that led to the conviction on a separate sheet of paper. Ho also provided additional information on
10 the Supplemental regarding his misdemeanor conviction, including the case number, the original
11 charges, the final charge, and the disposition. These disclosures demonstrate an intent to provide
12 true, accurate, and complete information.

13 42. Ho’s explanation for failing to disclose his security guard registration on his
14 Supplemental was credible. Ho stated that he forgot about the security guard registration because
15 he only worked as a security guard for three months and the issuance and revocation of his
16 security guard registration occurred over 20 years ago. The short-term nature of his security guard
17 position and the passage of over 20 years since its issuance and revocation support Ho’s
18 explanation. Ho also acknowledged and apologized for his failure to disclose the security guard
19 registration in written responses to the Bureau and while testifying during the evidentiary hearing.

20 43. Additionally, none of the information provided by Ho on his Supplemental was untrue
21 or misleading. Ho’s disclosure of his misdemeanor conviction on his Supplemental, written
22 explanations, and testimony, and the fact that Ho did not provide any untrue or misleading
23 information on his Supplemental, demonstrate an intent to provide true, accurate, and complete
24 information on his Supplemental. Therefore, the Commission finds that Ho’s Application is not
25 subject to denial pursuant to Business and Professions Code section 19859(b) and CCR section
26 12040(a)(2).

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1 *Ho met his burden of proving he is a person of good character, honesty, and integrity*

2 44. An applicant demonstrates good character, honesty, and integrity by providing
3 truthful, accurate, and complete responses on their Application, in response to Bureau inquiries
4 during the Bureau's background investigation, and while testifying during the evidentiary
5 hearing. An applicant also demonstrates good character and integrity by accepting responsibility
6 for their actions.

7 45. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity
8 by omitting pertinent information, and providing untrue, misleading, and/or contradictory
9 information on their Application, in response to Bureau inquiries, and while testifying during the
10 evidentiary hearing. An applicant also demonstrates a lack of good character and integrity by
11 failing to take responsibility for their actions.

12 46. Ho was convicted of one misdemeanor, possession of burglary tools, on April 3, 2000.
13 Ho has not had a felony conviction or any other misdemeanor convictions. Ho disclosed his
14 misdemeanor conviction on his Supplemental. In disclosing his misdemeanor conviction, Ho
15 provided all of the required information and included additional information, such as the case
16 number, original and final charges, and disposition. While Ho did not disclose his security guard
17 registration on his Supplemental, Ho's explanation that he forgot about the security guard
18 registration because he only held a security guard position for three months and the issuance and
19 revocation of the security guard registration occurred over 20 years ago was credible. Ho did not
20 provide any untrue or misleading information on his Supplemental. Ho's testimony during the
21 evidentiary hearing was credible. Gilleland testified that Ho has been employed in the gambling
22 industry for a number of years without any incident, and there was no evidence presented that Ho
23 has had any derogatory work history while working in controlled gambling. Ho also submitted
24 three letters of reference. While the strength of those letters of reference is somewhat diminished
25 by the fact that they were all submitted by family members, the letters demonstrate that Ho has
26 strong family support. Based on the foregoing, Ho has met his burden of demonstrating that he is
27 a person of good character, honesty, and integrity.

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1 *Ho met his burden of proving that his prior activities, criminal record, if any, reputation,*
2 *habits, and associations do not pose a threat to the public interest of this state, or to the*
3 *effective regulation and control of controlled gambling, or create or enhance the dangers of*
4 *unsuitable, unfair, or illegal practices, methods, and activities in the conduct of controlled*
5 *gambling or in the carrying on of the business and financial arrangements incidental*
6 *thereto*

4 47. Ho's misdemeanor conviction occurred on April 3, 2000, over 20 years ago. Ho has
5 not had a felony conviction or any other misdemeanor convictions. Ho disclosed the
6 misdemeanor conviction on his Supplemental, provided all of the required information, and
7 included additional information, such as the case number, original and final charges, and
8 disposition. The risk that Ho will commit additional criminal violations is minimal. Ho did not
9 disclose his security guard registration on his Supplemental, but apologized for the omission and
10 his explanation for failing to disclose the security guard registration was credible. The revocation
11 of Ho's security guard registration occurred because of his misdemeanor conviction and not
12 because of any issues he had while working as a security guard. Additionally, there was no
13 evidence presented that Ho has had any derogatory employment history during his approximately
14 seven years of work in controlled gambling. Therefore, the risk that Ho's prior activities and
15 criminal record will pose a threat to the effective regulation and control of controlled gambling is
16 also minimal.

17 48. As a result, Ho has met his burden of demonstrating that he is a person whose
18 prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to
19 the public interest of this state, or to the effective regulation and control of controlled gambling,
20 or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities
21 in the conduct of controlled gambling or in the carrying on of the business and financial
22 arrangements incidental thereto.

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

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1 LEGAL CONCLUSIONS

2 *Applicable Statutes and Regulations*

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

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

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

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

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

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

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

27 57. The Commission has the power to deny any application for a license, permit, or
28 approval for any cause deemed reasonable by the Commission. Business and Professions Code

1 section 19824(b).

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

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

8 60. 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 61. 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 62. No gambling license shall be issued unless, based on all of the information and
17 documents submitted, the Commission is satisfied that the applicant is a person of good character,
18 honesty, and integrity. Business and Professions Code section 19857(a).

19 63. 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 whose prior
21 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
22 public interest of this state, or to the effective regulation and control of controlled gambling, or
23 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
24 the conduct of controlled gambling or in the carrying on of the business and financial
25 arrangements incidental thereto. Business and Professions Code section 19857(b).

26 64. No gambling license shall be issued unless, based on all of the information and
27 documents submitted, the Commission is satisfied that the applicant is a person that is in all other
28 respects qualified to be licensed as provided in this chapter. Business and Professions Code

1 section 19857(c).

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

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

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

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

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

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

26 71. Both the substance of an applicant's disclosures, and the truthfulness and
27 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
28 recommendation as to the applicant's suitability for licensure, and by the Commission in making

1 a determination whether to approve or deny a license application. Business and Professions Code
2 sections 19824(a) and (d), 19826(a), and 19866.

3 *Approval of Ho's Application*

4 72. Ho met his burden of proving that he is a person of good character, honesty, and
5 integrity. Therefore, Ho is qualified for licensure pursuant to Business and Professions Code
6 section 19857(a).

7 73. Ho met his burden of proving that his prior activities, criminal record, reputation,
8 habits, and associations do not pose a threat to the public interest of this state, or to the effective
9 regulation and control of controlled gambling, or create or enhance the dangers of unsuitable,
10 unfair, or illegal practices, methods, and activities in the conduct of controlled gambling or in the
11 carrying on of the business and financial arrangements incidental thereto. Therefore, Ho is
12 qualified for licensure pursuant to Business and Professions Code section 19857(b).

13 74. Ho met his burden of proving that he is a person that is in all other respects qualified
14 to be licensed as provided in the GCA. Therefore, Ho is qualified for licensure pursuant to
15 Business and Professions Code section 19857(c).

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ORDER

1. Binh Ho’s Application for Employee Category License: Third-Party Proposition Player Service Supervisor License is APPROVED.

2. Binh Ho’s temporary third-party proposition player services supervisor license number TPSU-002040 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 January 11, 2024.

Dated: 1/11/2024 Signature: 
38D0AB38C651466...
Paula LaBrie, Chair

Dated: 1/11/2024 Signature: 
3D1DB006F9274AA...
Cathleen Galgiani, Commissioner

Dated: 1/11/2024 Signature: 
2B4CE9520F8845C...
Eric Heins, Commissioner

Dated: 1/11/2024 Signature: 
14B4AD3B90F8462...
Edward Yee, Commissioner