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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

SOVANN SOM

Respondent.

BGC Case No. BGC-HQ2024-00010AL

CGCC Case No. CGCC-2023-1221-8Fii

DECISION AND ORDER

Hearing Date: October 17, 2024

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 October 17, 2024.

Sovann Som (Som) attended the hearing without representation. Shinesuny Som (Shinesuny¹), Som’s son, was present with Som to assist him with the technical aspects of appearing via Zoom video conference.

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

Narin Kem provided interpreting services in Cambodian for Som.

During the evidentiary hearing, Presiding Officer Kate Patterson (PO Patterson), Attorney IV 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 First and Second Conclusion of Prehearing Conference letters; the Commission’s Notice of Hearing with attachments (A) Som’s Initial Application for Employee Category License: TPPPS Worker License, and (B) the Bureau’s Third-Party Worker Initial Background Investigation Report; the Bureau’s Statement of Reasons; and Som’s signed Notice of Defense form.

¹ The shortened and informal use of Shinesuny to refer to Shinesuny Som is meant to distinguish his identity from Som and is not intended to show any disrespect.

1 During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-12, Bates
2 Nos. BGC 0001-0079, offered by the Bureau and identified on the Bureau’s Exhibit List, pursuant
3 to a stipulation between the parties.

4 At the conclusion of the hearing, PO Patterson left open the administrative record at the
5 request of the Commissioners for the Bureau to provide a declaration explaining the process by
6 which expungement occurs under Penal Code section 1203.425, an applicant’s role in that
7 process, and whether the applicant receives notice of the expungement.

8 Thereafter, DAG Svetich timely submitted a Declaration from Marc St. Pierre (St. Pierre),
9 an Assistant Bureau Director within the Bureau of Criminal Information and Analysis (BCIA),
10 regarding the application of post-conviction relief under Penal Code section 1203.425 as Exhibit
11 13. On November 7, 2024, PO Patterson admitted Exhibit 13, offered by the Bureau and without
12 objection from Som.

13 PO Patterson closed the administrative record and the matter was submitted for decision
14 on November 7, 2024.

15 FINDINGS OF FACT

16 **Procedural History**

17 1. Som started working as a Gaming Associate/Third-Party Worker for Knighted
18 Ventures, LLC (Knighted), a licensed TPPPS, in August 2022.

19 2. On or about August 29, 2022, the Bureau received an Initial Application for Employee
20 Category License: TPPPS Worker License and TPPPS Worker: Supplemental Information form
21 (Supplemental) (collectively, Application) from Som to work as a Gaming Associate/Third-Party
22 Worker for Knighted.

23 3. On or about November 1, 2023, the Commission received a Third-Party Worker Initial
24 Background Investigation Report (Background Report) on Som from the Bureau. In the
25 Background Report, the Bureau states that Som was convicted of domestic battery, a
26 misdemeanor, in 2004, and failed to disclose the conviction on his Application. Based on the
27 foregoing, the Bureau recommends that the Commission deny Som’s Application.

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1 4. On December 21, 2023, the Commission voted to refer the consideration of Som’s
2 Application to a Gambling Control Act (GCA) evidentiary hearing pursuant to CCR sections
3 12054(a)(4) and 12060. On or about December 21, 2023, the Commission sent a notice of its
4 referral of Som’s Application to a GCA hearing with a Notice of Defense form to Som via U.S.
5 regular mail and certified mail.

6 5. On or about February 9, 2024, the Commission received a signed Notice of Defense
7 form from Som requesting an evidentiary hearing on the consideration of his Application.

8 6. On July 1, 2024, the Commission sent a Notice of Hearing, via email, to Som and
9 DAG Svetich. The hearing was set for October 17, 2024, at 10:00 a.m. The Prehearing
10 Conference was set for September 4, 2024, at 10:00 a.m.

11 7. On or about July 5, 2024, the Bureau sent a Statement of Reasons to Som, via email,
12 and to the Commission. In the Statement of Reasons, the Bureau alleges two causes for the denial
13 of Som’s Application.

- 14 a. First, the Bureau alleges that Som failed to disclose material information by
15 failing to disclose his criminal conviction on his Application. The Bureau also
16 alleges that Som provided inaccurate and misleading information on his
17 Application when he wrote that he had never been convicted of any crime.
- 18 b. Second, the Bureau alleges that Som failed to establish that he is a person of
19 good character, honesty, and integrity, by failing to make full and true
20 disclosure of his criminal conviction on his Application and by supplying
21 information that is untrue or misleading. The Bureau also alleges that Som
22 failed to establish that his prior activities, criminal record, and habits do not
23 pose a threat to the public interest of this state or to the effective regulation and
24 control of controlled gambling because Som engaged in illegal behavior and
25 demonstrated a willingness to violate the law and a conscious disregard of the
26 health, safety, and welfare of others due to his criminal conviction. Based on
27 the foregoing, the Bureau requests that the Commission deny Som’s
28 Application.

1 8. On September 4, 2024, a Prehearing Conference was held before PO Patterson. Som
2 did not attend. DAG Svetich attended on behalf of the Bureau.

3 9. On September 4, 2024, PO Patterson sent a Conclusion of Prehearing Conference
4 letter to Som and DAG Svetich via email.

5 10. On September 12, 2024, a second Prehearing Conference was held before PO
6 Patterson. Som attended without representation. DAG Svetich attended on behalf of the Bureau.

7 11. On September 12, 2024, PO Patterson sent a second Conclusion of Prehearing
8 Conference letter, via email and regular mail to Som and via email to DAG Svetich.

9 12. The Commission heard this matter via Zoom video conference on October 17, 2024.
10 PO Patterson closed the administrative record and the matter was submitted for decision on
11 November 7, 2024.

12 **Som's Employment History in Controlled Gambling**

13 13. Som worked as a Dealer for Normandie Club from approximately June 2013 to
14 December 2016.

15 14. Som worked as a California Games Dealer for Larry Flynt's Lucky Lady Casino from
16 approximately December 2016 to August 2019.

17 15. Som worked as a Third-Party Worker for Knighted from approximately August 2022
18 to the present.

19 16. There was no evidence presented that Som has had any derogatory employment
20 history while working in controlled gambling.

21 **Som's Criminal History**

22 17. On April 13, 2004, Som was convicted by the Los Angeles County Superior Court of
23 violating Penal Code section 243(e)(1), domestic battery, a misdemeanor.

24 18. The Bureau discovered Som's conviction during its background investigation.
25 Following its discovery, the Bureau requested additional information from Som regarding the
26 circumstances leading to his conviction.

27 19. On December 29, 2022, Som provided a written statement to the Bureau regarding the
28 circumstances leading to his conviction. Som states that he was in a very tumultuous relationship

1 with a girlfriend. Som's way of controlling the relationship was to throw a tantrum and break
2 things but he would not attack the other person. During a strong altercation, Som threw a childish
3 tantrum which resulted in his girlfriend attacking him. Som retaliated by attacking her with a light
4 lamp. Som states that he was not mindful during the altercation and committed a wrongful act.
5 Som states that he learned a valuable lesson and has never harmed anybody since the altercation.
6 Som states that he never kept his court documents, so his description of the events leading to his
7 conviction is based on his memory. Som states that he is a different person now than when the
8 altercation happened. Som apologized and acknowledged that committing harm to another person
9 is wrongful.

10 20. The Bureau obtained a copy of the police report related to Som's conviction. The
11 Bureau noted that there were discrepancies between the police report and Som's written
12 statement. The police report provides that Som acted in a manner well beyond that of attacking
13 his girlfriend with a lamp in self-defense. As a result, the Bureau requested that Som provide
14 additional information to explain the discrepancies.

15 21. On April 22, 2023, Som provided another written statement to the Bureau. Som states
16 that he does not remember the finer details of the altercation because he no longer possesses the
17 official conviction documentation. Som acknowledges that his first explanation of the incident
18 "may have downplayed and painted me in a better light." Som states that he previously mentioned
19 that he may have taken it "overboard" in resolving the situation but was trying to de-escalate
20 tension. Som does not deny that he committed the misdemeanor offense, which was based on
21 poor decisions in his earlier life. Som believes he used "excessive use of force" to defuse the
22 situation and prevent his girlfriend from getting the police involved. Som states that instead of
23 peacefully resolving the altercation, he chose to display immaturity and commit violence to
24 maintain control. Som states that it was the wrong way to resolve the situation, and he received a
25 well-deserved ramification. Som states that he is at complete fault and that the police report is
26 correct.

27 22. On July 24, 2022, Som was granted relief from his conviction pursuant to Penal Code
28 section 1203.425. According to St. Pierre, BCIA is the Bureau responsible for implementing

1 automatic relief under Penal Code section 1203.425. Relief is considered automatic under Penal
 2 Code section 1203.425 because it does not require a petition or motion by a party for the relief if
 3 the relevant information is present in BCIA’s records. Individuals can confirm whether their
 4 conviction received automatic relief under Penal Code section 1203.425 by following certain
 5 procedures. In this matter, BCIA’s records do not reflect that Som requested a copy of his own
 6 conviction record under this process.

7 23. During the evidentiary hearing, Som testified that he did not ask the court to grant
 8 relief from his conviction and does not know how relief was granted.

9 **Som’s Application**

10 24. Som’s Application consists of two parts. The first part is three pages and requires the
 11 applicant to provide personal information. The instructions provide that “all responses must be
 12 truthful and complete” and “any misrepresentation or failure to disclose required information or
 13 documentation may constitute cause for denial of the application or discipline of the licensee.”
 14 (Emphasis in original.) The Application includes a Declaration, signed by Som on August 17,
 15 2022, that the information contained in the Application is “true, accurate, and complete.”

16 25. The second part of the Application is the Supplemental, which is eight pages and
 17 contains nine sections. The instructions on the Supplemental also provide that “all responses must
 18 be truthful and complete” and “any misrepresentation or failure to disclose required information
 19 or documentation may constitute cause for denial of the application or discipline of the licensee.”
 20 (Emphasis in original.) The Supplemental includes a Declaration, signed by Som on August 17,
 21 2022, that the information contained in the Supplemental is “true, accurate, and complete.”

22 26. Section (4) of the Supplemental requires an applicant to disclose their criminal history.
 23 The instructions provide as follows:

24 **You are required to disclose any and all criminal convictions** regardless of:

- 25 1) The date of the conviction, i.e. **it must be disclosed no matter how**
 26 **old the conviction is;**
- 27 2) The degree of the conviction, i.e. **it must be disclosed whether it was**
 28 **a felony or misdemeanor, which includes traffic violations** charged

1 as misdemeanors or felonies, including driving under the influence,
2 driving on a suspended license, etc.; and

3 3) The status of the conviction, i.e. **it must be disclosed regardless of**
4 **whether you had the conviction reduced, dismissed, or expunged,**
5 or whether you are on or off probation. (Emphasis in original.)

6 27. Question A) in Section (4) of the Supplemental asks the applicant “Have you **ever**
7 been convicted or pled guilty or nolo contendere (no contest) to a misdemeanor or felony?”
8 (Emphasis in original.)

9 28. Som checked the box marked “no” to Question A) in Section (4), indicating that he
10 has never been convicted of a misdemeanor or felony.

11 29. For each conviction listed on the Supplemental, the applicant is required to provide the
12 approximate date of the conviction, the arresting agency, the city and state of the court location,
13 the criminal conviction, and an explanation of the factual circumstances that led to the conviction.

14 30. Since Som checked the box marked “No” to Question A) in Section (4) regarding
15 whether he has ever been convicted of a misdemeanor or felony, Som did not provide any of the
16 required information on his Supplemental regarding his criminal conviction.

17 31. In his December 29, 2022, written statement to the Bureau, Som states that he failed to
18 disclose his criminal conviction because he “wanted to forget this ever happened.” During the
19 evidentiary hearing, Som testified that his son typed Som’s December 29, 2022, statement to the
20 Bureau, but that he told his son what to type and no one else helped him with his statement.

21 32. In his December 29, 2022 and April 22, 2023 written statements to the Bureau, Som
22 states that he was mistaken that his misdemeanor would not appear in his background check.

23 **Jared Revak’s Testimony During the Evidentiary Hearing**

24 33. Jared Revak (Revak) is a Manager II in the Third-Party Unit of the Bureau. Revak
25 testified that he has worked for the Bureau for seven years as an analyst, a Manager I, and
26 currently as a Manager II. Revak supervises the Manager I’s and reviews and approves
27 investigative reports that are completed by analysts in the Third-Party Unit. Revak testified that
28 he is familiar with the Bureau’s Background Report on Som.

1 34. Revak testified that the basis for the Bureau’s recommendation that the Commission
2 deny Som’s Application is Som’s failure to disclose his criminal conviction on his Supplemental.
3 Revak testified that Som was required to disclose his criminal conviction. Revak testified that
4 Som’s reason for failing to disclose his criminal conviction was that he wanted to forget the
5 conviction happened. Revak further testified that the Bureau does not view Som’s excuse of
6 wanting to forget the conviction happened as an acceptable reason for his failure to disclose his
7 criminal conviction. Revak also testified that the Bureau’s investigation did not reveal that Som
8 has any derogatory employment information.

9 **Shinesuny Som’s Testimony During the Evidentiary Hearing**

10 35. Shinesuny testified that he helped Som fill out the Application at home. Shinesuny
11 read the Application, which is written in English, and translated it into Cambodian for Som.
12 Shinesuny testified that he also read the instructions on the Application to Som. Shinesuny
13 recalled emphasizing the word “ever” when he read Question A) in Section (4) of the
14 Supplemental to Som and that Som answered “no.” Shinesuny wrote down the answers in the
15 Application that he received from Som. Shinesuny testified that he only filled out what Som told
16 him to fill out.

17 36. Shinesuny also testified that he typed the letters from Som to the Bureau mostly word
18 for word and that the letters include everything that Som told Shinesuny to write.

19 **Som’s Testimony During the Evidentiary Hearing**

20 37. Som testified he did not disclose his conviction because his girlfriend told him that the
21 case against him had been dropped. Som also testified that his girlfriend indicated that she did not
22 bring charges against him. Som testified that he believed her because he does not know the law
23 and was able to continue working.

24 38. Som testified that if he knew he had a criminal conviction, he would have disclosed it
25 on the Supplemental. However, Som also testified that he thought the conviction was off his
26 record because it happened so long ago.

27 39. Som testified that he went to court twice, spent one day in the county jail, was put on
28 probation, completed community service and a domestic violence class, his firearm permit was

1 revoked, and he had to surrender his gun, which he carried as a security guard, due to his
2 domestic violence conviction. Som testified that he sold his gun at a gun shop.

3 40. Som testified that he now understands that his Application is not accurate and that he
4 should have checked the box marked “yes” to the question of whether he had ever been convicted
5 of a crime.

6 41. Som also testified that the altercation changed his path in life. Som testified that has
7 never fought with anyone at work or outside of work since the altercation.

8 Assessment of Som’s Suitability for Licensure

9 42. For the reasons provided below, the Commission finds that Som has failed to meet his
10 burden of proving that he is qualified to receive a TPPPS Worker License. Therefore, cause exists
11 to deny Som’s Application.

12 *Som Failed to Provide Information Required by the GCA*

13 43. All of the information requested on the application has been considered through the
14 legislative and regulatory processes and determined necessary in order for the Commission to
15 discharge its duties properly. An applicant is neither expected, nor permitted, to determine the
16 importance of the information requested, and instead is required to provide truthful and complete
17 information as requested. To address any issues in completing the application, and to ensure that
18 the information disclosed on an application is “true, accurate, and complete,” the burden is on the
19 applicant to carefully and thoroughly read the application, and to seek assistance with filling out
20 the application if necessary. The applicant is responsible for both the information they disclose,
21 and for failing to disclose required information, on the application. The applicant maintains this
22 burden even if the applicant does not understand a question on the application.

23 44. On his Supplemental, Som inaccurately checked the box marked “no” to Question A)
24 in Section (4) of the Supplemental, which asks the applicant “Have you **ever** been convicted or
25 pled guilty or nolo contendere (no contest) to a misdemeanor or felony?” (Emphasis in original.)
26 For each criminal conviction, Som was required to disclose the approximate date of the
27 conviction, the arresting agency, the city and state of the court location, the criminal conviction,
28 and an explanation of the factual circumstances that led to the conviction. Som did not disclose

1 his conviction on his Supplemental. As a direct result, Som also failed to disclose the required
2 details of his conviction.

3 45. The facts of, and details regarding, Som's conviction were discovered by the Bureau
4 during its background investigation. By failing to disclose his conviction or provide any of the
5 required details regarding his conviction on his Supplemental, Som has failed to provide
6 information required by the GCA. By failing to provide information that is required by the GCA
7 on his Supplemental, Som's Application is subject to denial pursuant to Business and Professions
8 Code section 19859(b) and CCR section 12040(a)(2).

9 *Som Failed to Reveal Facts Material to Qualification*

10 46. The existence of, and details regarding, an applicant's criminal history are facts
11 material to the qualification for licensure of an applicant. For instance, they may affect the
12 assessment of the applicant's general character, honesty, integrity, and/or ability to participate in
13 controlled gambling. They may lead to a finding that the issuance of a license to such an applicant
14 would be inimical to public health, safety, or welfare, or undermine public trust that the gambling
15 operations with respect to which the license would be issued are free from criminal and dishonest
16 elements, and would be conducted honestly. An applicant's criminal record may be sufficient to
17 support a factual finding and legal conclusion that the applicant poses a threat to the public
18 interest of this state, to the effective regulation and control of controlled gambling, or creates or
19 enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
20 conduct of controlled gambling or in the carrying on of the business and financial arrangements
21 thereto. Finally, the existence of, and details regarding, an applicant's criminal convictions may
22 reveal that the applicant is disqualified from licensure for conviction of a certain felony or a
23 misdemeanor involving dishonesty and/or moral turpitude.

24 47. Som failed to disclose his conviction on his Supplemental. Additionally, and as a
25 direct result of failing to disclose his conviction, Som failed to disclose the required details of his
26 conviction including the approximate date of the conviction, the arresting agency, the city and
27 state of the court location, the criminal conviction, and an explanation of the factual
28 circumstances that led to the conviction. As provided above, these details are facts material to

1 Som’s qualifications for licensure. By failing to disclose his conviction and any details regarding
 2 the conviction on his Supplemental, Som failed to reveal facts material to his qualifications for
 3 licensure. By failing to reveal facts material to his qualifications for licensure on his
 4 Supplemental, Som’s Application is subject to denial pursuant to Business and Professions Code
 5 section 19859(b) and CCR section 12040(a)(2).

6 *Som Supplied Information that is Untrue or Misleading as to a Material Fact Pertaining to the*
 7 *Qualification Criteria*

8 48. As stated previously, the existence of, and details regarding, an applicant’s criminal
 9 convictions are facts material to the qualification for licensure of an applicant.

10 49. On his Supplemental, Som checked the box marked “no” to Question A) in Section (4)
 11 of the Supplemental, which asks the applicant “Have you **ever** been convicted or pled guilty or
 12 nolo contendere (no contest) to a misdemeanor or felony?” (Emphasis in original.) Som’s
 13 response on the Supplemental that he had never been convicted of a crime was untrue because he
 14 had been convicted of domestic battery, a misdemeanor. By supplying untrue information on his
 15 Supplemental regarding his criminal history, and more specifically responding on the
 16 Supplemental that he had never been convicted of a crime, Som supplied information that is
 17 untrue regarding a material fact pertaining to the qualification criteria for licensure. As a result,
 18 Som’s Application is subject to denial pursuant to Business and Professions Code section
 19 19859(b) and CCR section 12040(a)(2).

20 *Som Failed to Meet His Burden of Demonstrating that he is a Person of Good Character,*
 21 *Honesty, and Integrity*

22 50. An applicant demonstrates good character, honesty, and integrity by providing
 23 truthful, accurate, and complete responses on their Application and Supplemental, in response to
 24 Bureau inquiries during the Bureau’s background investigation, and while testifying during the
 25 evidentiary hearing. An applicant also demonstrates good character and integrity by accepting
 26 responsibility for their actions.

27 51. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity
 28 by omitting pertinent information, and providing untrue, misleading, and/or contradictory

1 information on their Application and Supplemental, in response to Bureau inquiries, and while
2 testifying during the evidentiary hearing. An applicant also demonstrates a lack of good character
3 and integrity by failing to take responsibility for their actions through the use of untrue,
4 unsupported and/or contradictory excuses for their actions.

5 52. The instructions on the Supplemental regarding an applicant's criminal history are
6 replete with boldface and underline in order to emphasize to the applicant the importance of
7 disclosing their criminal history. The instructions make clear that the applicant is required to
8 disclose "any and all criminal convictions" regardless of the date, the degree, and the status of the
9 conviction. The word "ever" in Question A) of Section (4) of the Supplemental, which asks the
10 applicant "Have you ever been convicted or pled guilty or nolo contendere (no contest) to a
11 misdemeanor or felony?" is also shown in boldface and underline to emphasize both the
12 importance of the disclosure and the fact that the passage of time is not an accepted excuse for the
13 failure to disclose a criminal conviction.

14 53. Shinesuny read the Supplemental (written in English) and translated it into Cambodian
15 for Som to provide his responses. Shinesuny testified that he read the instructions and emphasized
16 the word "ever" in Question A) of Section (4) of the Supplemental to Som. Som told Shinesuny
17 to check the box marked "no" to the question of whether he had ever been convicted of crime.

18 54. Som demonstrated a lack of good character, honesty, and integrity by checking the
19 box marked "no" to the question of whether he had ever been convicted of a crime despite
20 knowing that he had been convicted of domestic battery, a misdemeanor.

21 55. Som also demonstrated a lack of good character, honesty, and integrity through his
22 untrue, unsupported, and/or contradictory explanations for his failure to disclose his criminal
23 conviction on his Supplemental.

- 24 a. First, in written correspondence to the Bureau, Som stated that he failed to
25 disclose his criminal conviction because he "wanted to forget this ever
26 happened." This explanation is not only insufficient to excuse his failure to
27 disclose, but it also shows that Som knew about his conviction and deliberately
28 failed to disclose it on his Supplemental.

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- b. Second, in written correspondence to the Bureau, Som also stated that he thought that the conviction would not appear in his background check. This explanation also shows that Som was aware of his conviction and suggests that he did not want to disclose it if the Bureau would not otherwise discover it.
- c. Third, while testifying, Som stated that he did not disclose his conviction on his Supplemental because his girlfriend told him told him that the case against him had been dropped and that she did not bring charges against him. Som testified that he believed her because he does not know the law and was able to continue working. Som’s explanation is belied by both his earlier explanations for failing to disclose his conviction and through his testimony that he went to court twice, spent one day in the county jail, was put on probation, completed community service and a domestic violence class, had his firearm permit revoked, and had to surrender his gun due to his domestic violence conviction.
- d. Fourth, Som also testified that he thought the conviction was off his record because it happened so long ago. Som’s explanation again shows that he knew about his conviction but deliberately failed to disclose it. Som’s explanation also lacks credibility due to Shinesuny’s testimony that he emphasized the word “ever” with regard to the question about Som’s criminal history when he was interpreting the Supplemental for Som.

56. Finally, Som demonstrated a lack of good character, honesty, and integrity by severely downplaying his role in the altercation with his girlfriend in order to present himself in a better light in his written statement to the Bureau. While Som demonstrated good character, honesty, and integrity by eventually admitting that he downplayed his role in the altercation in a subsequent written statement to the Bureau, Som’s first written explanation was intentionally misleading.

57. Overall, Som failed to meet his burden of demonstrating that he is a person of good character, honesty, and integrity. By failing to meet his burden of demonstrating that he is a person of good character, honesty, and integrity, Som’s Application is subject to denial pursuant

1 to Business and Professions Code section 19857(a) and CCR section 12040(a)(1).

2 58. All documentary and testimonial evidence submitted by the parties that is not
3 specifically addressed in this Decision and Order was considered but not used by the Commission
4 in making its determination on Som's Application.

5 LEGAL CONCLUSIONS

6 *Applicable Statutes and Regulations*

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

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

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

17 62. An "unqualified person" means a person who is found to be unqualified pursuant to
18 the criteria set forth in Section 19857, and "disqualified person" means a person who is found to
19 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
20 section 19823(b).

21 63. The Commission shall have all powers necessary and proper to enable it fully and
22 effectually to carry out the policies and purposes of this chapter. Business and Professions Code
23 section 19824.

24 64. The Commission has the power to deny any application for a license, permit, or
25 approval for any cause deemed reasonable by the Commission. Business and Professions Code
26 section 19824(b).

27 65. The Commission has the power to take actions deemed to be reasonable to ensure that
28 no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled

1 gambling activities. Business and Professions Code section 19824(d).

2 66. The burden of proving his or her qualifications to receive any license from the
3 Commission is on the applicant. Business and Professions Code section 19856(a); CCR section
4 12060(j).

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

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

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

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

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

27 72. The Commission shall deny a license to any applicant who is disqualified for failure of
28 the applicant to provide information, documentation, and assurances required by this chapter or

1 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the
2 supplying of information that is untrue or misleading as to a material fact pertaining to the
3 qualification criteria. Business and Professions Code section 19859(b).

4 73. An application will be denied if the Commission finds that the applicant has not
5 satisfied the requirements of Business and Professions Code section 19857. CCR section
6 12040(a)(1).

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

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

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

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

23 78. Both the substance of an applicant's disclosures, and the truthfulness and
24 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
25 recommendation as to the applicant's suitability for licensure, and by the Commission in making
26 a determination whether to approve or deny a license application. Business and Professions Code
27 sections 19824(a) and (d), 19826(a), and 19866.

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1 *Denial of Som's Application*

2 79. Som failed to provide information required by the GCA. Therefore, Som is
3 disqualified from licensure pursuant to Business and Professions Code section 19859(b) and his
4 Application must be denied pursuant to CCR section 12040(a)(2).

5 80. Som failed to reveal facts material to his qualification for licensure. Therefore, Som
6 is disqualified from licensure pursuant to Business and Professions Code section 19859(b) and his
7 Application must be denied pursuant to CCR section 12040(a)(2).

8 81. Som supplied information that is untrue regarding a material fact pertaining to the
9 qualification criteria for licensure. Therefore, Som is disqualified from licensure pursuant to
10 Business and Professions Code section 19859(b) and his Application must be denied pursuant to
11 CCR section 12040(a)(2).

12 82. Som failed to meet his burden of demonstrating that he is a person of good character,
13 honesty, and integrity. Therefore, Som is unqualified for licensure pursuant to Business and
14 Professions Code section 19857(a) and his Application must be denied pursuant to CCR section
15 12040(a)(1).

16 NOTICE OF APPLICANT'S APPEAL RIGHTS

17 Som has the following appeal rights available under state law:

18 CCR section 12064, subsections (a) and (b) provide, in part:

19 (a) After the Commission issues a decision following a GCA hearing conducted
20 pursuant to Section 12060, an applicant denied a license, permit, registration, or
21 finding of suitability, or whose license, permit, registration, or finding of
22 suitability has had conditions, restrictions, or limitations imposed upon it, may
request reconsideration by the Commission. A request for reconsideration must
be:

23 (1) Made in writing to the Commission, copied to the Complainant. The
24 Bureau may provide a written response to the Commission within 10 calendar days
of receipt of the request; and

25 (2) Received by the Commission and Complainant within 30 calendar days of
26 service of the decision, or before the effective date specified in the decision,
whichever is earlier.

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(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, in part:

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. Sovann Som’s Application for Third-Party Proposition Player Services Employee Type License is DENIED.
- 2. Sovann Som’s Temporary Third-Party Worker License Number TPWK-004933 is void and cannot be used hereafter.
- 3. No costs are awarded.
- 4. Each side to pay its own attorneys’ fees.

This Order is effective on February 10, 2025.

Dated: 1/9/2025 Signature: 
38D0AB38C651466...
 Paula LaBrie, Chair

Dated: 1/9/2025 Signature: 
928DBCE0554B423...
 Stacey Luna Baxter, Commissioner

Dated: 1/9/2025 Signature: 
2B4CE9520F8845C...
 Eric Heins, Commissioner

Dated: 1/9/2025 Signature: 
7722F4571120449...
 William Liu, Commissioner

Dated: 1/9/2025 Signature: 
14B4AD3B90F8462...
 Edward Yee, Commissioner