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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval
of Tribal Key Employee Finding of Suitability
Regarding:

PHIA XIONG

Respondent.

BGC Case No. BGC-HQ2023-00014AL

CGCC Case No. CGCC-2023-1116-12A

DECISION AND ORDER

Hearing Date: September 30, 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 September 30, 2024.

Phia Xiong (Xiong) appeared on his own behalf.

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

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 Conclusion of Prehearing Conference letter; the Commission’s Notice of Hearing with attachments (A) Xiong’s Application for Finding of Suitability Tribal Key Employee, and (B) the Bureau’s Level III Tribal Key Employee Background Investigation Report; the Bureau’s Statement of Reasons; and Xiong’s signed Notice of Defense form.

During the evidentiary hearing, PO Patterson accepted into evidence Exhibits 1-7, Bates Nos. BGC 0001-0136, offered by the Bureau and identified on the Bureau’s Hearing Exhibit Index, pursuant to a stipulation between the parties.

PO Patterson also accepted into evidence Exhibit A, offered by Xiong, pursuant to a stipulation between the parties. Exhibit A contains two letters of reference. The first letter of reference is from Joey Abbs. The second letter of reference is from May Berumen.

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1 PO Patterson closed the administrative record and the matter was submitted for decision
2 on September 30, 2024.

3 FINDINGS OF FACT

4 **Procedural History**

- 5 1. Xiong started working as a Tables Games Floor Supervisor, a key employee position,
6 for Table Mountain Casino in February 2019.
- 7 2. On or about March 26, 2019, the Bureau received an Initial Application for Finding of
8 Suitability Tribal Key Employee and Tribal Key Employee Supplemental Background
9 Information form (Supplemental) (collectively, Application) from Xiong to work as a Table
10 Games Floor Supervisor for Table Mountain Casino.
- 11 3. On or about September 29, 2023, the Commission received a Level III Tribal Key
12 Employee Background Investigation Report (Background Report) on Xiong from the Bureau. In
13 the Background Report, the Bureau alleges that Xiong failed to disclose being terminated from
14 Chukchansi Gold Resort and Casino (Chukchansi Casino) and provided misleading information
15 regarding the reason he left employment at Chukchansi Casino. Based on the foregoing, the
16 Bureau recommends that the Commission deny Xiong's Application.
- 17 4. On November 16, 2023, the Commission voted to refer the consideration of
18 Xiong's Application to a Gambling Control Act (GCA) evidentiary hearing pursuant to CCR
19 sections 12054(a)(4) and 12060. On or about November 17, 2023, the Commission sent a notice
20 of its referral of Xiong's Application to a GCA hearing via certified and regular mail to Xiong.
- 21 5. On or about November 29, 2023, the Commission received a signed Notice of Defense
22 form from Xiong requesting an evidentiary hearing on the consideration of his Application.
- 23 6. On May 31, 2024, the Commission sent a Notice of Hearing, via email, to Xiong and
24 DAG Houston. The hearing was set for September 30, 2024, at 10:00 a.m. The Prehearing
25 Conference was set for August 21, 2024, at 10:00 a.m.
- 26 7. On or about August 16, 2024, the Bureau sent a Statement of Reasons to Xiong,
27 via email, and to the Commission. In the Statement of Reasons, the Bureau alleges one cause for
28 denial of Xiong's Application: Xiong is unsuitable for licensure because he failed to disclose and

1 provided misleading information regarding the termination of his prior employment by
2 Chukchansi Casino for violating policy and procedure, ethics, failure to uphold Title 31
3 requirements, and failure to protect tribal assets, by stating in the Application that he resigned
4 from employment at Chukchansi Casino, and by subsequently providing an unsatisfactory
5 explanation of the discrepancy between his statement in the Application and the facts as
6 determined by the Bureau's investigation. Based on the foregoing, the Bureau requests that the
7 Commission deny Xiong's Application.

8 8. On August 21, 2024, the noticed Prehearing Conference was held before PO Patterson.
9 Xiong attended on his own behalf. DAG Houston attended on behalf of the Bureau.

10 9. On August 21, 2024, PO Patterson sent a Conclusion of Prehearing Conference letter,
11 via email, to Xiong and DAG Houston.

12 10. The Commission heard this matter via Zoom video conference on September 30,
13 2024. PO Patterson closed the administrative record on September 30, 2024.

14 **Xiong's Employment History in Controlled Gambling**

15 11. Xiong worked as a Table Games Dealer for Table Mountain Casino from
16 approximately August 2007 to November 2014.

17 12. Xiong worked as a Proposition Poker Player for 500 Club Casino from approximately
18 November 2014 to July 2015.

19 13. Xiong worked for Chukchansi Casino from December 2015 to November 2018. Xiong
20 was a Dealer from December 2015 to February 2016; a Dual Rate Floor Supervisor from
21 February 2016 to March 2017; a Dual Rate Floor Supervisor/Pit Manager from March 2017 to
22 January 2018; and a Pit Manager from January 2018 to November 2018.

23 14. Xiong worked as a Table Games Floor Supervisor for Table Mountain Casino from
24 February 2019 to the present.

25 15. There was no evidence presented that Xiong has had any derogatory employment
26 history while working for Table Mountain Casino or 500 Club Casino.

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1 **Xiong's Employment with Chukchansi Casino**

2 *Xiong's Suspension in October 2018*

3 16. According to a Performance Management Documentation from Chukchansi Casino,
4 Xiong was suspended on October 7, 2018, for five days without pay for changing a dealer's
5 rotation so that the dealer he carpools with would get off work at the same time as Xiong.
6 According to Xiong's written statements and testimony during the evidentiary hearing, Xiong
7 gave a team member a 30-minute early push to go home. Xiong signed the Performance
8 Management Documentation from Chukchansi Casino on October 7, 2018.

9 *Xiong's Application*

10 17. Xiong'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 the applicant "must
12 provide truthful information in all your responses on this application" and that "any
13 misrepresentation or failure to disclose information required on this form may constitute
14 sufficient cause for denial or revocation." The Application includes a Declaration, signed by
15 Xiong on January 18, 2019, that the information contained in the Application is "true, accurate,
16 and complete."

17 18. The second part of the Application is the Supplemental, which is eight pages and
18 contains ten sections. The instructions on the Supplemental also provide that the applicant "must
19 provide truthful information in all your responses on this application" and that "any
20 misrepresentation or failure to disclose information required on this form may constitute
21 sufficient cause for denial or revocation." The Supplemental includes a Declaration, signed by
22 Xiong on January 28, 2019, that the information contained in the Supplemental is "true, accurate,
23 and complete."

24 19. Section (4) of the Supplemental requires an applicant to disclose employment history.
25 For each employer in the last ten years, the applicant is required to provide the reason for leaving
26 employment. On his Supplemental, Xiong wrote "resign" as his reason for leaving employment
27 with Chukchansi Casino.

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1 *Xiong's Suspension and Termination in November 2018*

2 20. According to a Personnel/Payroll Action Notice from Chukchansi Casino dated
3 November 23, 2018, at 2:00 p.m., Xiong was suspended pending investigation beginning on
4 November 23, 2018. Xiong signed the Personnel/Payroll Action Notice on November 23, 2018.

5 21. According to a Performance Management Documentation from Chukchansi Casino,
6 Xiong was suspended, without pay, pending investigation for policy and procedure violations on
7 November 23, 2018. According to Xiong's written statements and testimony during the
8 evidentiary hearing, the incident leading to his suspension involved a wife and husband
9 exchanging cash and chips while gambling. Xiong states that he informed his assistant manager
10 who told him that it was fine as long as Chukchansi Casino made an unknown rating for both
11 players. Xiong signed the Performance Management Documentation on November 23, 2018.

12 22. According to a Personnel/Payroll Action Notice from Chukchansi Casino dated
13 November 27, 2018, at 2:44 p.m., Xiong returned from suspension on November 27, 2018.
14 Xiong signed the Personnel/Payroll Action Notice on December 4, 2018.

15 23. According to a Personnel/Payroll Action Notice from Chukchansi Casino dated
16 November 27, 2018, at 2:45 p.m., Xiong's last date worked was November 23, 2018. Xiong
17 signed the Personnel/Payroll Action Notice on December 4, 2018. The Personnel/Payroll Action
18 Notice provides that Xiong is eligible for rehire.

19 24. According to a Performance Management Documentation from Chukchansi Casino,
20 Xiong was terminated on November 27, 2018, for violation of policy and procedures, ethics,
21 failing to uphold Title 31 requirements, and failure to protect tribal assets. Xiong signed the
22 Performance Management Documentation on December 4, 2018.

23 25. According to an Employment Verification form filled out by the HR Coordinator of
24 Chukchansi Casino, Xiong's separation from employment was involuntary and due to policy
25 violations. However, the HR Coordinator wrote "N/A" to the question of whether there was any
26 reportable derogatory information related to Xiong's employment.

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1 *Xiong's Communications With the Bureau*

2 26. On October 7, 2020, the Bureau sent a letter to Xiong requesting the following
3 information: (1) a statement explaining the discrepancy between Xiong's statement on his
4 Supplemental that he resigned from Chukchansi Casino and the Bureau's investigation revealing
5 that Xiong was terminated; (2) a statement explaining the circumstances that led to Xiong's
6 termination; (3) a statement explaining the reason why Xiong failed to disclose the termination on
7 his Supplemental; and (4) a statement detailing the events leading up to the actual incident in
8 October 2018 that resulted in Xiong's suspension.

9 27. On or about October 20, 2020, the Bureau received a letter from Xiong in response to
10 its October 7, 2020, inquiry. In this letter, Xiong states that he applied for a job at Table Mountain
11 Casino while still employed at Chukchansi Casino. Xiong explains the circumstances that led to
12 his November 23, 2018, suspension. Xiong states that he had been wrongfully suspended and did
13 not violate any policies. Xiong states that his assistant manager called him, but Xiong missed the
14 call. Xiong called back the following day, explained to the assistant manager that he disagreed
15 with the suspension, and told the assistant manager that he quit. The assistant manager told Xiong
16 to come in and turn in his badge. Xiong also states that he had been suspended in October 2018
17 for giving a team member a 30-minute early push to go home.

18 28. On November 13, 2020, the Bureau sent a letter to Xiong requesting a statement
19 explaining why Xiong failed to disclose his termination from Chukchansi Casino on his
20 Supplemental and the events leading up to the actual incident resulting in Xiong's suspension
21 from Chukchansi Casino in October 2018.

22 29. On or about December 7, 2020, Xiong wrote a letter to the Bureau in response to its
23 November 13, 2020, inquiry. In this letter, Xiong states that he was still employed with
24 Chukchansi Casino when he applied for a job at Table Mountain Casino. Xiong also states that
25 when he filled out the Supplemental, he put the same information he had previously put on his
26 application to Table Mountain Casino.

27 30. On December 11, 2020, Xiong sent an email to the Bureau explaining that his
28 October 2018 suspension from Chukchansi Casino was due to giving a team member a 30-minute

1 early push to go home.

2 31. On December 21, 2020, Table Mountain Casino sent an email to the Bureau stating
3 that Xiong listed “left the company” as the reason he left Chukchansi Casino on his employment
4 application. Table Mountain Casino also states that Xiong’s employment application was dated
5 December 31, 2018.

6 32. On December 30, 2020, the Bureau sent a letter to Xiong requesting a statement
7 explaining the discrepancy between Xiong’s statement that he put on his application with Table
8 Mountain Casino that he was still employed with Chukchansi Casino and the dates of his
9 termination with Chukchansi Casino, which occurred four weeks before he signed his
10 employment application with Table Mountain Casino.

11 33. On January 7, 2021, Xiong sent an email to the Bureau. Xiong states that he answered
12 all of the questions on the Supplemental based on his initial application date. Xiong states that
13 while he does not remember exact dates, when he applied at Table Mountain Casino he was
14 suspended at Chukchansi Casino. Xiong also states that he remembers that he applied for the
15 position at Table Mountain Casino before he signed his termination paperwork with Chukchansi
16 Casino.

17 **Melissa Avent’s Testimony During the Evidentiary Hearing**

18 34. Melissa Avent (Avent) is a Manager in the Tribal Key Unit with the Bureau. Avent
19 testified that she supervises nine staff that conduct tribal key employee background
20 investigations. Avent testified that analyst Brandi Hersch completed the Bureau’s background
21 investigation of Xiong. Avent testified that she is familiar with the documents and events related
22 to Xiong’s Application. Avent testified that the documents that were admitted into evidence are
23 true and correct copies of the documents in the Bureau’s files.

24 35. Avent testified that Xiong did not explain why he did not fill out the Supplemental
25 based on the facts at that time rather than providing the same information he provided from a
26 previous application with Table Mountain Casino. Avent testified that the Bureau recommends
27 the denial of Xiong’s Application for failing to disclose his termination from Chukchansi Casino
28 and providing misleading information on his Supplemental when he wrote “resign” as his reason

1 for leaving employment instead of disclosing that he had been terminated. Avent testified that
2 although Xiong mentioned that he told his assistant manager at Chukchansi Casino that he quit,
3 the Bureau did not find any information or receive any documentation from Chukchansi Casino
4 regarding Xiong's resignation. Avent also testified that the Bureau does not have any other
5 reasons for recommending the denial of Xiong's Application.

6 **Xiong's Testimony During the Evidentiary Hearing**

7 36. Xiong testified that he told his assistant manager at Chukchansi Casino during a
8 telephone conversation that he quit but did not provide anything in writing. The assistant manager
9 told Xiong to come in and sign paperwork. Xiong testified that he was mad about his suspension
10 and did not look at the termination paperwork or know the reason for the termination. Xiong
11 testified that he did not receive a copy of the termination paperwork. Xiong testified that his
12 mindset was that he quit. Xiong also testified that he found out that his leaving Chukchansi
13 Casino was a termination and not a resignation after Table Mountain Casino let him know that it
14 received a report from Chukchansi Casino providing that Xiong had been terminated.

15 37. Xiong testified that he used the Table Mountain Casino application to fill out the
16 Application. Xiong testified that while he cannot recall the exact dates, Xiong was on suspension
17 with Chukchansi Casino when he applied to Table Mountain Casino.

18 38. Xiong testified that his first job in controlled gambling was with Table Mountain
19 Casino. Xiong testified that he loved the business, was trained by great leaders, and wanted to
20 pursue a career path in controlled gambling. Xiong also testified that he is dedicated to his job,
21 comes in early to work, and only misses time if he is extremely sick.

22 **Xiong's Letters of Reference**

23 39. Joey Abbs (Abbs) is the Operations Manager for Graton Resort & Casino and a former
24 Table Games Shift Manager for Table Mountain Casino. Abbs states that he was Xiong's
25 manager at Table Mountain Casino. Abbs states, among other things, that Xiong was trustworthy,
26 dedicated, and an incredible part of the team. Abbs states that Xiong consistently went above and
27 beyond in his role and approached his work with a positive attitude and a strong sense of
28 responsibility. Abbs also states that what stands out most about Xiong is his integrity.

1 40. May Berumen (Berumen) is a Manager on Duty with Table Mountain Casino.
2 Berumen states, among other things, that Xiong is a valuable part of the team at Table Mountain
3 Casino. Berumen states that Xiong demonstrates exceptional character and sound judgment.
4 Berumen also states that Xiong possesses a strong moral compass and a commitment to integrity.

5 Assessment of Xiong’s Suitability for Licensure

6 41. For the reasons provided below, the Commission finds that Xiong has met his burden
7 of proving that he is qualified to receive a tribal key employee finding of suitability. Therefore,
8 cause exists to approve Xiong’s Application.

9 *Xiong did not provide untrue or misleading information on his Application*

10 42. All of the information requested on the application has been considered through the
11 legislative and regulatory processes and determined necessary in order for the Commission to
12 discharge its duties properly. An applicant is neither expected, nor permitted, to determine the
13 importance of the information requested, and instead is required to provide true, accurate, and
14 complete information. To address any issues in completing the application, and to ensure that the
15 information disclosed on an application is “true, accurate, and complete,” the burden is on the
16 applicant to carefully and thoroughly read the application, and to seek assistance with filling out
17 the application if necessary. The applicant is responsible for both the information they disclose,
18 and for failing to disclose required information, on the application.

19 43. On his Supplemental, Xiong wrote “resign” as his reason for leaving employment with
20 Chukchansi Casino. The paperwork received from Chukchansi Casino provides that Xiong had
21 been terminated. Although this information appears inconsistent, the Commission finds that
22 Xiong’s written statement on his Supplemental that he resigned from Chukchansi Casino was not
23 untrue or misleading.

24 44. Xiong was suspended from Chukchansi Casino on November 23, 2018. Xiong signed
25 paperwork acknowledging his suspension on November 23, 2018. In Xiong’s written statements
26 and testimony during the evidentiary hearing, Xiong states that he disagreed with his suspension
27 and told his assistant manager during a telephone conversation that he quit. Xiong states that his
28 mindset was that he resigned from Chukchansi Casino, which is what Xiong wrote on the

1 Supplemental as his reason for leaving employment.

2 45. Although Chukchansi Casino processed Xiong's leaving employment as a termination,
3 this was likely due to the fact that it never received anything in writing from Xiong. Xiong's
4 testimony that he quit his employment with Chukchansi Casino is credible. Additionally, Xiong's
5 testimony that he did not realize that he had been terminated and did not read or receive copies of
6 the termination paperwork is also credible. Therefore, Xiong did not provide untrue or misleading
7 information on his Supplemental when he wrote that he resigned from Chukchansi Casino and his
8 Application is not subject to denial pursuant to Business and Professions Code section 19859(b) and
9 CCR section 12040(a)(2).

10 *Xiong provided factually incorrect information to the Bureau and Commission but intended to*
11 *provide true, accurate, and complete information*

12 46. Xiong's written statements and testimony during the evidentiary hearing that he
13 applied to Table Mountain Casino while still employed with and suspended from Chukchansi
14 Casino is not supported by the evidence in the administrative record. Xiong was suspended from
15 Chukchansi Casino, and signed paperwork acknowledging the suspension, on November 23,
16 2018. Xiong's last date worked at Chukchansi Casino was also November 23, 2018. Xiong states
17 that he disagreed with his suspension and told his assistant manager at Chukchansi Casino during
18 a telephone conversation that he quit. Chukchansi Casino prepared paperwork showing that
19 Xiong returned from suspension and was terminated on November 27, 2018. Xiong signed the
20 return from suspension and termination paperwork on December 4, 2018. Xiong's application
21 with Table Mountain Casino is dated December 31, 2018, several weeks after Xiong quit and
22 signed paperwork that he had been terminated by Chukchansi Casino. Xiong also wrote "left the
23 company" on the Table Mountain Casino employment application as his reason for leaving
24 Chukchansi Casino, which demonstrates that Xiong knew he had already stopped working at
25 Chukchansi Casino at the time he applied for employment with Table Mountain Casino.

26 47. Based on the foregoing, Xiong provided factually incorrect information to the Bureau
27 in his written responses to its inquiries and to the Commission while testifying during the
28 evidentiary hearing when he stated that he was still employed with Chukchansi Casino when he

1 applied for employment with Table Mountain Casino. However, this incorrect information
2 appears to be based on an inaccurate recollection and does not demonstrate an intent to mislead
3 the Bureau or Commission. Xiong’s incorrect statement does not place him in better light.
4 Further, Xiong provided an accurate, albeit not completely informative statement, on the Table
5 Mountain Casino employment application when he wrote that he “left [Chukchansi Casino].”

6 48. Overall, Xiong’s testimony was credible and the information he provided on his
7 Application and employment application with Table Mountain Casino was technically accurate.
8 Based on the foregoing, the Commission finds that Xiong intended to provide true, accurate, and
9 complete information and his inaccurate statement that he applied for employment with Table
10 Mountain Casino while still employed at Chukchansi Casino does not negatively impact his
11 suitability for licensure. Therefore, the Commission finds that Xiong’s Application is not subject to
12 denial pursuant to Business and Professions Code section 19859(b) and CCR section 12040(a)(2).

13 *Xiong met his burden of proving that he is a person of good character, honesty, and integrity*

14 49. An applicant demonstrates good character, honesty, and integrity by providing truthful,
15 accurate, and complete responses on their Application, in response to Bureau inquiries during the
16 Bureau’s background investigation, and while testifying during the evidentiary hearing.

17 50. Conversely, an applicant demonstrates a lack of good character, honesty, and integrity by
18 omitting pertinent information, or providing untrue, misleading, and/or contradictory information on
19 their Application, in response to Bureau inquiries, and while testifying during the evidentiary hearing.

20 51. Xiong provided factually incorrect information to the Bureau and Commission when
21 he stated that he was still employed with Chukchansi Casino when he applied for employment
22 with Table Mountain Casino. However, this incorrect information appears to be based on an
23 inaccurate recollection and does not demonstrate an intent to mislead the Bureau or Commission.
24 Other than that statement, Xiong did not provide any untrue or misleading information on his
25 Application or in response to the Bureau’s inquiries during its background investigation. Xiong’s
26 testimony during the evidentiary hearing was credible. The factual circumstances leading to
27 Xiong’s two suspensions and termination from Chukchansi Casino do not reflect a lack of good
28 character, honesty, or integrity. Xiong also submitted two letters of reference from past and

1 current supervisors at Table Mountain Casino. Both letters provide support that Xiong is a
2 valuable employee with good character and integrity. Based on the foregoing, Xiong has met his
3 burden of demonstrating that he is a person of good character, honesty, and integrity.

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

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

22 53. Xiong has some derogatory employment history in controlled gambling. While
23 working at Chukchansi Casino, Xiong was suspended for five days without pay on October 7,
24 2018, for changing a dealer's rotation so that the dealer he carpools with would get off work at
25 the same time as Xiong. Xiong's behavior involved taking advantage of occupying a supervisory
26 role to benefit his schedule. However, the factual circumstances that led to this suspension are
27 insufficient to support a finding that Xiong poses a threat to the public interest of this state or to
28 the effective regulation and control of controlled gambling.

54. Xiong was also suspended without pay from Chukchansi Casino pending an
investigation for policy and procedure violations on November 23, 2018. On November 27, 2018,

1 Xiong was terminated by Chukchansi Casino for violation of policy and procedures, ethics,
2 failing to uphold Title 31 requirements, and failure to protect tribal assets.

3 55. However, there is minimal information in the administrative record supporting
4 Xiong's second suspension or subsequent termination. The only evidence regarding the
5 circumstances surrounding Xiong's second suspension are the written statements and testimony
6 from Xiong that a wife and husband were exchanging cash and chips, that he told his assistant
7 manager, and that his assistant manager said that it was fine as long as both players received an
8 unknown rating. There was no evidence presented regarding how Xiong's behavior resulted in a
9 violation of policy and procedures, ethics, failing to uphold Title 31 requirements, or failing to
10 protect tribal assets. Additionally, Xiong is eligible for rehire at Chukchansi Casino, which
11 suggests that Chukchansi Casino does not believe that Xiong's alleged violations warrant a ban
12 from further employment at Chukchansi, let alone controlled gambling as a whole. As a result,
13 Xiong's second suspension and subsequent termination do not negatively impact his suitability
14 for licensure.

15 56. There is no derogatory information in the administrative record related to Xiong's
16 work history at Table Mountain Casino, including for the past five years. Xiong's testimony was
17 credible and the information he provided on his Application was technically accurate. Xiong also
18 provided two letters of reference from past and present supervisors at Table Mountain. Both
19 letters provide support that Xiong is a valuable employee with good character and integrity.
20 Based on the foregoing, Xiong has met his burden of proving that his prior activities, criminal
21 record, if any, reputation, habits, and associations do not pose a threat to the public interest of this
22 state, or to the effective regulation and control of controlled gambling, or create or enhance the
23 dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of
24 controlled gambling or in the carrying on of the business and financial arrangements incidental
25 thereto.

26 57. All documentary and testimonial evidence submitted by the parties that is not specifically
27 addressed in this Decision and Order was considered but not used by the Commission in making its
28 determination on Xiong's Application.

1 LEGAL CONCLUSIONS

2 *Applicable Statutes and Regulations*

3 58. Every Gaming Employee shall obtain, and thereafter maintain current, a valid tribal
4 gaming license, which shall be subject to biennial renewal. Tribal-State Compact between the
5 State of California and the Table Mountain Rancheria section 6.4.4(a).

6 59. The Tribal Gaming Agency shall require the applicant also to file an application with
7 the State Gaming Agency, prior to issuance of a temporary or permanent tribal gaming license,
8 for a determination of suitability for licensure under the Gambling Control Act. Investigation and
9 disposition of that application shall be governed entirely by State law, and the State Gaming
10 Agency shall determine whether the Applicant would be found suitable for licensure in a
11 gambling establishment subject to that State Gaming Agency’s jurisdiction. Tribal-State Compact
12 between the State of California and the Table Mountain Rancheria section 6.5.6.

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

16 61. A “finding of suitability” means a finding that a person meets the qualification criteria
17 described in subdivisions (a) and (b) of Section 19857, and that the person would not be
18 disqualified from holding a state gambling license on any of the grounds specified in Section
19 19859. Business and Professions Code section 19805(j).

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

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

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

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

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

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

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

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

23 70. An application will be denied if the Commission finds that the applicant has not
24 satisfied the requirements of Business and Professions Code section 19857. CCR section
25 12040(a)(1).

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

28 72. The hearing need not be conducted according to technical rules relating to evidence

1 and witnesses. Any relevant evidence may be considered, and is sufficient in itself to support a
2 finding, if it is the sort of evidence upon which reasonable persons are accustomed to rely upon in
3 the conduct of serious affairs, regardless of the existence of any common law or statutory rule that
4 might make improper the admission of the evidence over objection in a civil action. Business and
5 Professions Code section 19871(a)(4); CCR section 12060(h)(2).

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

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

14 75. Both the substance of an applicant's disclosures, and the truthfulness and
15 thoroughness of an applicant's disclosures, are considered by the Bureau in making a
16 recommendation as to the applicant's suitability for licensure, and by the Commission in making
17 a determination whether to approve or deny a license application. Business and Professions Code
18 sections 19824(a) and (d), 19826(a), and 19866.

19 *Approval of Xiong's Application*

20 76. Xiong met his burden of proving that he is a person of good character, honesty, and
21 integrity. Therefore, Xiong is qualified for licensure pursuant to Business and Professions Code
22 section 19857(a).

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

1 78. Xiong met his burden of proving that he is a person that is in all other respects qualified
2 to be licensed as provided in the GCA. Therefore, Xiong is qualified for licensure pursuant to
3 Business and Professions Code section 19857(c).

4 **ORDER**

5 1. Phia Xiong’s Application for Tribal Key Employee Finding of Suitability is
6 APPROVED.

7 2. No costs are awarded.

8 3. Each side to pay its own attorneys’ fees.

9 This Order is effective on November 21, 2024.

10 Dated: 11/21/2024 Signature: 
11 _____ 38D0AB38C651466...
12 Paula LaBrie, Chair

13 Dated: 11/21/2024 Signature: 
14 _____ 928DBCE0554B423...
15 Stacey Luna Baxter, Commissioner

16 Dated: 11/21/2024 Signature: 
17 _____ 284CE9520F8845C...
18 Eric Heins, Commissioner

19 Dated: 11/21/2024 Signature: 
20 _____ 7722F4571420449...
21 William Liu, Commissioner

22 Dated: 11/21/2024 Signature: 
23 _____ 14B4AD3B90F8462...
24 Edward Yee, Commissioner