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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Applications for Third-Party Proposition Player Services License for:  
  
**TEAM VIEW PLAYER SERVICES, LLC,  
THE TIMOTHY M. GUSTIN FAMILY TRUST, AND TIMOTHY M. GUSTIN**  
  
Applicants.

CGCC Case No. CGCC- 2023-0810-8  
**DEFAULT DECISION AND ORDER**  
  
Hearing Date: February 8, 2024  
Time: 10:00 a.m.

1. This matter was scheduled for hearing before the California Gambling Control Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 and title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, and held via Zoom video conference, on February 8, 2024, at 10:00 a.m.

2. Team View Player Services, LLC, The Timothy M. Gustin Family Trust, and Timothy M. Gustin (collectively, Applicants) failed to appear and were not represented at the hearing.

**FINDINGS OF FACT**

3. On or about April 30, 2012, the Bureau of Gambling Control (Bureau) received initial Applications for Third-Party Proposition Player Services License for Business Entities and Owners (Applications) from Applicants.

4. On May 6, 2014, the Commission received the Bureau’s Level III Third-Party Provider of Proposition Player Services Background Investigation Report (Bureau Report) on Applicants.

5. On June 26, 2014, the Commission considered Applicants’ Applications and voted to refer them to an Administrative Procedure Act (APA) evidentiary hearing pursuant to title 4, CCR section 12050(b)(2).

6. On June 30, 2014, Commission staff served notice of the referral of Applicants’ Applications to an APA evidentiary hearing to Applicants’ addresses of record via certified mail.



1 with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)

2 12. In addition, the burden of proving an applicant’s qualifications to receive any  
3 license from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

4 13. At an evidentiary hearing pursuant to Business and Professions Code sections  
5 19870 and 19871 and title 4, CCR section 12060, the burden of proof rests with the applicant to  
6 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (k).)

7 14. 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. (Cal. Code Regs., tit.  
9 4, § 12040, subd. (a)(1).)

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

11 (c) An applicant for any license, permit, finding of suitability, renewal, or  
12 other approval shall be given notice of the meeting at which the  
13 application is scheduled to be heard. Notice shall be given pursuant to  
Section 12006.

14 \* \* \*

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

17 \* \* \*

18 (F) That the waiver of an evidentiary hearing, or failure of  
19 the applicant to submit a Notice of Defense, or failure by  
20 the applicant to appear at the evidentiary hearing, may  
result in a default decision or a hearing without applicant  
21 participation in accordance with Section 12057.

22 16. Title 4, CCR section 12057, subdivision (a), provides in pertinent part:

23 (a) When an applicant fails to submit a completed Notice of Defense,  
24 CGCC-CH1-03 according to the timelines on the form, affirmatively  
25 waives his, her, or its right to an evidentiary hearing, or fails to appear at  
an evidentiary hearing, the Commission will, based on the interests of  
justice and judicial economy:

26 (1) Issue a default decision after the consideration of the Bureau  
27 report, any supplemental reports by the Bureau, and any other  
28 documents or testimony provided or which may be provided to the  
Commission before the decision is issued;

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

18. The Commission has jurisdiction to adjudicate this case by default.

19. The Commission may deny Applicants' Applications based upon the Bureau Report, any supplemental reports by the Bureau and any other documents or testimony already provided to it, pursuant to title 4, CCR sections 12052, subdivision (c)(2)(F), and 12057, and Business and Professions Code section 19857.

20. The Commission may also deny Applicants' Applications based upon failure of the Applicants to prove to the Commission that Applicants are qualified to receive a license or other approval as required by Business and Profession Code section 19856, subdivision (a), and title 4, CCR section 12060, subdivision (k).

21. A temporary license will be associated with an application for an initial license. Upon issuance or denial of an initial license by the Commission, the temporary license will become void and cannot be used thereafter pursuant to title 4, CCR section 12122, subdivisions (a) and (d).

22. Therefore, as Applicants did not return a Notice of Defense form, did not attend the default hearing, and did not submit any information or evidence in favor of granting their Applications, Applicants' burden of demonstrating why a license should be issued pursuant to Business and Professions Code section 19856, subdivision (a), and title 4, CCR section 12060, subdivision (k), was not met. By failing to meet the burden of proving qualifications for licensure, Applicants have failed to satisfy the Commission that Applicants are persons that are in all other respects qualified to be licensed pursuant to Business and Professions Code section 19857, subdivision (c). As a result, the Commission finds that pursuant to title 4, CCR sections 12040, subdivision (a)(1), 12052, subdivision (c)(2)(F), and 12057, Applicants' Applications are subject to denial.

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**NOTICE OF APPLICANTS’ APPEAL RIGHTS**

Applicants have the following appeal rights available under state law:

Title 4, CCR section 12064, subdivision (a) and (b) provide:

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

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

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

(b) A request for reconsideration must state the reasons for the request, which must be based upon either:

(1) Newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission’s issuance of the decision or at the hearing on the matter; or,

(2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

Business and Professions Code section 19870, subdivision (f) provides:

A decision of the commission after an evidentiary hearing, denying a license or approval, or imposing any condition or restriction on the grant of a license or approval may be reviewed by petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure shall not apply to any judicial proceeding held to consider that petition, and the court may grant the petition only if the court finds that the action of the commission was arbitrary and capricious, or that the action exceeded the commission's jurisdiction.

Title 4, CCR section 12066, subdivision (c) provides:

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

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**ORDER**

1. TEAM VIEW PLAYERS, LLC’s Application for Third-Party Proposition Player Services License is DENIED.

2. THE TIMOTHY M. GUSTIN FAMILY TRUST’s Application for Third-Party Proposition Player Services License is DENIED.

3. TIMOTHY M. GUSTIN’s Application for Third-Party Proposition Player Services License is DENIED.

4. TEAM VIEW PLAYERS, LLC’s License Number TPPL-000091 is void and cannot be used hereafter.

5. THE TIMOTHY M. GUSTIN FAMILY TRUST’s License Number TPOW-000491 is void and cannot be used hereafter.

6. TIMOTHY M. GUSTIN’s License Number TPOW-000384 is void and cannot be used hereafter.

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7. TEAM VIEW PLAYERS, LLC, THE TIMOTHY M. GUSTIN FAMILY TRUST, and TIMOTHY M. GUSTIN may not apply to the Commission or the Bureau for any type of license or work permit for one (1) year after the effective date of this Order.

This Order is effective on March 11, 2024.

Dated: 2/8/2024

DocuSigned by:  
*Paula LaBrie*  
Signature: 38D0AB38C651466...

Paula LaBrie, Chair

Dated: 2/8/2024

DocuSigned by:  
*Eric Heins*  
Signature: 2B4CE9520E8845C...

Eric Heins, Commissioner

Dated: 2/8/2024

DocuSigned by:  
*William Liu*  
Signature: 7722E4571120449...

William Liu, Commissioner

Dated: 2/8/2024

DocuSigned by:  
*Edward Yee*  
Signature: 14B4AD3B90F8462...

Edward Yee, Commissioner

# **EXHIBIT A**



## DECLARATION OF SONNY XIONG

I, Sonny Xiong, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Team View Player Services, LLC's case has been assigned to me for processing.

On October 4, 2023, I mailed a Gambling Control Act hearing referral letter to Team View Player Services, LLC at [REDACTED] [REDACTED] [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Team View Player Services, LLC that consideration of their application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-CH1-03) with instructions to return the Notice of Defense to the Commission within 30 calendar days of service in order to preserve their right to an administrative hearing.

Today is November 6, 2023 and I have not received the Notice of Defense form or any communication from Team View Player Services, LLC regarding a request for a Gambling Control Act hearing.

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

Executed on November 6, 2023, in Sacramento, California.



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Sonny Xiong

**DECLARATION OF SONNY XIONG**

I, Sonny Xiong, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. The Timothy M. Gustin Family Trust's case has been assigned to me for processing.

On October 4, 2023, I mailed a Gambling Control Act hearing referral letter to The Timothy M. Gustin Family Trust's at [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to The Timothy M. Gustin Family Trust's that consideration of their application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-CH1-03) with instructions to return the Notice of Defense to the Commission within 30 calendar days of service in order to preserve their right to an administrative hearing.

Today is November 6, 2023 and I have not received the Notice of Defense form or any communication from The Timothy M. Gustin Family Trust's regarding a request for a Gambling Control Act hearing.

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

Executed on November 6, 2023, in Sacramento, California.



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Sonny Xiong

## DECLARATION OF SONNY XIONG

I, Sonny Xiong, declare as follows:

I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Timothy Gustin's case has been assigned to me for processing.

On October 4, 2023, I mailed a Gambling Control Act hearing referral letter to Timothy Gustin at [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Timothy Gustin that consideration of their application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-CH1-03) with instructions to return the Notice of Defense to the Commission within 30 calendar days of service in order to preserve their right to an administrative hearing.

Today is November 6, 2023 and I have not received the Notice of Defense form or any communication from Timothy Gustin regarding a request for a Gambling Control Act hearing.

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

Executed on November 6, 2023, in Sacramento, California.



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Sonny Xiong