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10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**

12
13 **In the Matter of the Statement of Issues**
Against:

14 **Jimmy Joon Yum,**
15 **(aka Hee Joon Yum)**

16 **Respondent.**
17

Case No. BGC # _____

OAH No. _____

STATEMENT OF ISSUES

18 **MATHEW J. CAMPOY**, Complainant herein, alleges as follows:

19 **PARTIES**

20 1. Complainant Mathew J. Campoy, brings this Statement of Issues solely in his official
21 capacity as Interim Chief of the Bureau of Gambling Control of the California Department of
22 Justice ("Bureau"). At some times relevant hereto, the Bureau of Gambling Control was
23 constituted as and designated the Division of Gambling Control, and may be so designated in
24 correspondence or documents relating to those times.^{1/}
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27 1. Effective August 24, 2007, Business and Professions code section 19810 was amended
28 to change the designation of the former Division of Gambling Control to the Department of Justice,
Bureau of Gambling Control. The former Division is referred to as "the Bureau" herein. The
Business and Professions Code now refers to the former Division as "the department."

1 2. On or about April 11, 2006, the California Gambling Control Commission
2 ("Commission") received an application entitled "Tribal Gaming Agency Tribal Key Employee
3 Application for Finding of Suitability" (U.A.I.C. Key Gaming Application Rev. 12-1-05), for
4 Jimmy Joon Yum, aka Hee Joon Yum ("Respondent"). The application was dated March 28,
5 2006. The Commission then referred the application to the Bureau for investigation. The Bureau
6 received the application on April 14, 2006.

7 3. Complainant is informed and believes and thereon alleges that Respondent has worked
8 at the United Auburn Indian Community's ("UAIC") Thunder Valley Casino under a temporary
9 license granted by the UAIC Tribal Gaming Agency ("TGA") pursuant to Section 6.4.9 of the
10 Tribal-State Compact^{2/} between the UAIC and the State of California, while Respondent's
11 application has been pending before the Bureau and Commission.

12 4. During the Bureau's investigation of Respondent's application, the Bureau discovered
13 that Respondent had been convicted of two felonies in Sacramento County in 1993, specifically,
14 Penal Code section 459 (Burglary) and Penal Code sections 664/459 (Attempted Burglary).

15 5. On or about April 23, 2007, the Bureau mailed Respondent a letter informing him that
16 the Bureau intended to recommend that the Commission deny Respondent's application for a
17 Finding of Suitability as a Key Employee. On April 23, 2007, the Bureau also mailed a letter to
18 the UAIC TGA advising it that the Bureau intended to recommend that the Commission deny
19 Respondent's application for a Finding of Suitability as a Key Employee.

20 6. Pursuant to Business and Professions Code section 19868, subdivision (b)(1), the
21 Bureau invited both the Respondent and the TGA to schedule a meeting with the Bureau's
22 Deputy Director at which the Deputy Director would inform Respondent and/or the TGA of the
23 basis for the Bureau's recommendation that Respondent's application be denied by the
24 Commission.

25 7. Respondent did not respond to the Bureau's April 23, 2007, letter. The TGA
26 responded and scheduled a pre-denial meeting, which was held on May 14, 2007. Respondent
27 did not attend the pre-denial meeting.

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2. "1999 Compact," as amended 8/20/04 (referred to herein as "Amended Compact").

1 8. Pursuant to Business and Professions Code section 18968, subdivision (b)(2), the
2 Bureau mailed Respondent a letter on or about May 15, 2007, informing Respondent that the
3 Bureau was proceeding with its recommendation to the Commission that the Commission deny
4 Respondent's application for a Finding of Suitability as a Key Employee, and advising
5 Respondent of the reasons for the recommendation.

6 9. On or about June 26, 2007, while Respondent's original application was still pending
7 before the Commission, Respondent submitted a renewal "Application for Finding of Suitability
8 Tribal Key Employee" (CGCC - TKE 01 Rev 07/06).

9 10. On or about January 2, 2008, the Commission mailed to Respondent a letter advising
10 Respondent that Commission staff was recommending denial of Respondent's application for a
11 Finding of Suitability as a Key Employee, advising Respondent of the reasons for the
12 recommendation, and advising Respondent that the matter would be heard by the Commission at
13 the Commission's public meeting on January 31, 2008. This letter also advised Respondent that
14 he was entitled to a hearing on the matter and could request a hearing either in writing prior to
15 January 28, 2008, or by appearing at the Commission meeting on January 31, 2008, and
16 personally requesting a hearing.

17 11. On or about January 16, 2008, Respondent submitted a written request for hearing to
18 the Commission. This proceeding has been brought in response to Respondent's request for a
19 hearing of this matter.

20 JURISDICTION

21 12. This Statement of Issues is brought before the Commission pursuant to the authority
22 detailed in the following paragraphs 13 through 19, below.

23 13. Business and Professions Code section 19810 states:

24 Except as otherwise provided in this chapter, any power or
25 authority of the department described in this chapter may be
26 exercised by the Attorney General or any other person as the
Attorney General may delegate.

27 14. Business and Professions Code section 19826, in relevant part, states:

28 The department shall have all of the following responsibilities:

1 (a) To investigate the qualifications of applicants before any
2 license, permit, or other approval is issued, and to investigate any
3 request to the commission for any approval that may be required
4 pursuant to this chapter. The department may recommend the
5 denial or the limitation, conditioning, or restriction of any license,
6 permit, or other approval.

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11 15. Business and Professions Code section 19811, in relevant part, states:

12 (a) There is in state government the California Gambling Control
13 Commission, consisting of five members appointed by the Governor,
14 subject to confirmation by the Senate

15 (b) Jurisdiction, including jurisdiction over operation and
16 concentration, and supervision over gambling establishments in
17 this state and over all persons or things having to do with the
18 operations of gambling establishments is vested in the commission.

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22 16. Business and Professions Code section 19823 provides as follows:

23 (a) The responsibilities of the commission include, without
24 limitation, all of the following:

25 (1) Assuring that licenses, approvals, and permits are not
26 issued to, or held by, unqualified or disqualified persons, or by
27 persons whose operations are conducted in a manner that is
28 inimical to the public health, safety, or welfare.

(2) Assuring that there is no material involvement, directly
or indirectly, with a licensed gambling operation, or the ownership
or management thereof, by unqualified or disqualified persons, or
by persons whose operations are conducted in a manner that is
inimical to the public health, safety, or welfare.

(b) For the purposes of this section, "unqualified person"
means a person who is found to be unqualified pursuant to the
criteria set forth in Section 19857, and "disqualified person" means
a person who is found to be disqualified pursuant to the criteria set
forth in Section 19859.

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32 17. Business and Professions Code section 19824 provides as follows:

The commission shall have all powers necessary and proper to
enable it fully and effectually to carry out the policies and purposes
of this chapter, including, without limitation, the power to do all of
the following.

(a) Require any person to apply for a license, permit,
registration, or approval as specified in this chapter, or regulations
adopted pursuant to this chapter.

(b) For any cause deemed reasonable by the commission,
deny any application for a license, permit, or approval provided for
in this chapter or regulations adopted pursuant to this chapter,

1 limit, condition, or restrict any license, permit, or approval, or
2 impose any fine upon any person licensed or approved.

3 (c) Approve or disapprove transactions, events, and
4 processes as provided in this chapter.

5 (d) Take actions deemed to be reasonable to ensure that no
6 ineligible, unqualified, disqualified, or unsuitable persons are
7 associated with controlled gambling activities.

8 (e) Take actions deemed to be reasonable to ensure that
9 gambling activities take place only in suitable locations.

10 (f) Grant temporary licenses, permits, or approvals on
11 appropriate terms and conditions.

12 (g) Institute a civil action in any superior court against any
13 person subject to this chapter to restrain a violation of this chapter.
14 An action brought against a person pursuant to this section does
15 not preclude a criminal action or administrative proceeding against
16 that person by the Attorney General or any district attorney or city
17 attorney.

18 (h) Issue subpoenas to compel attendance of witnesses and
19 production of documents and other material things at a meeting or
20 hearing of the commission or its committees, including advisory
21 committees.

22 18. Business and Professions Code section 19825 states:

23 The commission may require that any matter that the
24 commission is authorized or required to consider in a hearing or
25 meeting of an adjudicative nature regarding the denial, suspension,
26 or revocation of a license, permit, or a finding of suitability, be
27 heard and determined in accordance with Chapter 5 (commencing
28 with Section 11500) of Part 1 of Division 3 of Title 2 of the
Government Code.

19. Section 6.5.6 of the Amended Compact, in relevant part,
provides that:

(a) Upon receipt of a completed license application and a
determination by the Tribal Gaming Agency that it intends to issue
the earlier of a temporary or permanent license, the Tribal Gaming
Agency shall transmit to the State Gaming Agency a notice of
intent to license the applicant, together with . . . (i) a copy of all
tribal license application materials

* * *

Except for an applicant for licensing as a non-key Gaming
Employee, as defined by agreement between the Tribal Gaming
Agency and the State Gaming Agency, the Tribal Gaming Agency
shall require the applicant also to file an application with the State
Gaming Agency, prior to issuance of a temporary or permanent

1 tribal gaming license, for a determination of suitability for
2 licensure under the California Gambling Control Act.
3 Investigation and disposition of that application shall be governed
4 entirely by state law, and the State Gaming Agency shall determine
5 whether the applicant would be found suitable for licensure in a
6 gambling establishment subject to that Agency's jurisdiction.

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10 20. Section 2.18 of the Amended Compact provides:

11 "State Gaming Agency" means the entities authorized to
12 investigate, approve, and regulate gaming licenses pursuant to the
13 Gambling Control Act (Chapter 5 (commencing with Section
14 19800) of Division 8 of the Business and Professions Code.

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STATUTORY PROVISIONS APPLICABLE TO RESPONDENT

20. Business and Professions Code section 19805, subdivision (b), defines "Applicant" as
follows:

Any person who has applied for, or is about to apply for, a state
gambling license, a key employee license, a registration, a finding
of suitability, a work permit, a manufacturer's or distributor's
license, or an approval of any act or transaction for which the
approval or authorization of the commission or department is
required or permitted under this chapter.

21. Business and Professions Code section 19857 states:

No gambling license shall be issued unless, based on all of the
information and documents submitted, the commission is satisfied
that the applicant is all of the following:

(a) A person of good character, honesty, and integrity.

(b) A person whose prior activities, criminal record, if any,
reputation, habits, and associations do not pose a threat to the
public interest of this state, or to the effective regulation and
control of controlled gambling, or create or enhance the dangers of
unsuitable, unfair, or illegal practices, methods, and activities in
the conduct of controlled gambling or in the carrying on of the
business and financial arrangements incidental thereto.

22. Business and Professions Code section 19859 states:

The commission shall deny a license to any applicant who is
disqualified for any of the following reasons:

* * *

(c) Conviction of a felony, including a conviction by a
federal court or a court in another state for a crime that would
constitute a felony if committed in California.

1 (d) Conviction of the applicant for any misdemeanor
2 involving dishonesty or moral turpitude within the 10-year period
3 immediately preceding the submission of the application, unless
4 the applicant has been granted relief pursuant to Section 1203.4,
5 1203.4a, or 1203.45 of the Penal Code; provided, however, that the
6 granting of relief pursuant to Section 1203.4, 1203.4a, or 1203.45
7 of the Penal Code shall not constitute a limitation on the discretion
8 of the commission under Section 19856 or affect the applicant's
9 burden under Section 19857.

6 23. Penal Code section 1203.4, in relevant part, states:

7 The order shall state, and the probationer shall be informed, that
8 the order does not relieve him or her of the obligation to disclose
9 the conviction in response to any direct question contained in any
10 questionnaire or application for public office, for licensure by any
11 state or local agency, or for contracting with the California State
12 Lottery

11 24. Penal Code section 461 states:

12 Burglary is punishable as follows:

13 1. Burglary in the first degree: by imprisonment in the state
14 prison for two, four, or six years.

15 2. Burglary in the second degree: by imprisonment in the
16 county jail not exceeding one year or in the state prison.

16 25. Penal Code section 17, in relevant part, states:

17 (b) When a crime is punishable, in the discretion of the
18 court, by imprisonment in the state prison or by fine or
19 imprisonment in the county jail, it is a misdemeanor for all
20 purposes under the following circumstances:

20 * * *

21 (3) When the court grants probation to a defendant without
22 imposition of sentence and at the time of granting probation, or on
23 application of the defendant or probation officer thereafter, the
24 court declares the offense to be a misdemeanor.

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(Conviction of a Felony)**

25 26. Complainant incorporates by this reference each and every allegation contained in
26 paragraphs 1 through 25, above, as though set forth here in full.

27 27. Respondent's application is subject to mandatory denial pursuant to Business and
28 Professions Code section 19859, subdivision (c), on the ground that Respondent was convicted

1 of two felonies on February 25, 1993. The felonies were (CT 1) Penal Code 459 (Burglary) and,
2 (CT 2) Penal Code 664/459 (Attempted Burglary).

3 28. Complainant is informed and believes and thereon alleges that Respondent has at no
4 time obtained from a court a reclassification of the above-described felony convictions as
5 misdemeanor convictions under Penal Code section 17, subdivision (b)(3).

6 WHEREFORE, Complainant prays for relief as set forth herein below.


7 **PRAYER**

8 Complainant requests that a hearing be held on the matters herein alleged, and that
9 following the hearing, the Commission issue a decision:

10 1. Denying the application of Jimmy Joon Yum, aka Hee Joon Yum, for a Finding of
11 Suitability as a Tribal Key Employee pursuant to Business and Professions Code section 19859,
12 subdivision (c).

13 2. Taking such and further action as is deemed necessary and proper.

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15 Dated: July 17, 2008

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18 MATHEW J. CAMPOY, Interim Chief
19 Bureau of Gambling Control,
California Department of Justice

20 Complainant
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