

1 KAMALA D. HARRIS
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 RONALD L. DIEDRICH
Deputy Attorney General
4 State Bar No. 95146
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-1043
Fax: (916) 327-2319
7 E-mail: Ronald.Diedrich@doj.ca.gov
Attorneys for the Complainant

8
9 **BEFORE THE**
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**
11 **STATE OF CALIFORNIA**
12

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

15 **NADER H. TAFTY, shareholder of**
16 **DELTA CM, INC., general partner and a**
17 **limited partner of DELTA C, LP, owners of**
18 **DELTA CASINO DOWNTOWN,**

19 **146 East Market Street**
Stockton, California 95292

20 **TEMPORARY LICENSE NO. GEOW-003241,**

21 **and**

22 **NADER H. TAFTY, shareholder of**
23 **DELTA CM, INC., general partner and a**
24 **limited partner of DELTA C, LP, owners of**
25 **DELTA CASINO,**

26 **6518 Pacific Avenue**
Stockton, California 95207

27 **TEMPORARY LICENSE NO. GEOW-003242,**

28 **Respondent.**

BGC Case No. BGC-HQ2011-00002

OAH No. 2012030444

STIPULATED SETTLEMENT;
DECISION AND ORDER

1 **JURISDICTION**

2 4. At the November 23, 2010 Commission meeting the Commission denied
3 Respondent's application for licensure.

4 5. On or about November 17, 2010 Respondent requested a hearing regarding the
5 Commission's denial of his application for licensure.⁵

6 6. On January 10, 2012, and again on February 7, 2012, Respondent was served with
7 the above titled Statement of Issues; as well as a Statement to Respondent (Gov. Code, § 11505,
8 subd. (b)); Request for Discovery (Gov. Code, § 11597.6); copies of Government Code sections
9 11507.5, 11507.6 and 11507.7; and two copies of the Notice of Defense form (Gov. Code, §§
10 11505 & 11506).

11 7. On or about February 23, 2012, Respondent filed a request for a hearing and notice
12 of defense.⁶

13 **ADVISEMENT AND WAIVERS**

14 8. Respondent has carefully reviewed, and has discussed with his legal counsel, the
15 legal and factual allegations in the Statement of Issues. Respondent has also carefully
16 reviewed, and has discussed with his legal counsel, this Stipulated Settlement. Respondent
17 fully understands the terms and conditions contained within this Stipulated Settlement and the
18 effects thereof.

19 _____
20 (...continued)

21 limited to B&P Code sections 19856, 19857, 19858 and 19859.

22 5. The applicant has pending applications for regular state gambling
23 licenses. A regular license may or may not be issued, depending upon the
24 results of the complete background investigation and upon conduct of the
25 applicant and its employees during the term of the temporary license.

26 (Letter from Robin Saenz, Analyst, Licensing Division, Commission, to Delta C, LP,
27 c/o Tigran Marcarian, cc: Nader Tafty (Sept. 22, 2010), underline in the original.)

28 ⁵ Prior to the November 23, 2010 Commission meeting, in apparent anticipation of the
Commission's denial of Respondent's application for licensure, Respondent's then attorney
submitted a written request for an evidentiary hearing.

⁶ Although Respondent failed to file a timely notice of defense; nevertheless, the
Bureau exercised its discretion to allow the case to go forward and to not default Respondent.
(Gov. Code, § 11520, subd. (b).)

1 15. Respondent agrees that if after the one year period of disqualification and
2 ineligibility has elapsed he should then apply for a key employee license, the Commission and
3 Bureau may consider the factual and legal admissions regarding the Statement of Issues in
4 paragraph 11 above in determining whether or not to then grant him a key employee license.

5 16. The parties agree that if after the one year period of disqualification and
6 ineligibility has elapsed Respondent should then apply for a key employee license, he may then
7 present any and all the pertinent arguments, evidence and information as to why he is then
8 eligible and suitable for licensure as a key employee he desires, with the exception that he may
9 not challenge, dispute or refute in any way the legal and factual allegations contained in the
10 Statement of Issues. Respondent understands and agrees that there is no promise or guarantee
11 that should he apply for a key employee license at some unspecified time in the future that such
12 an application will be granted by the Commission. Respondent understands and acknowledges
13 that whether or not he will then be considered suitable or qualified for licensure will depend in a
14 large degree on the circumstances at that time and what he can show with verifiable evidence
15 has occurred subsequent to the filing of the Statement of Issues that demonstrates evidence of
16 mitigation or rehabilitation, as well as suitability for licensure.

17 17. Respondent agrees to pay the Bureau the sum of \$7,500.00 as the reasonable costs
18 of investigation and prosecution of this matter as provided for in Business and Professions Code
19 section 19930. The Bureau agrees to a stay of Respondent's payment of that \$7,500.00 unless
20 or until Respondent applies for any type of gambling related license, permit or registration, at
21 which time the \$7,500.00 shall be immediately due and payable in full. Notwithstanding any
22 other provision in this Stipulated Settlement or in law, Respondent agrees that he shall remain
23 disqualified and ineligible to apply for any type of gambling related license, permit or
24 registration, including licensure as a key employee, until the entire \$7,500.00 in cost recovery
25 has been paid to the Bureau.

26 18. This Stipulated Settlement shall be subject to adoption by the Commission.
27 Respondent understands and specifically agrees that counsel for the Complainant and the staff
28 of the Bureau may communicate directly with the Commission regarding this Stipulated

1 Settlement, without notice to, or participation by, Respondent or his counsel, and that no such
2 communication shall be deemed a prohibited ex parte communication.

3 19. By signing this Stipulated Settlement, Respondent understands and agrees that he
4 may not withdraw his agreement or seek to rescind the Stipulated Settlement prior to the time
5 the Commission considers and acts upon it. If the Commission fails to adopt this Stipulated
6 Settlement as its decision, this Stipulated Settlement shall be of no force or effect, and, except
7 for actions taken pursuant to this paragraph and paragraph 18 above, it shall be inadmissible in
8 any legal action between the parties. The consideration of this Stipulated Settlement by the
9 Commission shall not disqualify it from any further action regarding Respondent's licensure
10 including, but not limited to, disposition of the Statement of Issues by a decision and order
11 following a hearing on the merits.

12 20. The parties agree that a photocopy, facsimile or electronic copy of this Stipulated
13 Settlement, including copies with signatures thereon, shall have the same force and effect as an
14 original.

15 21. This Stipulated Settlement constitutes the entire understanding between the parties
16 concerning the subject matter it covers. Any oral representations, modifications or amendments
17 made prior to or after the execution of this Stipulated Settlement concerning the subject matter
18 of this Stipulated Settlement shall have no force or effect.

19 22. In consideration of the above admissions and stipulations, the parties agree that the
20 Commission may, without further notice or formal proceeding, issue and enter an order
21 consistent herewith and adopting this Stipulated Settlement.

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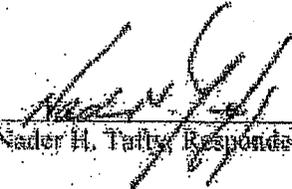
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ACCEPTANCE

I have carefully read and considered the above Stipulated Settlement. I have discussed all of its terms and effects with my legal counsel. I also understand the Stipulated Settlement and the effects it will have on my licensure now and in the future. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently, and agree to be bound by its terms.

Dated: May ____, 2012.

Aug 1st, 2012



Nader H. Talty, Respondent

Dated: May ____, 2012.

Keith A. Sharp,
Paul & Sharp
Attorneys for Respondent

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COMPLAINANT'S ACCEPTANCE

sd
Dated: ~~May~~ ^{August} 7, 2012.

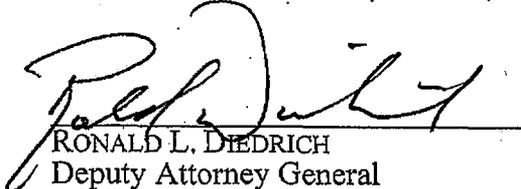


Martin J. Horan IV, Complainant
Bureau of Gambling Control

The foregoing Stipulated Settlement is hereby respectfully submitted for consideration by
the California Gambling Control Commission.

sd
Dated: ~~May~~ ^{August} 7, 2012.

KAMALA D. HARRIS
Attorney General of California
SARA J. DRAKE
Senior Assistant Attorney General



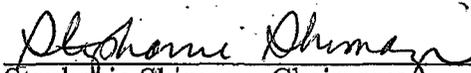
RONALD L. DIEDRICH
Deputy Attorney General
Attorneys for the Complainant

1 DECISION AND ORDER OF THE COMMISSION

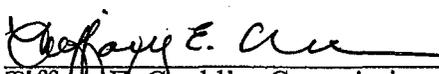
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3 The foregoing Stipulated Settlement of the parties for the case of *In the Matter of the*
4 *Statement of Issues Against: Nader H. Tafty*, BGC Case. No. BGC-HQ2011-00002, OAH Case
5 No. 2012030444 has been adopted by a majority vote of the California Gambling Control
6 Commission as its final Decision and Order in this matter and is effective upon execution below
7 by the Commission members.

8
9 **IT IS SO ORDERED**

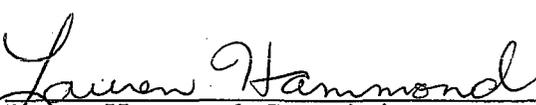
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11 Dated: 12-13-12


Stephanie Shimazu, Chairperson

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13 Dated: 12/13/2012


Tiffany E. Conklin, Commissioner

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15 Dated: 12-13-12


Lauren Hammond, Commissioner

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17 Dated: 12/13/12


Richard Schuetz, Commissioner