

California Gambling Control Commission
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CALIFORNIA GAMBLING CONTROL COMMISSION
2399 GATEWAY OAKS DRIVE, SUITE 100
2ND FLOOR CONFERENCE ROOM
SACRAMENTO, CA 95833-6013

MINUTES OF December 16, 2003
COMMISSION MEETING-TELECONFERENCE
As Prepared By Staff

OPEN SESSION

Acting Chairman Smith called the meeting of December 16, 2003, to order at 10:01 a.m. with Commissioners Palmer and Sasaki present.

Staff Participating: Gary Qualset, Deputy Director, Licensing and Compliance Division, Peter Melnicoe, Chief Counsel, Legal Division, and Herb Bolz, Senior Legal Counsel and Regulations Coordinator.

A Point of Order was raised by Commissioner Palmer who stated his objection to the reference to Commissioner Smith as the Commission's Acting Chair.

DECISION ITEMS

1. Finding of Necessity for Special Meeting.
Government Code section 11125.4(c)

Senior Legal Counsel Bolz recommended that the Commission adopt the following Finding of Necessity:

The California Gambling Control Commission finds that a special meeting must be held because immediate action is required to protect the public interest. The specific facts supporting this finding are as follows:

1. *The regularly scheduled meeting of December 10, 2003, was cancelled due to the illness of a Commissioner. However, the items that were on the December 10, 2003, agenda must nonetheless be acted upon. The initial applications for a work*

permit that were on the December 10 agenda must be processed as soon as possible so that the individual applicants can begin to work. The expiring work permit of one individual must be approved for renewal so that the individual may continue work.

2. *There is a meeting scheduled in Los Angeles for December 18, 2003, but that meeting cannot be expanded to include all of the December 10, 2003, items.*
3. *The items on the special meeting agenda of December 16, 2003, are limited to those previously included in the ten-day notice of the December 10, 2003, meeting, except for the mandated finding of necessity for the special meeting (Government Code section 11125.4(c).)*

Upon motion of Commissioner Sasaki, seconded by Acting Chairman Smith and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by roll-call vote, the Commission adopted the Finding of Necessity for Special Meeting.

2. Applications for Work Permit:
 - a. Empire Sportsmen Association:
Thomas, Saengchanh
 - b. Gold Sombrero:
Xiong, Aiya
Yang, Meng
 - c. Napa Valley Casino:
Brinkmoeller, Lee
 - d. Sonoma Joes:
Frazier, Linda

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the applications for a work permit for Items 2a, Saengchanh Thomas, 2b, Aiva Xiong and Meng Yang, 2c, Lee Brinkmoeller and 2d, Linda Frazier. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the applications for a work permit for 2a, Saengchanh Thomas, 2b, Aiva Xiong and Meng Yang, 2c, Lee Brinkmoeller and 2d, Linda Frazier.

3. Application for Key Employee License:

- a. Artichoke Joe's Casino:
Willson, Joe

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a key employee license for Item 3a, Joe Willson. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for a key employee license for Item 3a, Joe Willson.

4. Applications for Renewal of State Gambling License:

- a. Casino Club: Ileana Harris, Sole Proprietor
- b. Club San Rafael: Pete's 881 Club, Inc., Corporation
- c. Oaks Card Club: John Tibbetts, Nora Tibbetts, Dawn Potter, Michael Fink and Mary Tibbetts, Limited Partnership
- d. LuckY Lady Card Room: Stanley Penn and Paula Penn, Sole Proprietors
- e. Village Club: Harvey Frank Souza, Sole Proprietor
- f. The Mint: James Laurence Podergois, Sole Proprietor
- g. Tommy's Casino and Saloon: Tommie Wayne Buck, Incorporated, Corporation

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for renewal of a state gambling license for Item 4a, Casino Club. Upon motion of Commissioner Palmer, seconded by Commissioner Sasaki Chairman Smith and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for renewal of a state gambling license for Item 4a, Casino Club.

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for renewal of a state gambling license for Item 4b, Club San Rafael. Upon motion of Commissioner Palmer, seconded by Acting Chairman Smith and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for renewal of a state gambling license for Item 4b, Club San Rafael.

Deputy Director Qualset indicated that both the Division of Gambling Control and

Commission staff recommend approval of the application for renewal of a state gambling license for Item 4c, Oaks Card Club. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for renewal of a state gambling license for Item 4c, Oaks Card Club.

Deputy Director Qualset indicated that Commission staff recommends a temporary six-month renewal of the state gambling license for Item 4d, Lucky Lady Card Room to allow the Division time to: 1) report to the Commission on any violations by the gambling establishment; and 2) commence with any potential disciplinary action. Upon motion of Commissioner Palmer, seconded by Acting Chairman Smith and unanimously carried with Acting Chairman Smith and Commissioner Palmer and Sasaki voting yes by a roll-call vote, the Commission approved a six-month temporary license through June 30, 2004, for Item 4d, Lucky Lady Card Room with a directive that staff follow-up with the Division concerning the two aforementioned matters.

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for renewal of a state gambling license for Item 4e, Village Club. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for renewal of a state gambling license for Item 4e, Village Club.

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for renewal of a state gambling license for Item 4f, The Mint. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved the application for renewal of a state gambling license for Item 4f, The Mint.

Deputy Director Qualset indicated that Item 4g, Tommy's Casino and Saloon, previously issued a conditional state gambling license, was been recommended by the Division of Gambling Control for approval of the license renewal application. Deputy Director Qualset further indicated that Commission staff recommends renewal of a conditional license with the conditions that exist on the current license carried forward to be applied on the renewal license as follows:

1. *On a quarterly basis, licensee shall submit to the Division proof of compliance with Title 11 California Code of Regulations section 2053-Chips in Use Account.*
2. *Licensee is not permitted to maintain player's banks.*
3. *Pursuant to Business and Professions Code section 19880, subsection (d) (10) and (12), the Licensee shall engage an independent certified public accountant, licensed in the State of California, to conduct an audit for the fiscal year ending in 2004, of Tommie Wayne Buck, Incorporated, dba Tommy's Casino and Saloon that is to be completed within 120 days from the end of the fiscal year. A copy of the auditor's report, the related financial statements and notes thereto, and the Management Report shall be sent to the Commission and the Division within 30 days of receipt.*

Upon motion of Commissioner Palmer, seconded by Commissioner Sasaki and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission approved renewal of a conditional state gambling license for Item 4g, Tommy's Casino and Saloon, with the conditions recommended by staff applied to the license.

CONSENT CALENDAR

1. Work Permit Renewal Applications
 - a. Empire Sportsmen Association:
Phavavichane, Boutdy
2. Applications for Tribal-State Compact Key Employee Finding of Suitability:
 - a. Agua Caliente Band of Cahuilla Indians of the Agua Caliente Reservation – Agua Caliente Casino:

Barriga, Jaime	Lucero, Michael
Bellis, Steven	Munoz, Juan
Bloomfield, Michael	Nares, Gregory
Bueller, Jeffrey	Ragay, Joey
Burroughs, Kenneth	Ramoran, Joel
Dolby, Lauren	Grinager, Ramona
Hauf, Nicholas	Stonitsch, John
Latino, Nicholas	Schwartz, Christopher

- Spisak, Richard
- b. Augustine Band of Cahuilla Mission Indians of the Augustine Reservation - Augustine Casino:
 - Napier, Denise
 - Washington, George
- c. Big Sandy Rancheria of Mono Indians of California – Mono Winds Casino:
 - Perales, Barbara
- d. Jackson Rancheria of Me-Wuk Indians of California – Jackson Rancheria:
 - Brant, Robert
 - McKinney, Erin
 - Debrum, John
 - Thiang, Poev
 - Wallace, Joanne
 - Weber, Renee
 - Horn, April
 - Howard, Richard
- e. Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation - Casino Pauma:
 - Bencivenga, Dominic
 - Hand, Kimberly
 - Calac, Abraham
 - Nelson, Kaia
 - Christner, Dennis
 - Tolly, Ronald
 - Darder, Richard
 - Watkins, Steven
 - Gerbic, Stephen
 - Woodward, Steven
- f. Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation – Pechanga Resort and Casino:
 - Bibber-Bierman, Mitzi
 - Mors, DeeAnn
 - Bierman, Daniel
 - Ramsey, Ronald
 - Herbert, Linda
 - Russell, Edith
 - Kigawa, Hidenori
 - Russell, James
 - Lacy, Evan
 - Sherrill, Gary
 - Lenzini, Richard
 - Snyder, Robert
 - Lindsley, Marsha
 - Stewart, William
 - Luck, Rodney
 - Tran, Sang
- g. Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona - Paradise Casino of California:
 - Menta, Veronica
- h. Reddng rancheria - Win River Casino:
 - Brickwood, Michael
 - Davidson, Robert
 - Striegel, Michael
- i. Rumsey Indian Rancheria of Wintun Indiuans - Cache Creek Casino Resort:
 - Hatzopoulos, Constatinos
 - Hong, Ki
 - Inphay, Thomas
 - Khampanya, Sounthone
- j. San Pasqual Band of Diegueno Mission Indians of California - Valley View Casino:

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| Cook, Jake | Straus, John |
| Yoham, Gregory | |
| k. Soboba Band of Luiseno Indians - Soboba Casino:
Gates, Melissa | |
| l. Sycuan Band of Diegueno Mission Indians of California – Sycuan Casino
and Resort: | |
| Bishop, Darrin | Lieu, Richard |
| Murrill, Thomas | Nededog, Jason |
| Perle, Edward | Scaringelli, Gaetano |
| m. Twenty-Nine Palms Band of Mission Indians of California – Trump 29
Casino: | |
| Aguilar, Fernando | Dhooge, Russell |
| n. Viejas (Baron Long) Group of Capitan Grande of Mission Indians of the
Viejas Reservation – Viejas Casino and Turf Club: | |
| Depew, Laura | Dee, Village Club. |

Deputy Director Qualset presented the Consent Calendar to the Commission for its consideration of the application for renewal of a work permit and the applications for Tribal-State Compact Key Employee Finding of Suitability. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners voting yes by a roll-call vote, the Commission approved the Consent Calendar.

POINT OF ORDER

Chief Counsel Melnicoe commented on the Point of Order raised by Commissioner Palmer at the start of the meeting and characterized Commissioner Palmer's Point of Order as a motion to vacate the Chair. Commissioner Palmer indicated that he had raised the Point of Order to note his objection to the designation of Commissioner Smith as the Acting Chair and had intended no motion. The Chief Counsel indicated that the Commission could act to affirm or change the designation of the Commission's Acting Chair by motion. Commissioner Palmer stated that there were no provisions of the Gambling Control Act for the Commission to vote on the designation of the Commission Chair, which was solely in the discretion of the Governor. In response, the Chief Counsel indicated that although the Governor was designated to appoint the Commission Chair, in the absence of a Chairman selected by the Governor, the Commission may provide for an Acting Chairman.

Commissioner Sasaki moved to designate Commissioner Smith Acting Chair for the Commission. In a vote by roll-call, Acting Chairman Smith and Commissioner Sasaki

voted in favor of the motion, Commissioner Palmer voted no. Commissioner Smith then announced the passage of the motion and the Chief Counsel concurred.

ADJOURNMENT

Upon motion of Commissioner Sasaki, seconded by Acting Chairman Smith and unanimously carried with acting Chairman Smith and Commissioners Palmer and Sasaki voting yes by a roll-call vote, the Commission adjourned the meeting at 10:30 a.m.