

California Gambling Control Commission
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2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Wednesday, February 5, 2004

MINUTES OF FEBRUARY 5, 2004
COMMISSION MEETING

OPEN SESSION

Acting Chairman Smith called the meeting of February 5, 2004, to order at 1:35 p.m. with Commissioners Palmer and Sasaki present.

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

The motion to adopt the December 18, 2003, Commission meeting minutes, made by Commissioner Sasaki and seconded by Acting Chairman Smith, was continued at the request of Commissioner Palmer who requested additional time to review the proposed minutes to ensure that the adopted motion for agenda Item 6 was recorded accurately.

Upon motion of Commissioner Palmer, seconded by Commissioner Sasaki and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes the Commission adopted the January 9, 2004, Commission meeting minutes.

1. **Applications for Work Permit:**
 - a. Empire Sportsmen Association:
 - i. Panyanouvong, David
 - b. Lake Bowl Cardroom:
 - i. Lopez, Anthony
 - c. Napa Valley Casino:
 - i. Hoehn, Rhonda

- d. Sonoma Joes:
 - i. Brekke, Sarah
 - ii. Chavez, Jessica
 - iii. Harris, Shana
 - iv. Scalercio, Michael
 - v. Spiers, April

Deputy Director Qualset indicated that both the Division of Gambling Control and Commission staff recommend approval of the applications for a work permit for David Panyanouvong, Anthony Lopez, Rhonda Hoehn, Sarah Brekke, Jessica Chavez, Shana Harris, Michael Scalercio and April Spiers. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes the Commission approved the applications for a work permit for David Panyanouvong, Anthony Lopez, Rhonda Hoehn, Sarah Brekke, Jessica Chavez, Shana Harris, Michael Scalercio and April Spiers.

2. Request for Additional Authorized Tables:

- a. Cameo Club:
 - i. Lewis and Lewis, Incorporated – Corporation
- b. Crystal Park Casino
 - ii. California Casino Management, Incorporated – Corporation

Deputy Director Qualset indicated that the recommendation of both the Division of Gambling Control and Commission staff, based upon a review of the City of Stockton's local ordinance, was to deny the request for an additional authorized table for Item 2a, Cameo Club. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the Commission denied the request for an additional authorized table for Item 2a, Cameo Club.

Acting Chairman Smith directed staff to send a request to the Division of Gambling Control for a follow-up investigation on Cameo Club regarding the incidents noted in the Division's investigation report.

No action was taken by the Commission on Item 2b, which was tabled at the request of staff.

3. Request for Approval of Articles of Incorporation:

- a. Casino Asia, Inc.

Deputy Director Qualset indicated that staff had found the Articles of Incorporation for Item 3a, Casino Asia, Inc. to be in compliance and recommended that the Commission approve the Articles of Incorporation for filing with the Secretary of State. Upon motion of Commissioner Palmer, seconded by Commissioner Sasaki and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the Commission approved Item 3a, Casino Asia, Inc. request for approval of Articles of Incorporation for filing with the Secretary of State.

4. Revenue Sharing Trust Fund Report of Distribution to Non-Compact Tribes.

Deputy Director Qualset presented the Revenue Sharing Trust Fund Report of Distribution of Funds to Non-Compact Tribes for the Quarter Ended December 31, 2003, to the Commission for its consideration of the following recommendation:

It is recommended that:

- 1) *the Commission approve the current full quarterly distribution of approximately \$6.26 million of all payments made by tribes and any interest income received by the IGRSTF during the most recent quarter ended December 31, 2003, to the listed tribes that are determined to be eligible Non-Compact Tribes in accordance with the Commission's identified methodology for determining a Non-Compact Tribe as shown in Exhibit 1 attached to the report, and*
- 2) *approval of distributions shall be made on a conditional basis subject to receipt of any required eligibility certification of the maximum number of gaming devices operated during the quarter by each tribe that is required to submit a completed certification form.*

Commissioner Sasaki indicated that no Commission administrative costs were taken from the Revenue Sharing Trust Fund.

Upon motion of Commissioner Sasaki, seconded by Acting Chairman Smith and

unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes the Commission adopted the staff recommendation to approve the Revenue Sharing Trust Fund Report of Distribution to Non-Compact Tribes. A copy of the report is incorporated into the minutes as Attachment A.

5. Public Input and Discussion Concerning 2004 Rulemaking Calendar (Required by Government Code section 11017.6).

Senior Legal Counsel Herb Bolz announced that the Commission was accepting public input concerning regulation proposals for inclusion in the Gambling Control Act Rulemaking Calendar for 2004, and requested that comments be submitted to the Commission's office by February 13, 2004.

6. Approval of Consulting Contract: Assistance to Governor's Office.

Chief Counsel Melnicoe presented staff's recommendation that the Commission approve consulting contract GCK-03-08 with Daniel Kolkey for assistance to the Governor's Office. Upon motion of Commissioner Sasaki, seconded by Commissioner Smith and unanimously adopted with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the Commission approved the consulting contract for assistance to the Governor's Office GCK-03-08.

Michele LeBeau, Holland & Knight, commented on the funding source for consulting contract GCK-03-08.

Incorporated into the minutes as Attachment B are comments concerning GCK-03-08 submitted for the record from the Barona Band of Mission Indians that was received at the Commission's offices.

CONSENT CALENDAR ITEMS:

1. Application for Renewal of Work Permit:

- a. Sonoma Joes:
Sharpe, Peggy
Sok, Sal

Deputy Director Qualset presented Consent Calendar Item 1 to the Commission for its consideration of the applications for renewal of a work permit. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried

with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the Commission approved Consent Calendar Item 1.

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:

Balanay, Elsie	Miller, Charles
Cabacungan, Jacqueline	Morgan, Michael
Coyne, Carla	O'Brien, Michael
Gilbert, Larry	Pimentel, Algis
Green, Shanel	Quinnett, Carolyn
Hinton, Brian	Sgro, Judy
Jones, Bryn	Taylor, Timothy
Martin, Noreen	Ulloa, Julian
Martinez, Roberto	Woods, Cilman

- b. Alturan Indian Rancheria – Alturas Rancheria:
Eklund, Charles
Parrish, Lala

- c. Campo Band of Diegueno Mission Indians of the Campo Indian Reservation
– Golden Acorn Casino:
Incorvaia, Carmen

- d. Chicken Ranch Rancheria of Me-Wuk Indians – Chicken Ranch Bingo &
Casino:
Haydn-Myer
, Sheila

- e. Jackson Rancheria of Me-Wuk Indians of California – Jackson Rancheria:
Andrews, Martin
Clissod, Brian
Coats, Robert
Cole, Dennis
Hard, Michael
Milbourne, Jay

- f. Morongo Band of Mission Cahuilla Mission Indians of the Morongo
Reservation – Casino Morongo:

Ferrante, Alan
Thorsby, James

- g. Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation –
Pechanga Resort & Casino:
Stillwagon, Elizabeth
- h. Quechan Tribe of the Fort Yuma Indian Reservation – Paradise Casino
California:
Keenan, Carmen
Ruiz Ronnie
- i. Rincon Band of Luiseno Mission Indians of the Rincon Reservation –
Harrah's Rincon Casino:
Duffy, Suzanne
O'Day, Bonnie
Swift, Michael
Warren, Kenneth
- j. Rumsey Indian Rancheria of Wintun Indians – Cache Creek Casino Resort:
Brundige, Thomas
Rodriguez, Cassandra
Torman, Charles
- k. Soboba Band of Luiseno Indians – Soboba Casino:
Rood, Brandon
- l. Sycuan Band of Diegueno Mission Indians – Sycuan Casino and Resort:
Barry, Paul
Flowers, Patricia
Garcia, Ariston
Hofer, Jason
McDonald, Craig
Nagui, Jose
Phillips, Richard
Romero, Alfred
Sandoval, Lela
- m. Twenty-Nine Palms Band of Mission Indians of California – Trump 29
Casino:
Guidroz, Bert
Montigny, Richard
Padilla, Wendy
Paull, Robert

Simerson, Joan

Deputy Director Qualset presented Consent Calendar Item 2 to the Commission for its consideration of the Tribal-State Compact Key Employees Finding of Suitability. Upon motion of Commissioner Sasaki, seconded by Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the Commission approved Consent Calendar Item 2.

PUBLIC COMMENT

There was no comment from the public during this portion of the meeting.

Upon a Point of Order, Commissioner Palmer made a motion to change the order of hearing the agenda item entitled "Future Agenda Items: Commission Discussion" to schedule that item for consideration prior to taking up business in closed session. The motion failed for lack of a second.

CLOSED SESSION

Commissioner Smith announced that the Commission would be going into closed session. At 2:15 p.m. the Commission adjourned to closed session after Commission Counsel stated that discussions concerning personnel issues and pending litigation matters, under Government Code sections 11126(a), subsection (1) and 11126(e), would take place.

RECONVENE OPEN SESSION

Commissioner Smith reconvened the open session at 4:10 p.m., with Commissioners Palmer and Sasaki present and indicated that there were no announcements from closed session.

1. Future Agenda Items: Commission Discussion.

Commissioner Palmer indicated that he would like to see the three items suggested by him at the September 24, 2003, and other subsequent Commission meetings included on the agenda in the near future.

ADJOURNMENT

Upon motion to adjourn the meeting by Commissioner Sasaki, seconded by

Commissioner Palmer and unanimously carried with Acting Chairman Smith and Commissioners Palmer and Sasaki voting yes, the meeting adjourned at 4:15 p.m.