

California Gambling Control Commission
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MINUTES OF NOVEMBER 3, 2005
COMMISSION MEETING

OPEN SESSION

Chairman Shelton called the meeting of November 3, 2005 to order at 1:30 p.m., with Commissioners Cruz and Sasaki and Williams present.

Staff Participating: Cara Podesto, Acting Deputy Director, Licensing Division, Cyrus Rickards, Chief Counsel, and Heather Hoganson, Staff Counsel, Legal Division, Gary Qualset, Deputy Director, Compliance Division.

DECISION ITEMS

1. Applications for Work Permit:

- a. Gloria's Lounge and Casino:
Smith, Sandra

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a work permit for Sandra Smith, Item 1.a. Acting Deputy Director Podesto further indicated that Ms. Smith was previously issued a temporary work permit pending the Division and Commission's review of her application, however, the review was not completed within the 120-day period provided for in regulation and Ms. Smith was required to submit another application for a work permit. Upon request of the applicant, staff has waived the fees for the resubmitted application.

Chairman Shelton asked who had the authority to waive the fee.

Acting Deputy Director Podesto indicated that it is done administratively and is authorized in the work permit regulations.

Chairman Shelton also stated he had requested a copy of the police report on the incident that lead to a conviction concerning Ms. Smith.

Acting Deputy Director Podesto stated that the Division was advised by the local jurisdiction that the report couldn't be located.

Chairman Shelton stated that after four years the records are normally destroyed but this could be a very serious situation even though it involves a misdemeanor charge.

Deborah Dunn, Division of Gambling Control, stated that the local police department indicated that the report was not destroyed or lost, but rather there is no evidence that any report was ever completed.

Chairman Shelton inquired of Ms. Dunn how the matter was brought to court without a police report, and Commissioner Williams asked if there was ever an inquiry of the district attorney or the court.

Ms. Dunn stated in response stated that the Division contacted both the court and district attorney and were advised that the information originally received from the police department was an incomplete and non-investigative document and no report was included.

Chairman Shelton stated that the Commission could not punish the applicant for the failure of the entities to file accurate records.

Upon motion of Commissioner Cruz, seconded by Chairman Shelton and carried in the call for a vote, with Chairman Shelton and Commissioners Cruz and Sasaki voting yes, Commissioner Williams abstaining, the Commission approved the application for work permit for Sandra Smith.

- b. Lake Bowl Cardroom:
Hodson, Jo Anne

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a work permit for Jo Anne Hodson, Item 1.b. Upon motion of Chairman Shelton, seconded by Commissioner Sasaki and unanimously carried in the call for a vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the application for work permit for Jo Anne Hodson.

- c. The 101 Casino Casino:
Stuchiner, Patricia

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a work permit for Patricia

Stuchiner, Item 1.c. Upon motion of Commissioner Sasaki, seconded by Commissioner Cruz and unanimously carried in the call for a vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the application for work permit for Patricia Stuchiner.

2. Application for Key Employee License:

- a. Garden City Casino:
Morgan, Daniel

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a key employee license for Daniel Morgan, Item 2.a. Acting Deputy Director Podesto further stated that staff had discussed some concerns with Mr. Morgan and advised the Commission that he was present today.

Chairman Shelton recommended that the application for Mr. Morgan be returned to the Division for further review and clarification of the status of child support arrearages.

Commissioner Cruz asked if Mr. Morgan would object to a conditional license agreeing to remain current with child support payments.

Mr. Morgan addressed the Commission and stated he would agree to a conditional license.

Chairman Shelton thanked Mr. Morgan for appearing and stated he still felt it necessary to table the item and refer it back to the Division for a follow-up. The Commission took no action on Item 2.a., which was referred back to the Division for further review.

3. Request to Purchase an Existing Gambling Establishment:

- a. Garlic City Club: Ky Phoun, Sole Proprietor

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff the recommend approval of the Request to Purchase the Existing Gambling Establishment Garlic City Club, Item 3.a.

Commissioner Williams made a motion to adopt staffs recommendation and Commissioner Cruz second the motion.

Chairman Shelton asked how many Commissioners read the sales agreement and asked Manager Podesto why, if it was provided to one Commissioner, it was not provided to the other three.

Acting Deputy Director Podesto stated that Commissioner Cruz requested a copy.

Chairman Shelton stated he recalled requesting a copy in writing and was not prepared to vote on the item because he and Commissioners Sasaki and Williams haven't had an opportunity to review the sales agreement.

Acting Deputy Director Podesto stated she would obtain copies for all of the Commissioners.

Commissioner Williams withdrew his motion to adopt staff's recommendation and Commissioner Cruz withdrew his second. Item 3.a. was tabled and will be brought back to the Commission at a future meeting, following the Commissioners review of the sales agreement.

Chairman Shelton reiterated that all information must be supplied to the Commissioners in a timely manner before they can render an honest decision and further stated he had been making this request for two years and hoped staff could get to this point.

4. Application for Renewal of State Gambling License:

a. Caesar's Club: Jose Alvarez Cahue, Sole Proprietor

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for the renewal of a state gambling from December 1, 2005 through November 30, 2006, for Caesar's Club, Item 4.a.

Commissioner Sasaki inquired about the increase in revenue.

Acting Deputy Director Podesto explained that the increase in revenue was because this club gained the clientele of another club located in the same jurisdiction that had burned down.

Upon motion of Chairman Shelton, seconded by Commissioner Cruz and unanimously carried in the call for a vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the application for the renewal of a state gambling license for Caesar's Club.

b. Cap's Saloon: Cap's Enterprises, Incorporated, Corporation

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a renewal of a state gambling license from December 1, 2005 through November 30, 2006 for Cap's Saloon, Item 4.b.

Commissioner Cruz moved to adopt staffs recommendation.

With no second to the motion, Chairman Shelton indicated that the renewal was open for discussion and stated that Cap's Saloon has a history of problems and asked how many temporary licenses were previously issued to the casino.

Acting Deputy Director Podesto stated three temporary licenses had been issued to the casino between 2003 and 2004, and two temporary licenses were issued in the last renewal period.

Chairman Shelton stated that this Commission and the prior Commission has had some difficulty with this license and further stated that the Commissioners had just received the Alcoholic Beverage Control (ABC) report that recommends revocation of the license and he wonders why the Commission would consider renewal of the state gambling license.

Commissioner Sasaki indicated that she would like to have this referred back to the Division for further review and clarification on the ABC issues.

Commissioner Cruz inquired about the Commission action taken on May 19, 2005.

Acting Deputy Director Podesto stated that previous to May 19, 2005, the Commission had issued a six-month temporary license and on May 19, the Commission approved a license for the remainder of Cap's Saloon's license period ending on November 30, 2005.

Commissioner Cruz questioned if November 2003 was the first time the Commission referenced concerns.

Acting Deputy Director Podesto stated that subsequent to the license renewal in November 2003 the Division was providing the Commission with regular updates on the progress of the ABC hearings and temporary licenses were issued pending the results of those hearings.

Commissioner Cruz inquired if the Commission would issue a temporary license and refer it back to the Division

Chairman Shelton indicated his concerns with issuing a state gambling license to the owner, being of questionable character, when reports indicated that the owner sat at the bar, which is located in the same building as the gambling establishment, while a patron was shot. Chairman Shelton added further that the ABC report indicates he tried to cover up the homicide and did not cooperate with law enforcement, and then personally served a minor alcohol and tried to cover that up as well.

Commissioner Williams stated that with there being two murders that occurred at the same location perhaps the Commission should not renew the state gambling license.

Commissioner Cruz withdrew his motion.

Chairman Shelton recommended the matter be referred back to the Division to re-asses their findings.

Acting Deputy Director Podesto stated that Cap's Saloon's license will expire on November 30, 2005 and the Division would need 60 days for additional review.

Upon motion of Chairman Shelton, seconded by Commissioner Cruz and unanimously carried in the call for a vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved a 60-day temporary renewal of a the state gambling license from December 1, 2005 through February 28, 2006, for Cap's Saloon.

- c. Empire Sportsmen's Association: Empire Sportsmen Association, Inc., Corporation

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the application for a renewal of a state gambling license from December 1, 2005 through November 30, 2006 for Empire Sportsmen's Association, Item, 4.c.

Chairman Shelton made a motion to approve the staff recommendation and Commissioner Sasaki second the motion.

Commissioner Cruz recommended that the Commission issue a temporary license due to his concerns regarding the clubs non-profit status, although the business filed a corporate tax return.

Chairman Shelton withdrew his motion and Commissioner Sasaki withdrew her second to the motion.

Acting Deputy Director Podesto suggested that 90-days would be sufficient time for the Division to conduct further review.

Upon motion of Chairman Shelton, seconded by Commissioner Sasaki and unanimously carried in the call for a vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved a 90-day temporary state gambling license from December 1, 2005 through February 28, 2006, for Empire Sportsmen's Association.

5. Applications for Tribal-State Compact Gaming Resource Supplier (Vendor)
Finding of Suitability – Request for Withdrawal:

- a. MIS International USA, Inc.:
 - i. MIS International USA, Inc.
 - ii. Orchard, Luke – Secretary, Treasurer, and General Manager
MIS International USA, Inc.

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the request for withdrawal, without prejudice,

of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for MIS International USA, Inc., Item 5.a.

Chairman Shelton inquired if the tribes had been contacted and whether there were any negative reports.

Ms. Podesto stated that the tribes had been contacted and staff received no negative reports.

Upon motion of Chairman Shelton, seconded by Commissioner Sasaki and unanimously carried in a roll-call vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved, without prejudice, the request for withdrawal of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for MIS International USA, Inc.

- b. Pacific Coast Gaming – Pauma Valley, LLC:
 - i. Pacific Coast Gaming – Pauma Valley, LLC
 - ii. Daly, Matthew – Owner

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval of the request for withdrawal, without prejudice, of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for, Pacific Coast Gaming-Pauma Valley, Item 5.b.

Upon motion of Commissioner Cruz seconded by Commissioner Sasaki and unanimously carried in a roll-call vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the request for withdrawal, without prejudice, of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for Pacific Coast Gaming-Pauma Valley, LLC.

- 6. Application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability:
 - a. New Gaming Systems, Inc.: Kevin Freels, Corporation
 - i. Berry Creek Rancheria of Maidu Indians of California – Gold Country Casino
 - ii. Chicken Ranch Rancheria of Me-Wuk Indians of California – Chicken Ranch Casino

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend denial of the request for withdrawal of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for New Gaming Systems, Inc., Item, 6.a. Acting Deputy Director Podesto further stated that Kevin Freels and his representative were advised in writing of the recommendation for denial, and they have forwarded to the Commission a request for an administrative hearing.

Chairman Shelton stated that this matter would be referred to the Office of Administrative Hearing to be heard by and Administrative Law Judge and then return to the Commission for a final vote on a proposed decision.

7. i) Revenue Sharing Trust Fund Report of Distribution to Non-Compact Tribes for the Quarter Ended September 30, 2005:

Deputy Director Qualset presented to the Commission for its consideration the following staff recommendation concerning the Revenue Sharing Trust Fund Report of Distribution of Funds to Non-Compact Tribes for the Quarter Ended September 30, 2005.

It is recommended that:

- 1) The Commission approve distribution of the current full quarterly amount of approximately \$8.14 million of all payments made by tribes and any interest income received by the Indian Gaming Revenue Sharing Trust Fund during the most recent quarter ended September 30, 2005, 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 this report, and any interest accrued for previously approved distributions held in abeyance in the Indian Gaming Revenue Sharing Trust Fund but not immediately disbursed, 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 Cruz moved to approve the staff recommendation and Commissioner Sasaki seconded the motion.

Chairman Shelton inquired about tribes whose Indian Gaming Revenue Sharing Trust Fund payments are in arrears.

Deputy Director Qualset referred to the aging report, located on page 2 of the report presented by staff, that indicates the period of time, number of tribes, and amount of license fees in arrears; and stated that if all license fees due had been paid each recipient tribe would have received approximately \$24,000 more in license fees.

Commissioner Sasaki asked for an explanation of Exhibit 2 of the Funds Statement.

Deputy Director Qualset advised that prior to September 30, 2005 there were quarterly distributions that had not been sent to certain eligible non-compact tribes because the Commission did not receive these tribe's certification forms. Since September 30, 2005, the Commission received the pending certification forms and the funds were distributed to these tribes. Deputy Director Qualset stressed that this illustrates the importance of submitting the certification form in a timely manner.

Commissioner Cruz inquired if there were any public records accessible to non-compact recipient tribes that identify which compact tribes have Indian Gaming Revenue Sharing Trust Fund payments in arrears.

Deputy Director Qualset stated that the compact allows up to two quarters in arrearages and further stated that the Commission's aging report was the only document showing tribes with arrears.

Upon motion of Commissioner Cruz, seconded by Commissioner Sasaki and unanimously carried in the call for a vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the Revenue Sharing Trust Fund Report of Distribution of Funds to Non-Compact Tribes for the Quarter Ended September 30, 2005, and distribution of \$116,412.68 to each eligible recipient non-compact tribe. A copy of this report is incorporated into the minutes as Attachment A.

ii) Indian Gaming Special Distribution Fund and Indian Gaming Revenue Sharing Trust Fund Shortfall Distribution Report per Government Code 12012.90:

Deputy Director Qualset presented to the Commission the Indian Gaming Special Distribution Fund and Indian Gaming Revenue Sharing Trust Fund Shortfall Distribution Report to Legislature per Government Code Section 12012.90, for consideration of the following recommendation:

It is recommended that the Commission approve this report to be submitted to the Legislature and the amounts of shortfall shown in Exhibit 1, determined pursuant to Government Code section 12012.90, under the methodology prescribed therein.

Upon motion of Commissioner Sasaki, seconded by Commissioner Shelton and unanimously carried in a roll-call vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the Indian Gaming Special Distribution Fund and Indian Gaming Revenue Sharing Trust Fund Shortfall Distribution Report to the Legislature, and the quarterly shortfall distribution of \$158,587.32 to each eligible non-compact tribe. A copy of this report is incorporated into the minutes as Part 2 of Attachment A.

Commissioner Sasaki inquired if there would be two separate checks issued to each of the eligible recipient tribes.

Deputy Director Qualset stated that, due to the short processing time for this quarter, two checks will be issued to each recipient tribe and subsequent distribution of funds will be incorporated into one check.

8. Final Adoption of Regulations Concerning Gaming Activity Authorization and Additional Tables (Title 4, California Code of Regulations, sections 12356, 12358, and 12359).

Staff Counsel Hoganson presented staffs recommendation that the Commission adopt the proposed permanent regulations concerning Gaming Activity Authorization and Additional Tables (Title 4 California Code of Regulations sections 12356, 12358, and 12359). Copies of these regulations were included with the agenda posted on the Internet and available from the Commission, and are incorporated in these minutes as Attachment B.

Alan Titus, representing Artichoke Joe's, commented in opposition to Section 12356 of the proposed regulation concerning gaming activity authorization. Mr. Titus submitted written comments that are incorporated into the minutes as Attachment C.

Following discussions regarding Section 12356 of the proposed regulation, Staff Counsel Hoganson suggested that the Commission adopt Sections 12358 and 12359, and table its consideration of Section 12356 for further review by staff.

A motion made by Commissioner Sasaki and seconded by Chairman Shelton to approve the proposed permanent regulations concerning Additional Tables (Title 4 California Code of Regulations sections 12358 and 12359) for filing with the Office of Administrative Law, unanimously carried in the call for a vote with Chairman Shelton and Commissioners Cruz, Sasaki and Williams voting yes.

CONSENT CALENDAR ITEMS

1. Applications for Renewal of Work Permit:
 - a. The 101 Casino:
 - McKennies, Shana
 - Scalercio, Michael
 - Stan, Michael

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:
 - Eaton, Jesita

- b. Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation – Barona Casino:
 - Bravo, Deborah
 - Gracia, Luis
 - Knies, Lausannah
 - Long, Melissa
 - Meyers, Tara
 - Meyrick, Iris
 - Sanchez, Adam
 - Terra, Tammy
- c. Blue Lake Rancheria – Blue Lake Casino:
 - Pool, Keenan
- d. Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria – Colusa Casino & Bingo:
 - Anderson, Ronald
 - Powell, Don
 - Standley, Robert
- e. Cahuilla Band of Mission Indians of the Cahuilla Reservation – Cahuilla Creek Casino:
 - Salgado, Sherri
- f. Campo Band of Diegueno Mission Indians of the Campo Indian Reservation – Golden Acorn Casino & Travel Center:
 - Deleva, Ryan
 - Mesa, Johnathan
 - Moreno, Christopher
- g. Hopland Band of Pomo Indians of the Hopland Rancheria – Shokawah Casino & Bingo:
 - Lee, Fun
- h. Jackson Rancheria of Me-Wuk Indians of California – Jackson Rancheria Casino, Hotel and Conference Center:
 - Gramlich, Roy
 - Sheffield, Elizabeth
- i. Pala Band of Luiseno Mission Indians of the Pala Reservation – Pala Casino:
 - Anton, Shauna
- j. Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation – Casino Pauma:
 - Sanchez, Elizabeth
 - Souratha, Monica
- k. Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation – Pechanga Gaming Center:
 - Braun, Walter
 - Eichelberger, Donald
 - Greenwood, Geoffrey
 - Tran, Vu

- l. Quechan Tribe of the Fort Yuma Indian Reservation – Quechan Paradise Casino:
 - Hill, Boyd
- m. Rincon Band of Luiseno Mission Indians of the Rincon Reservation – Harrah's Rincon Casino and Resort:
 - Griffith, Phyllis
 - Thiessen, Terri
- n. Santa Rosa Indian Community of the Santa Rosa Rancheria – The Palace:
 - Davis, Pamela
 - Kleinknecht, Christopher
- o. Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation Chumash Casino:
 - Acosta, Elsie
 - Jacobson, Robert
 - Ramones, Moises
 - Schaub, Benjamin
 - Skinner, Brian
- p. Soboba Band of Luiseno Mission Indians of the Soboba Reservation – Soboba Casino:
 - Chapman, Albert
 - Manzara, John
- q. Table Mountain Rancheria of California – Table Mountain Casino:
 - Carter, Thomas
 - Castillo, Leo
 - Garcia, Alfredo
 - Meyer, Kenichi
 - Smith, Robert
- r. Tule River Indian Tribe of the Tule River Reservation – Eagle Mountain Casino:
 - Cha, Xiong
 - Manuel, Paul
- s. United Auburn Indian Community of the Auburn Rancheria of California Thunder Valley Casino:
 - Hart, Todd
- t. Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation – Viejas Casino & Turf Club:
 - Gardner, Gerardo
 - Pakish, Keith

Manager Podesto presented the Consent Calendar to the Commission for its consideration of the applications for renewal of a work permit, and Tribal State Compact Key Employee Findings of Suitability and renewal of Tribal-State Compact Key Employee Finding of Suitability. Upon motion of Chairman Shelton seconded by Commissioner Sasaki and unanimously carried in the call for a vote, with

Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the Consent Calendar.

PUBLIC COMMENT

Allan Titus, representing Artichoke Joe's, advised the Commission that for seven years the City of Colma has been violating the state moratorium on gambling expansion by passing a 1998 city ordinance. Mr. Titus requested that the Commission address this issue.

CLOSED SESSION

Chairman Shelton announced that the Commission would not adjourn to Closed Session since there were no new matters under Government Code section 11126(e) that required discussions.

ADJOURNMENT

Upon motion to adjourn the meeting by Commissioner Sasaki, seconded by Commissioner Cruz and unanimously carried in the call for a vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the meeting adjourned at 2:45 p.m.

**CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOVEMBER 3, 2005
COMMISSION MEETING**

**REVENUE SHARING TRUST FUND
REPORT OF DISTRIBUTION TO NON-COMPACT TRIBES
FOR THE QUARTER ENDED SEPTEMBER 30, 2005**

- PART 1 — Revenue Sharing Trust Fund Report of Distribution of Funds to
Non-Compact Tribes for the Quarter Ended September 30, 2005**
- PART 2 — Indian Gaming Special Distribution Fund and Indian Gaming
Revenue Sharing Trust Fund Quarterly Shortfall Distribution
Report per Government Code Section 12012.90 for the Quarter
Ended September 30, 2005**

PART 1

Revenue Sharing Trust Fund Report of Distribution of Funds to Non-Compact Tribes for the Quarter Ended September 30, 2005

CALIFORNIA GAMBLING CONTROL COMMISSION

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Phone: (916) 263-0700 • FAX: (916) 263-0499



DATE: November 3, 2005

TO: Gambling Control Commission

FROM: Gary Qualset, Deputy Director
Compliance Division

SUBJECT: Revenue Sharing Trust Fund Report of Distribution of Funds to Non-Compact Tribes for the Quarter Ended September 30, 2005

ISSUE: *Can the Gambling Control Commission (Commission) make a current quarterly distribution from the Indian Gaming Revenue Sharing Trust Fund (IGRSTF) to each eligible Non-Compact Tribe for the quarter ended September 30, 2005?*

The Commission, as administrator for the IGRSTF, is required to make distributions from the IGRSTF in accordance with the Tribal-State Gaming Compacts (Compacts) sections 4.3.2.1 (a) and (b).

The IGRSTF serves as the depository for payments made by Tribes that acquire and maintain gaming device licenses and interest income earned by the IGRSTF. The process for allocating licenses and the awarding thereof by the administrator is outlined in Section 4.3.2.2. This Section also specifies the amounts that shall be paid for license fees.

To date, the Commission has approved the distribution of approximately \$146.38 million in license fees, payments, and interest income from the IGRSTF covering twenty fiscal quarters from July 1, 2000 through June 30, 2005. The current distribution being proposed will make a distribution of the actual amount of license fees received and interest income that may have been deposited in the IGRSTF within the quarter ended September 30, 2005, leaving an undistributed balance of license fees, payments received, and interest income in the IGRSTF as of that date of less than \$1.00.

As shown in Exhibit 1, all eligible tribes will be receiving \$116,412.68 from license fees and interest income with this distribution for the quarter ended September 30, 2005. Total license fees of approximately \$8.11 million and interest earned of \$33,400.16 for the quarterly period ended September 30, 2005 and deposited in July 2005 into the IGRSTF for the quarter ended September 30, 2005 amounted to approximately \$8.14 million. Approved distributions will be held only in the event there is no existing tribal chairperson or representative with whom the BIA conducts government-to government relations, or there is some other unusual situation which calls into question the Commission's ability to distribute funds to the tribe or otherwise carry out its obligation pursuant to Section 4.3.2.1 (b). The remaining receipts are equally distributed to the seventy (70) tribes listed in Exhibit 1 as eligible Non-Compact recipient tribes (pending receipt of outstanding eligibility certification forms, if any). Thus, the equal share distribution amount per tribe for this quarter is as noted above.

At the end of the calendar quarter for distribution and as of the close of business on September 30, 2005, the amount of outstanding license fee payments due into the IGRSTF was approximately \$1.70 million. If the total license fee payments due at the end of this quarter had been paid into the IGRSTF, recipient tribes would have received \$24,315.50 in additional

moneys along with this quarter's distribution. The Commission makes quarterly distributions on a cash basis based on the amount of available funds in the IGRSTF for each quarter. Total outstanding and due license fee payments for the quarter ended September 30, 2005 are summarized in Table 1 below:

Table 1		
Indian Gaming Revenue Sharing Trust Fund License Fee Payment Aging Schedule as of September 30, 2005		
Quarter(s) in Arrears	Number of Tribes	Amount of License Fees Due
Less than 1	0	\$0.00
1	6	1,570,462.50
2	5	131,623.16
Totals	11	\$1,702,085.66

Table 1 shows the number of tribes that are in arrears and the amount due in accordance with the terms of the original 1999 Compacts. The amount due includes an estimate of prorated fees for partial quarterly amounts. Compact Section 4.3.2.3 provides that a tribe shall not conduct any gaming activity authorized by the Compact if the tribe is more than two quarterly contributions in arrears in its license fee payments into the IGRSTF.

Effective September 2, 2004, five (5) Compacts of 1999 were amended related to fees due to the IGRSTF from the tribes that amended their Compacts. These fees are to maintain the existing gaming device licenses that are held by each of these tribes. Amended Compact Section 4.3.2.2 provides that the tribes shall deposit fees within 30 days of the end of the each calendar quarter.

The Commission, as administrator, sends out quarterly invoices for the payment of license fees near the beginning of each quarter. Additionally, the Commission follows standard collection practices, which includes noticing those of past due amounts, and has initiating procedures if action is needed under the provisions of Compact Section 4.3.2.3 noted above.

The distribution amounts for each tribe that are presented in the attached report are subject to audit and subsequent verification of eligibility by the Commission. In accordance with the Commission's methodology for determining a Non-Compact Tribe, it is also being recommended that this distribution be on a conditional basis pending receipt of certification of the maximum number of gaming devices operated during the quarter by each tribe that is required to submit a completed certification form. Tribes that are required to complete the certification form are those tribes that entered into Compacts with the State of California and have operated less than three hundred-fifty gaming devices during the entire quarter for this distribution.

Pursuant to Item 0855-101-0366 of the Budget Act of 2005, \$46.0 million was appropriated for distribution to Non-Compact Tribes. Per Provision 3 of Item 0855-101-0366, the following information is requested according to control language as part of any request to augment Item 0855-101-0366. Although no augmentation is being requested with this distribution, we are submitting the following report information voluntarily.

1. The Methodology for Determining a Non-Compact Tribe

Per Section 4.3.2(a)(i) of the Compact, the term "Compact Tribe" and "Non-Compact Tribe" is defined as:

A "Compact Tribe" is a tribe having a compact with the State that authorizes the Gaming Activities authorized by this Compact. Federally-recognized tribes that are operating fewer than 350 Gaming Devices are "Non-Compact Tribes." Non-Compact Tribes shall be deemed third party beneficiaries of this and other compacts identical in all material respects. A Compact Tribe that becomes a Non-Compact Tribe may not thereafter return to the status of a Compact Tribe for a period of two years becoming a Non-Compact Tribe (sic).

For this distribution from the IGRSTF, the Commission used the following procedures as the methodology for determining if a tribe is a Non-Compact Tribe:

- A. Identify all tribes in the State of California that are Federally-recognized based on information obtained from the U. S. Department of Interior, Bureau of Indian Affairs, and a legal opinion received from the State Attorney General's Office.
- B. Request that each Non-Compact Tribe that entered into Compacts with the State that is to receive a distribution certify the maximum number of gaming devices operated during the quarter by completing and filing a Tribal-State Compact Gaming Device Certification Form (CGCC-C2005.01). Receive this form from each eligible tribe in accordance with the streamlined verification procedure implemented by the Commission. This form was mailed to Tribes for completion and filing and is also available on the Commission's website at www.cgcc.ca.gov.
- C. Classify all tribes identified in step A based on the information obtained in step B as either: 1) Compact Tribes operating 350 or more gaming devices, 2) Non-Compact Tribes as defined by the Compact, 3) non-compact gaming tribes, or a combination of classification 1) and 3).
- D. Classify all Non-Compact Tribes identified in part 2) of step C as eligible Non-Compact non-gaming tribes and Non-Compact gaming tribes that have submitted the requested certification form to the Commission if required.
- E. Prepare a list of Non-Compact Tribes based on the most recent information reported to the Commission.

2. A list of the Non-Compact Tribes Identified Based on the Commission's Methodology

A list of all Non-Compact Tribes as identified by the methodology identified in item 1 above is attached as Exhibit 1.

3. A Fund Condition Report Including the Amount of Revenue Received From Each Compact Tribe

A fund condition statement for the IGRSTF through September 30, 2005, for the fiscal year 2005-06 is attached as Exhibit 2. A listing of the amount of revenue from each Compact Tribe received by the Commission is attached as Exhibit 3.

4. The Amount of Funds to be Distributed to Each Non-Compact Tribe

The amount of funds to be distributed to each Non-Compact Tribe is listed in Exhibit 1 that is attached. The recommended distribution to each tribe listed in Exhibit 1 is subject to verification of eligibility and receipt of a Tribal-State Compact Gaming Device Certification Form (CGCC-C2005.01), if required.

RECOMMENDATION: *It is recommended that:*

1) the Commission approve distribution of the current full quarterly amount of approximately \$8.14 million of all payments made by tribes and any interest income received by the IGRSTF during the most recent quarter ended September 30, 2005, 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 this report, and any interest accrued for previously approved distributions held in abeyance in the IGRSTF but not immediately disbursed, 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.

Exhibit 1**Non-Compact Tribes Eligible to Receive a Distribution from the IGRSTF (Based on the Commission's Methodology) and the Amount of Funds Recommended for Distribution**

Non-Compact Indian Tribe		Amount of Funds Recommended to be Distributed
1	Alturas Indian Rancheria	\$116,412.68
2	Bear River Band of the Rohnerville Rancheria	116,412.68
3	Benton Paiute Reservation	116,412.68
4	Big Lagoon Rancheria	116,412.68
5	Big Pine Reservation	116,412.68
6	Big Sandy Rancheria	116,412.68
7	Bridgeport Paiute Indian Colony	116,412.68
8	Buena Vista Rancheria	116,412.68
9	Cahto Indian Tribe of the Laytonville Rancheria	116,412.68
10	Cahuilla Band of Mission Indians	116,412.68
11	California Valley Miwok Tribe	116,412.68
12	Cedarville Rancheria	116,412.68
13	Chemehuevi Indian Tribe	116,412.68
14	Cher-Ae Heights Indian Community	116,412.68
15	Chicken Ranch Rancheria	116,412.68
16	Cloverdale Rancheria	116,412.68
17	Cold Springs Rancheria	116,412.68
18	Colorado River Indian Tribes	116,412.68
19	Cortina Rancheria	116,412.68
20	Death Valley Timbi-Sha Shoshone Tribe	116,412.68
21	Elem Indian Colony	116,412.68
22	Elk Valley Rancheria	116,412.68
23	Enterprise Rancheria	116,412.68
24	Ewilaapaayp Band of Kumeyaay Indians	116,412.68
25	Federated Indians of Graton Rancheria	116,412.68
26	Fort Bidwell Indian Community	116,412.68
27	Fort Independence Reservation	116,412.68
28	Fort Mojave Indian Tribe	116,412.68
29	Greenville Rancheria	116,412.68
30	Grindstone Rancheria	116,412.68
31	Guidiville Rancheria	116,412.68
32	Hoopla Valley Tribe	116,412.68
33	Inaja-Cosmit Mission Indians	116,412.68
34	Ione Band of Miwok Indians	116,412.68
35	Jamul Indian Village	116,412.68
36	Karuk Tribe of California	116,412.68
37	La Jolla Band of Mission Indians	116,412.68

Exhibit 1**Non-Compact Tribes Eligible to Receive a Distribution from the IGRSTF (Based on the Commission's Methodology) and the Amount of Funds Recommended for Distribution**

Non-Compact Indian Tribe		Amount of Funds Recommended to be Distributed
38	La Posta Band of Mission Indians	116,412.68
39	Lone Pine Reservation	116,412.68
40	Los Coyotes Band of Cahuilla Indians	116,412.68
41	Lower Lake Rancheria	116,412.68
42	Lytton Rancheria	116,412.68
43	Manchester Point Arena Rancheria	116,412.68
44	Manzanita Mission Indians	116,412.68
45	Mechoopda Indian Tribe	116,412.68
46	Mesa Grande Mission Indians	116,412.68
47	Northfork Rancheria	116,412.68
48	Paiute Bishop Community	116,412.68
49	Pinoleville Rancheria	116,412.68
50	Pit River Tribe	116,412.68
51	Potter Valley Rancheria	116,412.68
52	Quartz Valley Indian Community	116,412.68
53	Quechan Tribe of Fort Yuma	116,412.68
54	Ramona Mission Indians	116,412.68
55	Redwood Valley Rancheria	116,412.68
56	Resighini Rancheria	116,412.68
57	Round Valley Indian Tribe	116,412.68
58	Santa Rosa Band of Cahuilla Mission Indians	116,412.68
59	Santa Ysabel Mission Indians	116,412.68
60	Scotts Valley Band of Pomo Indians	116,412.68
61	Sherwood Valley Pomo Indians	116,412.68
62	Shingle Springs Rancheria	116,412.68
63	Smith River Rancheria	116,412.68
64	Stewarts Point Rancheria	116,412.68
65	Susanville Indian Rancheria	116,412.68
66	Table Bluff Reservation	116,412.68
67	Torrez-Martinez Mission Indians	116,412.68
68	Upper Lake Band of Pomo Indians	116,412.68
69	Washoe Tribe of Nevada & California	116,412.68
70	Yurok Tribe of the Yurok Reservation	116,412.68
	Total	\$8,148,887.60¹

Footnotes:

1. The total amount of distribution to each tribe is subject to audit and verification by the Commission. Future distributions may be adjusted for any overpayments or underpayments that may have been made. If a tribe is subsequently determined to be a "Compact Tribe" by definition of the Compact, and is therefore not eligible for future distributions, any overpayments that may be made are subject to refund by a tribe(s) to the Commission. The above distributions are being recommended for distribution on a conditional basis and are subject to verification of eligibility. Distributions will only be made after receipt of a Tribal-State Compact Gaming Device Certification Form (CGCC-C2005.01) that indicates eligibility in accordance with the terms of the Compact.

EXHIBIT 2

CALIFORNIA GAMBLING CONTROL COMMISSION
 0366 - INDIAN GAMING REVENUE SHARING TRUST FUND
 FUND CONDITION STATEMENT
 For the three months ended September 30, 2005
 Cash Basis

BEGINNING BALANCE	\$	6,959,717.06
REVENUES AND TRANSFERS		
Revenues:		
150300 Income from surplus money investments		33,400.16
216900 License fees held in trust		8,115,487.50
Transfer from the Indian Gaming Special Distribution Fund To IGRSTF for shortfall per Senate Bill No. 77 (Chapter 38, Statutes of 2005)		48,483,757.00
		<hr/>
Totals, Revenues	\$	<u>56,632,644.66</u>
Totals, Resources	\$	63,592,361.72
EXPENDITURES		
Disbursements:		
Distribution	\$	6,398,585.87
Fiscal Year 2004-2005 shortfall distribution per Senate Bill No. 77 (Chapter 38, Statutes of 2005) and Government Code Section 12012.90		<hr/>
		46,405,881.70
Totals, Expenditures	\$	<u>52,804,467.57</u>
FUND BALANCE, prior to distribution	\$	10,787,894.15
Disbursements, pending distribution		8,148,887.60
Disbursements, pending Quarter Ended 6/30/2005 distribution		286,130.67
Disbursements, pending Fiscal Year 2004-2005 shortfall distribution Assembly Bill No. 673 (Chapter 210, Statutes of 2003) and Government Code Section 12012.90 reserve pending audit resolution		2,077,875.30
		<hr/>
		275,000.00
FUND BALANCE, after distribution	\$	<u><u>0.58</u></u>

Exhibit 3**Amount of Revenue from Each Compact Tribe Received by the Commission Through September 30, 2005 for the Fiscal Year Ending June 30, 2006**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
1	Agua Caliente Band of Cahuilla Indians	\$137,287.50	\$3,873,143.75
2	Alturas Indian Rancheria	0.00	187,500.00
3	Augustine Band of Mission Indians	0.00	437,500.00
4	Barona Band of Mission Indians	184,087.50	3,774,550.27
5	Bear River Band of the Rohnerville Rancheria	0.00	0.00
6	Berry Creek Rancheria	0.00	617,500.00
7	Big Sandy Rancheria	0.00	0.00 ²
8	Big Valley Rancheria	0.00	500,000.00
9	Blue Lake Rancheria	0.00	437,500.00
10	Buena Vista Rancheria	0.00	0.00 ²
11	Cabazon Band of Mission Indians	633,375.00	4,225,442.05
12	Cahto Indian Tribe of the Laytonville Rancheria	0.00	0.00
13	Cahuilla Band of Mission Indians	0.00	125,000.00
14	Campo Band of Diegueno Mission Indians	0.00	500,000.00
15	Chemehuevi Indian Tribe	0.00	0.00 ²
16	Cher-Ae Heights Indian Community	0.00	0.00
17	Chicken Ranch Rancheria	0.00	0.00
18	Colusa Rancheria	0.00	403,750.00
19	Dry Creek Rancheria	667,500.00	7,176,996.58
20	Elem Indian Colony	0.00	0.00
21	Elk Valley Rancheria	0.00	62,500.00
22	Ewilaapaayp Band of Kumeyaay Indians	0.00	2,437,433.22
23	Hoopla Valley Tribe	0.00	0.00
24	Hopland Band of Pomo Indians	54,450.00	2,119,408.57
25	Jackson Rancheria	0.00	3,026,877.22
26	Jamul Indian Village	0.00	0.00
27	La Jolla Band of Luiseno Indians	0.00	0.00
28	Manchester Point Arena Rancheria	0.00	0.00
29	Manzanita Band of Mission Indians	0.00	0.00
30	Middletown Rancheria	0.00	187,500.00
31	Mooretown Rancheria	0.00	692,013.70
32	Morongu Band of Mission Indians	0.00	497,300.00
33	Paiute Bishop Tribe	0.00	0.00
34	Pala Band of Mission Indians	500,000.00	14,871,569.58
35	Paskenta Band of Nomlaki Indians	0.00	528,750.00
36	Pauma/Yuima Band of Mission Indians	0.00	1,080,421.61
37	Pechanga Band of Mission Indians	71,325.00	1,533,780.62
38	Picayune Rancheria	551,250.00	9,848,969.18

Exhibit 3**Amount of Revenue from Each Compact Tribe Received by the Commission Through September 30, 2005 for the Fiscal Year Ending June 30, 2006**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
39	Pit River Tribe	0.00	0.00
40	Quechan Indian Nation	0.00	0.00
41	Redding Rancheria	0.00	687,500.00
42	Resighini Rancheria	0.00	0.00
43	Rincon Band of Mission Indians	445,000.00	7,288,246.58
44	Robinson Rancheria	0.00	275,000.00
45	Rumsey Rancheria	500,000.00	5,634,900.62
46	San Manuel Band of Mission Indians	224,550.00	4,828,747.81
47	San Pasqual Band of Diegueno Indians	230,100.00	6,261,281.91
48	Santa Rosa Indian Community	636,075.00	13,042,151.51
49	Santa Ynez Band of Chumash Indians	328,875.00	7,072,164.04
50	Sherwood Valley Rancheria	0.00	0.00
51	Shingle Springs Rancheria	0.00	1,238,750.00
52	Smith River Rancheria	0.00	0.00
53	Soboba Band of Mission Indians	216,262.50	3,858,730.59
54	Susanville Indian Rancheria	0.00	0.00
55	Sycuan Band of Mission Indians	584,962.50	12,579,097.71
56	Table Mountain Rancheria	292,312.50	6,285,920.03
57	Tule River Reservation	513,450.00	2,897,124.04
58	Tuolumne Rancheria	0.00	828,750.00
59	Twenty-Nine Palms Band of Mission Indians	344,625.00	7,410,853.77
60	United Auburn Indian Community	500,000.00	7,446,560.76
61	Viejas Band of Mission Indians	500,000.00	4,192,366.54
	Totals	8,115,487.50	150,973,552.26
	Interest	33,400.16	3,645,862.35
	Grand Totals	\$8,148,887.66¹	\$154,619,414.61

Footnotes:

1. See Exhibit 2 for a copy of a fund condition statement for the Fund for the quarter ended September 30, 2005, which is the most recent quarter-end for which a distribution has been recommended for payment.
2. Prepayment receipts were returned to payor tribes for the return of unused putative gaming device licenses issued by Sides Accountancy Corporation. Licenses in equal number were issued by the Commission on September 5, 2002 resulting in \$2,137,500 in prepayment fees to the Fund.

PART 2

**Indian Gaming Special Distribution Fund and
Indian Gaming Revenue Sharing Trust Fund
Quarterly Shortfall Distribution Report per
Government Code Section 12012.90 for the
Quarter Ended September 30, 2005**

CALIFORNIA GAMBLING CONTROL COMMISSION

Physical Address: 2399 Gateway Oaks Drive, Suite 100 • Sacramento, CA 95833-4231
Mailing Address: P.O. Box 526013 • Sacramento, CA 95852-6013
Phone: (916) 263-0700 • FAX: (916) 263-0499



DATE: November 3, 2005

TO: Gambling Control Commission

FROM: Gary Qualset, Deputy Director
Compliance Division

SUBJECT: Indian Gaming Special Distribution Fund and Indian Gaming Revenue Sharing Trust Fund Quarterly Shortfall Distribution Report per Government Code Section 12012.90 for the Quarter Ended September 30, 2005

Government Code Section 12012.90, provides a mechanism that requires the California Gambling Control Commission (Commission) to distribute moneys appropriated and transferred from the Indian Gaming Special Distribution Fund (SDF) to the Indian Gaming Revenue Sharing Trust Fund (RSTF) for the purpose of making payments of any shortfalls that may occur in the RSTF.

Assembly Bill 1750 (Committee on Governmental Organization) Chapter 720, Statutes of 2005 was recently enacted to add new provisions, modify existing requirements, and make inapplicable certain existing provisions of Government Code Section 12012.90. The bill included an urgency clause to take effect immediately and was chaptered on October 7, 2005. The primary change in the RSTF shortfall distribution process that will occur with the passage of Assembly Bill 1750 is that RSTF shortfall distributions will now be accelerated and made in increments on a quarterly basis as opposed to being made at the conclusion of each fiscal year. The maximum amount of each quarterly distribution shall not exceed \$275,000. The RSTF shortfall distribution amount for each quarter will be added to the license fee contributions and interest income received within each quarter so each quarterly distribution to eligible recipient Indian tribes will be \$275,000. A copy of Assembly Bill 1750 (with staff editorial comment and formatting) and the Governor's signing message are attached to the end of this report for your information. It is the understanding of Commission staff that a letter of Legislative intent for Assembly Bill 1750 will be submitted by the Chairman of the Assembly Committee on Governmental Organization for publication in the Assembly Daily Journal of the Legislature that will clarify the timeframe for making quarterly distributions to eligible recipient Indian tribes. The intent was to ensure that gaming tribes' eligibility for receipt of any distributions would have to be verified through the tribes' filing of a Gaming Device Certification Form before a payment would be made.

Assembly Bill 1750 amended Government Code Section 12012.90 to require the Commission to:

- Determine the anticipated total amount of shortfall in payments likely to occur in the RSTF for the upcoming fiscal year and provide to the committees in the Legislature that consider the State Budget an estimate of the amount needed to transfer from the SDF to backfill the RSTF for the next fiscal year on or before the date of the May budget revision for each fiscal year,

- Make quarterly payments from the RSTF within forty-five (45) days of the end of each fiscal quarter as long as certification of eligibility has been submitted by a Tribe, if required,
- Take into consideration any surplus transfer of funds from the SDF to the RSTF in determining the amount needed to transfer for future years. Any surplus transfer of funds from the SDF shall now remain in the RSTF,
- Consult with the Department of Finance if the amount appropriated is insufficient to make quarterly distributions of \$275,000 for each quarter so the Department of Finance can submit to the Legislature a request for budget augmentation for the current fiscal year along with an explanation of why the amount appropriated was insufficient,
- Include specified information in the quarterly RSTF distribution report.

Assembly Bill 1750 also appropriated for transfer from the SDF to the RSTF for fiscal year 2005-06 \$50 million for distribution to each eligible recipient Indian tribe on a quarterly basis.

Government Code Section 12012.90 previously required the Commission to:

- Determine the aggregate amount of shortfalls in payments that occurred in the RSTF pursuant to Section 4.3.2.1 of the Tribal-State Gaming Compacts (Compact) for the fiscal years commencing with the 2002-03 fiscal year to the 2004-05 fiscal year,
- Report to the committees in the Legislature that consider the State Budget an estimate of the amount needed to backfill the RSTF on or before the date of the May budget revision for each fiscal year, and
- Distribute the moneys without delay, upon a transfer and appropriation from the SDF to the RSTF, to eligible recipient Indian tribes for each quarter that a tribe was eligible to receive a distribution during the fiscal year immediately preceding, and furthermore the statute,
- Previously specified that any transfer of funds from the SDF to the RSTF that results in a surplus shall revert back to the SDF.

Upon approval of the quarterly distribution amount presented as Part 1 of this report it will be determined that each of the seventy (70) eligible recipient Indian tribes received \$116,412.68 from the RSTF for the quarter ended September 30, 2005, resulting in a quarterly shortage of \$158,587.32 for each eligible recipient Indian tribe. The quarterly amount of the shortfall in payments to all eligible recipient Indian tribes for the quarter ended September 30, 2005, totals \$11,101,112.40.

No reporting of this information to the Legislature is presently required. However, it is recommended by Commission staff that the Commission voluntarily provide a copy of this report to the Legislature for informational purposes.

As noted above, Assembly Bill 1750 appropriated \$50 million for transfer from the SDF to the RSTF for fiscal year 2005-06 for distribution to each eligible recipient Indian tribe on a quarterly basis. Commission staff will work with our Accounting Office, the State Controller's Office, and the Department of Finance to ensure that the transfer and distribution of these moneys are made as quickly as possible.

RECOMMENDATION: *It is recommended that the Commission approve Part 2 of this report to be submitted to the Legislature and the amounts of shortfall shown in Exhibit 1 determined pursuant to the stipulations prescribed in Government Code Section 12012.90.*

Exhibit 1**Quarterly Amount of Shortfall in Payments that Occurred in the Indian Gaming Revenue Sharing Trust Fund for the Quarter Ended September 30, 2005**

	Eligible Recipient Indian Tribe	Total Potential Quarterly Distribution	Total Recommended Quarterly Distribution	Quarterly Shortfall
1	Alturas Indian Rancheria	\$275,000.00	\$116,412.68	\$158,587.32
2	Bear River Band of the Rohnerville Rancheria	275,000.00	116,412.68	158,587.32
3	Benton Paiute Reservation	275,000.00	116,412.68	158,587.32
4	Big Lagoon Rancheria	275,000.00	116,412.68	158,587.32
5	Big Pine Reservation	275,000.00	116,412.68	158,587.32
6	Big Sandy Rancheria	275,000.00	116,412.68	158,587.32
7	Bridgeport Paiute Indian Colony	275,000.00	116,412.68	158,587.32
8	Buena Vista Rancheria	275,000.00	116,412.68	158,587.32
9	Cahto Indian Tribe of Laytonville Rancheria	275,000.00	116,412.68	158,587.32
10	Cahuilla Band of Mission Indians	275,000.00	116,412.68	158,587.32
11	California Valley Miwok Tribe	275,000.00	116,412.68	158,587.32
12	Cedarville Rancheria	275,000.00	116,412.68	158,587.32
13	Chemehuevi Indian Tribe	275,000.00	116,412.68	158,587.32
14	Cher-Ae Heights Indian Community	275,000.00	116,412.68	158,587.32
15	Chicken Ranch Rancheria	275,000.00	116,412.68	158,587.32
16	Cloverdale Rancheria	275,000.00	116,412.68	158,587.32
17	Cold Springs Rancheria	275,000.00	116,412.68	158,587.32
18	Colorado River Indian Tribes	275,000.00	116,412.68	158,587.32
19	Cortina Rancheria	275,000.00	116,412.68	158,587.32
20	Death Valley Timbi-Sha Shoshone Tribe	275,000.00	116,412.68	158,587.32
21	Elem Indian Colony	275,000.00	116,412.68	158,587.32
22	Elk Valley Rancheria	275,000.00	116,412.68	158,587.32
23	Enterprise Rancheria	275,000.00	116,412.68	158,587.32
24	Ewiiapaayp Band of Kumeyaay Indians	275,000.00	116,412.68	158,587.32
25	Federated Indians of Graton Rancheria	275,000.00	116,412.68	158,587.32
26	Fort Bidwell Indian Community	275,000.00	116,412.68	158,587.32
27	Fort Independence Reservation	275,000.00	116,412.68	158,587.32
28	Fort Mojave Indian Tribe	275,000.00	116,412.68	158,587.32
29	Greenville Rancheria	275,000.00	116,412.68	158,587.32
30	Grindstone Rancheria	275,000.00	116,412.68	158,587.32
31	Guidiville Rancheria	275,000.00	116,412.68	158,587.32
32	Hoopa Valley Tribe	275,000.00	116,412.68	158,587.32
33	Inaja-Cosmit Mission Indians	275,000.00	116,412.68	158,587.32
34	Ione Band of Miwok Indians	275,000.00	116,412.68	158,587.32
35	Jamul Indian Village	275,000.00	116,412.68	158,587.32
36	Karuk Tribe of California	275,000.00	116,412.68	158,587.32
37	La Jolla Band of Mission Indians	275,000.00	116,412.68	158,587.32

Exhibit 1**Quarterly Amount of Shortfall in Payments that Occurred in the Indian Gaming Revenue Sharing Trust Fund for the Quarter Ended September 30, 2005**

	Eligible Recipient Indian Tribe	Total Potential Quarterly Distribution	Total Recommended Quarterly Distribution	Quarterly Shortfall
38	La Posta Band of Mission Indians	275,000.00	116,412.68	158,587.32
39	Lone Pine Reservation	275,000.00	116,412.68	158,587.32
40	Los Coyotes Band of Cahuilla Indians	275,000.00	116,412.68	158,587.32
41	Lower Lake Rancheria	275,000.00	116,412.68	158,587.32
42	Lytton Rancheria	275,000.00	116,412.68	158,587.32
43	Manchester Point Arena Rancheria	275,000.00	116,412.68	158,587.32
44	Manzanita Mission Indians	275,000.00	116,412.68	158,587.32
45	Mechoopda Indian Tribe	275,000.00	116,412.68	158,587.32
46	Mesa Grande Mission Indians	275,000.00	116,412.68	158,587.32
47	Northfork Rancheria	275,000.00	116,412.68	158,587.32
48	Paiute Bishop Community	275,000.00	116,412.68	158,587.32
49	Pinoleville Reservation	275,000.00	116,412.68	158,587.32
50	Pit River Tribe	275,000.00	116,412.68	158,587.32
51	Potter Valley Rancheria	275,000.00	116,412.68	158,587.32
52	Quartz Valley Indian Community	275,000.00	116,412.68	158,587.32
53	Quechan Tribe of Fort Yuma	275,000.00	116,412.68	158,587.32
54	Ramona Mission Indians	275,000.00	116,412.68	158,587.32
55	Redwood Valley Rancheria	275,000.00	116,412.68	158,587.32
56	Resighini Rancheria	275,000.00	116,412.68	158,587.32
57	Round Valley Indian Tribe	275,000.00	116,412.68	158,587.32
58	Santa Rosa Band of Cahuilla Mission Indians	275,000.00	116,412.68	158,587.32
59	Santa Ysabel Mission Indians	275,000.00	116,412.68	158,587.32
60	Scotts Valley Band of Pomo Indians	275,000.00	116,412.68	158,587.32
61	Sherwood Valley Pomo Indians	275,000.00	116,412.68	158,587.32
62	Shingle Springs Rancheria	275,000.00	116,412.68	158,587.32
63	Smith River Rancheria	275,000.00	116,412.68	158,587.32
64	Stewarts Point Rancheria	275,000.00	116,412.68	158,587.32
65	Susanville Indian Rancheria	275,000.00	116,412.68	158,587.32
66	Table Bluff Reservation	275,000.00	116,412.68	158,587.32
67	Torrez-Martinez Mission Indians	275,000.00	116,412.68	158,587.32
68	Upper Lake Band of Pomo Indians	275,000.00	116,412.68	158,587.32
69	Washoe Tribe of Nevada & California	275,000.00	116,412.68	158,587.32
70	Yurok Tribe of the Yurok Reservation	275,000.00	116,412.68	158,587.32
	Total	\$19,250,000.00	\$8,148,887.60	\$11,101,112.40

1	12356. Request for Gaming Activity Authorization	1
2	12358. Request for Additional Temporary Tables for Tournaments or Special Events.....	2
3	12359. Request for Additional Permanent Tables.....	3

Additions to

California Code of Regulations, Title 4. Business Regulations

Division 18. California Gambling Control Commission

*Chapter 6. State Gambling Licenses and Approvals for Gambling
Establishments, Owners, and Key Employees*

12356. Request for Gaming Activity Authorization

- (a) It shall be an unsuitable method of operation to offer for play any game or gaming activity, as defined in California Code of Regulations, title 11, section 2010, without first obtaining authorization from the Division.
- (b) A gambling establishment may request the Division to authorize a game or gaming activity which has not been previously authorized by the Division, for use at that establishment using a form pursuant to the California Code of Regulations, title 11, section 2038 and in accordance with California Code of Regulations, title 11, section 2071.
- (c) Any game or gaming activity to be offered during a tournament or special event not previously approved by the Division shall be submitted to the Division for approval, using a form pursuant to the California Code of Regulations, title 11, section 2038.
- (d) Approval for a game or gaming activity shall not be given if the game or gaming activity is prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law.
- (e) If, upon subsequent review, it is determined by the Division that a game or gaming activity is prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law, then the authorization for that gaming activity shall be withdrawn.
- (f) Within 10 days of service of notice from the Division either disapproving or withdrawing authorization for a game or gaming activity as provided in this regulation, an objection to such notice may be filed with the Division's Director. The Director, in his or her discretion, may then sustain or deny the objection within 30 working days. Judicial review of the Director's decision is subject to the limitation of Business and Professions Code Section 19804.

Authority: Sections 19811, 19823, 19824, 19840, and 19841(b), Business and Professions Code.

Reference: Sections 19826(g), 19867, and 19951, Business and Professions Code.

1 **12358. Request for Additional Temporary Tables for Tournaments or Special**
2 **Events**

3 (a) An owner licensee of a gambling establishment may apply to operate, on a
4 limited and temporary basis, for a tournament or special event (hereafter,
5 event), more tables than the gambling establishment is authorized to regularly
6 operate. To apply for additional tables, the applicant must submit to the
7 Commission, no less than 45 days prior to the event, the following for each
8 event:

9 (1) A completed and signed application form entitled "Request for a Certificate
10 to Operate Additional Tables on a Temporary Basis" CGCC-024 (New 06-
11 05), which is attached in Appendix A to this Chapter.

12 (2) A non-refundable application fee of \$500, made payable to the California
13 Gambling Control Commission, plus a Division review deposit made
14 payable to the Division of Gambling Control, pursuant to California Code of
15 Regulations, title 11, section 2037.

16 (3) Fees for the additional tables, to be calculated as follows:

17 (A) Calculate the amount that the annual per table fee would be for the
18 total number of tables planned for operation during the event, which is
19 the total of:

20 (1) The number of tables the Commission has authorized the
21 gambling establishment to operate on a permanent basis, plus

22 (2) The number of temporary tables being requested;

23 (B) Divide this number by 365 to determine the daily per table fee;

24 (C) Multiply this number by the number of additional tables;

25 (D) Multiply this number by the number of event days (fractions or
26 portions of a day being considered as a full day) and round up to the
27 nearest whole number.

28 (E) Multiply this number by two. This number is the fee for the
29 additional tables.

30 (b) The Commission shall not grant the application if a review by the Division
31 discloses any of the following:

32 (1) The requested temporary increase in the number of tables would exceed the
33 number of tables allowed to be operated by the local jurisdiction for either
34 the particular cardroom or the jurisdiction where the gambling establishment
35 is located.

1 (2) The requested temporary increase in the number of tables has been denied
2 by the local jurisdiction where the gambling establishment is located.

3 (3) The gambling establishment's state gambling license is suspended or
4 contains conditions precluding the approval of a temporary increase in the
5 number of tables.

6 (4) The gambling establishment has outstanding fees, deposits, fines, or
7 penalties owing to the Commission or to the Division.

8 (c) The Commission may deny the application if the application as submitted was
9 untimely or incomplete.

10 (d) A request by an applicant to withdraw the application shall result in the
11 application being considered abandoned, and the fees for the additional tables
12 and unused deposit amounts returned, with no further action to be taken by the
13 Commission.

14 (e) The Commission may delegate the authority to deny the requested temporary
15 increase or to issue a license certificate approving the requested temporary
16 increase in the number of tables to any employee of the Commission.
17 Commission staff shall commence the initial review and shall forward the
18 application to the Division for review within 7 days of receipt of the
19 application. The Division shall complete its review and return its findings to
20 the Commission within 25 days of receipt of the application from the
21 Commission. Commission staff shall then complete the review within 13 days
22 of receiving the Division's findings and notify the applicant.

23 Authority: Sections 19811, 19823, 19824, 19840, 19841(a), (b), (c), and (p), 19864, and 19952, Business
24 and Professions Code.

25 Reference: Section 19951, Business and Professions Code.

26 27 **12359. Request for Additional Permanent Tables**

28 (a) The owner licensee of a gambling establishment may apply to operate
29 additional tables on a permanent basis by submitting the following to the
30 Executive Director:

31 (1) A completed and signed application form entitled "Application for
32 Additional Authorized Permanent Tables" CGCC-027 (New 06-05), which
33 is attached in Appendix A to this Chapter.

34 (2) A non-refundable application fee of \$500, made payable to the California
35 Gambling Control Commission, plus a Division review deposit made
36 payable to the Division of Gambling Control, pursuant to California Code of
37 Regulations, title 11, section 2037.

1 (b) The Commission shall not grant the application if any of the following are
2 disclosed by the application or the results of the investigation of the applicant
3 by the Division:

4 (1) The requested increase in the number of tables would exceed the number of
5 tables allowed to be operated by the local jurisdiction for either the
6 particular cardroom or the jurisdiction in which the gambling establishment
7 is located.

8 (2) The requested increase in the number of tables has been denied by the local
9 jurisdiction in which the gambling establishment is located.

10 (3) The gambling establishment's state gambling license is suspended or is
11 subject to conditions precluding the approval of an increase in the number of
12 tables.

13 (4) The gambling establishment has outstanding fees, deposits, fines, or
14 penalties owing to the Commission or to the Division.

15 (c) A request by an applicant to withdraw the application shall result in the
16 application being considered abandoned and unused deposit amounts returned,
17 with no further action to be taken by the Commission.

18 (d) Commission staff shall commence the initial review and shall forward the
19 application to the Division for investigation within 7 days of receipt of the
20 application. The Division shall complete its review and return its findings to
21 the Commission within 25 days of receipt of the application from the
22 Commission. Commission staff shall then complete the review and set the
23 request on the Commission agenda within 90 days of receiving the Division's
24 findings and advise the applicant of the agenda date and any required table fees
25 due. If the request for additional permanent tables is approved, applicant must
26 pay the required tables fee due before placing the additional tables in operation.

27 Authority: Sections 19811, 19823, 19824, 19840, 19841, 19864 and 19951, Business and Professions
28 Code.

29 Reference: Sections 19951, Business and Professions Code.



State Of California
California Gambling Control Commission
 CGCC - 024 (New 06-05)

Commission Use Only	
Application Complete:	
Cert Number:	
Date referred to DGC:	
Fee Received:	
Date Entered By:	

REQUEST FOR A CERTIFICATE TO OPERATE ADDITIONAL TABLES ON A TEMPORARY BASIS

Type or print (in ink) all information requested on this application form. If additional space is needed, please note response on a separate sheet of paper and attach to the application. Any corrections, changes, or other substitutions must be initialed and dated by the applicant.

Do not misstate or omit any material fact(s) as each statement made herein is subject to verification.

PLEASE SEND COMPLETED APPLICATIONS TO CGCC at: P.O. Box 526013, Sacramento, CA 95852-6013

Attach non-refundable \$500 application fee (payable to the California Gambling Control Commission)

Attach temporary tables fees (see reverse for instructions) (payable to the California Gambling Control Commission)

Attach review deposit, pursuant to Cal. Code of Regulations, title 11, section 2037 (payable to the Division of Gambling Control)

SECTION 1: GAMBLING ESTABLISHMENT INFORMATION

Name of Gambling Establishment:

Business Address:

Street

City

State

Zip Code

Business Telephone Number:

Business Facsimile Number (if applicable):

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 ()

SECTION 2: EVENT INFORMATION

A) Number of Presently Authorized Permanent Tables:	
B) Number of Requested Additional Temporary Tables for the Event:	
C) Total Number of Proposed Tables during the date listed in this request: (Total Amount of A and B)	
D) Amount of table fees included with this request: (Refer to instructions for additional information.)	
E) Proposed Date(s) and Time(s) of the Event (If the number of tables vary on multiple dates, attach a list by date):	
F) Name of the Event:	
G) Location of the Event within the Gambling Establishment:	
H) Approved Games or Gaming Activities to be offered during this Event: (If Division approval is pending, please so state.)	

SECTION 3: DECLARATION

I request the issuance of a Certificate to Operate Additional Tables on a Temporary Basis at the above-named gambling establishment.

I understand that the establishment identified above will not be allowed to legally operate more than the number of tables for which a fee is being paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing information, and all information submitted with this application is true, correct, and complete.

Signature of Owner Licensee: _____

Print Name:

Date:

 / /

Designated Contact for this Application

Telephone Number:

 ()

REQUEST FOR A CERTIFICATE TO OPERATE ADDITIONAL TABLES ON A TEMPORARY BASIS

SECTION 1: GAMBLING ESTABLISHMENT INFORMATION

Provide the legal name of the entity and any alternative names for the same business entity. You must notify the Commission of any name, address or telephone number changes. Your information is used to provide proper identification of your file, to contact you, and/or to determine your eligibility. Personal information contained in this application may be disclosed to the public in accordance with the Gambling Control Act (Business and Professions Code section 19821(b)).

SECTION 2: EVENT INFORMATION

Indicate the number of tables that the gambling establishment currently has and the number it is requesting to operate on a temporary basis. Also provide the total number of tables that the gambling establishment wishes to operate and all relevant event information. Note: All requests are subject to compliance with local ordinances and state gambling laws.

INSTRUCTIONS FOR CALCULATING THE AMOUNT OF TABLE FEES TO OPERATE ADDITIONAL TABLES ON A TEMPORARY BASIS

Determine the amount of the required fee that must be included with this request by completing the following steps and using the table below:

Number of Tables	Per Table Fee
One to Five	\$250
Six to Eight	\$450
Nine to Fourteen	\$1,050

Number of Tables	Per Table Fee
Fifteen to Twenty-five	\$2,150
Twenty-six to Seventy	\$3,200
Seventy-one or more	\$3,700

1. Add the current number of authorized tables licensed by the Commission to operate to the number of special event tables.
2. Multiply the total number of tables by the per table fee indicated in the above table.
3. From this total, subtract the basic table fees previously assessed for the current year.
4. Divide this figure by 365. This establishes the additional daily table fee for the event.
5. Multiply this total by the number of event days (fractions or portions of a day are considered a full day) and round your result up to the nearest whole number.
6. Multiply this number by two. This final figure is the table fee for the tournament or special event.

EXAMPLE: Gambling establishment "A" proposes to operate an additional 3 tables during a 5-day tournament. Establishment "A" is licensed/certified by the Commission for 24 tables and has been previously assessed a fee of \$51,600 (24 tables x \$2,150 per table = \$51,600)

1. Add the current number of tables and the additional number of tournament tables (24 current + 3 additional = 27 total)
2. Multiply this amount by the per table fee shown above (27 total # tables x \$3,200 per table = \$86,400).
3. From this amount, subtract the previously assessed fee for the year (\$86,400 - \$51,600 previously assessed fee = \$34,800).
4. Divide this amount by 365 ($\$34,800 \div 365 = \95.34).
5. Multiply this amount by the number of days of the tournament ($\$95.34 \times 5 \text{ days} = \476.70) and round this number up to the nearest whole number (\$477).
6. Multiply this amount by two ($\$477 \times 2 = \954). The final fee for Establishment "A" to operate the additional tables for its tournament would be \$954.

SECTION 3: DECLARATION

Sign and date the application under penalty of perjury. An application must be signed and dated to be considered complete. The designated contact person for this application must also be included, if applicable.



Commission Use Only	
Fee Received:	_____
Date to DGC:	_____

APPLICATION FOR ADDITIONAL AUTHORIZED PERMANENT TABLES

Please refer to the instructions when completing the application. Type or print (in ink) all information requested on this application form. If additional space is needed, please note response on a separate sheet of paper and attach to the application. .

Any corrections, changes, or other substitutions must be initialed and dated by the applicant.
 Do not misstate or omit any material fact(s) as each statement made herein is subject to verification.

PLEASE SEND COMPLETED APPLICATIONS TO CGCC at: P.O. Box 526013, Sacramento, CA 95852-6013

Attach non-refundable \$500 application fee (*payable to the California Gambling Control Commission*)

Attach review deposit, pursuant to Cal. Code of Regulations, title 11, section 2037 (*payable to the Division of Gambling Control*)

SECTION 1: GAMBLING ESTABLISHMENT INFORMATION

Name of Gambling Establishment:

Business Address:

Street

City

State

Zip Code

Mailing Address (*if different than Business Address*):

Street

City

State

Zip Code

Business Telephone Number:

Business Facsimile Number (if applicable):

SECTION 2: TABLE INFORMATION

A) Number of Presently Authorized Permanent Tables:	
B) Number of Requested Additional Permanent Tables:	
C) Total Number of Proposed Tables: (Total Amount of A and B)	

SECTION 3: DECLARATION

I request approval to operate additional permanent tables, described in Section 2, at the gambling establishment described in Section 1.

I declare under penalty of perjury under the laws of the State of California that the foregoing information, and all information submitted with this application is true, correct, and complete.

Signature of Owner Licensee: _____

Print Name:

Date:

Designated Contact for this Application

Telephone Number:

APPLICATION FOR ADDITIONAL AUTHORIZED PERMANENT TABLES

Retain a photocopy of the complete application packet for your permanent records.

Applications not fully and accurately completed (including all required supporting materials) will be returned to the sender for completion. If the application is returned at any point in the processing, the applicant will need to follow the directions included with it and resubmit it in a timely manner. If any or all information is not provided, the application may be delayed, returned for completion, or denied.

The applicant is responsible for providing the appropriate information needed to determine eligibility for additional authorized permanent tables. If a question is not applicable, indicate with "N/A." If additional space is needed, use a separate sheet of paper and precede each response with the applicable section and item. Attach the paper to the back of the application.

Items required for the application to be considered complete:

- Application for Additional Authorized Permanent Tables (CGCC-027)
- A non-refundable \$500 application fee (*payable to: the California Gambling Control Commission*)
- A Division review deposit, pursuant to California Code of Regulations, title 11, section 2037 (*payable to the Division of Gambling Control*)

SECTION 1: GAMBLING ESTABLISHMENT INFORMATION

Provide the legal name of the entity and any alternative names for the same business entity. You must notify the Commission of any name, address or telephone number changes. Your information is used to provide proper identification of your file, to contact you, and/or to determine your eligibility. Personal information contained in the *Additional Authorized Permanent Tables CGCC-027* may be disclosed to the public in accordance with the Gambling Control Act (Business and Professions Code section 19821(b)).

SECTION 2: TABLE INFORMATION

Indicate the number of tables that the gambling establishment currently has and the number it is requesting. Also provide the total number of tables that the gambling establishment wishes to operate. Please note that all requests are subject to compliance with local ordinances and state gambling laws.

SECTION 3: DECLARATION

Sign and date the application under penalty of perjury. An application must be signed and dated to be considered complete. The designated contact person for this application must also be included, if applicable.

ROBB & ROSS

A LAW PARTNERSHIP CONSISTING OF PROFESSIONAL
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PLANNING, PROBATE AND TRUST
LAW THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

September 30, 2005

Ms. Heather Cline Hoganson
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231

Re: Proposed Rulemaking
Gaming Activity Authorization/Additional Tables

Dear Ms. Hoganson:

On behalf of Artichoke Joe's, I submit comments on the proposed adoption of regulations 12356 and 12359.

Section 12356 Request for Gaming Activity Authorization

In subsection (a), it is not clear whether a club must obtain approval of a game even if the game is already approved at another club. The regulation as proposed states that it is unsuitable to offer a game for play "without first obtaining authorization from the Division." Business & Professions Code Section 19826 requires that approved rules be published on the Attorney General's web site. So, if someone else already obtained authorization for the game, would not that satisfy this regulation?

If each club must obtain its own approval, it would be helpful to have a procedure allowing for expedited approval of a game already approved elsewhere. Otherwise, serious competitive discrepancies can result with one club offering a game, and a competitor having to wait. If a club wants rules that are different than the approved rules, it should be able to apply for approval under the approved rules and obtain quick approval. The club then can apply for the modifications while offering the game under the rules already approved. We suggest that approval of the same game under pre-approved rules should take no longer than 14 days.

Ms. Heather Cline Hoganson
California Gambling Control Commission
September 30, 2005
Page 2

Where the club applies for a game that has not previously been approved, or modifications to an approved game, the Division should have some time limits. Otherwise, a club could be left in limbo for long periods of time. If the Division does not act within a specified time period, then the application should be deemed denied and the licensee should be able to proceed directly to court for review of the application under the Penal Code. We suggest that approval of new games should take no longer than 90 days.

In subsection (f), determinations of the Director regarding the legality of a proposed game should not be subject to the limitations on judicial review under Business & Professions Code §19804. Section 19804 concerns actions for "the construction, application, or enforcement *of this chapter...or any order of the division...issued pursuant thereto.*" The term "this chapter" refers to the Gambling Control Act, not the gaming provisions in the Penal Code. Determinations on the legality of a game usually involve interpretation of the Penal Code, not the Gambling Control Act, and section 19804 would not apply. Although section 19826(g) charges the Division with responsibility to "approve the play of any controlled game," the approval of a game involves construction, application and enforcement of the Penal Code, not the Business and Professions Code, and so does not come under the language of section 19804.

12359 Request for Additional Permanent Tables

Subsection (b) lists the reasons why a request for additional tables would not be granted. One factor missing is whether or not the increase is allowed under state law. Currently, there are state limits on expansion of the number of tables allowed.

Thank you for your consideration of these comments.

Sincerely,


Alan Titus