

California Gambling Control Commission
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MINUTES OF DECEMBER 1, 2005
COMMISSION MEETING

OPEN SESSION

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

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

DECISION ITEMS

1. Applications for Work Permit:
 - a. Gold Rush Gaming Parlor:
Ly, Quang

There was no action taken by the Commission on the application for a work permit for Quang Ly, Item 1.a., which was tabled at the request of staff.

- b. Lake Bowl Cardroom:
Johnson, William
Kyme, Dara

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

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- c. The 101 Casino:
Saiz, Malina

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

2. Applications for Key Employee License:

- a. Bay 101 Casino:
Bates, Charles

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 Charles Bates, Item 2.a. Upon motion of Commissioner Williams, seconded by Commissioner Cruz and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the application for a key employee license for Charles Bates.

- b. Bicycle Casino:
Dullaart, Eveline

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 Eveline Dullaart, Item 2.b. Upon motion of Commissioner Cruz, seconded by Commissioner Williams and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the application for a key employee license for Eveline Dullaart.

3. Applications for Renewal of State Gambling License:

- a. Bicycle Casino: Bell Gardens Bicycle Club, Joint Venture

Acting Deputy Director Podesto indicated that because the Division of Gambling Control needed additional time to complete their review of the renewal application, both the Division of Gambling Control and Commission staff recommend approval of a temporary four-month renewal, through April 30, 2006, of the state gambling license for Bicycle Casino, Item 3.a. Upon motion of Commissioner Sasaki, seconded by Commissioner Cruz and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved a temporary four-month renewal, through April 30, 2006, of the state gambling license for Bicycle Casino.

b. Commerce Casino: California Commerce Club, Incorporated, Corporation

Acting Deputy Director Podesto indicated that because the Division of Gambling Control needed additional time to complete their review of the renewal application, both the Division of Gambling Control and Commission staff recommend approval of a temporary four-month renewal, through April 30, 2006, of the state gambling license for Commerce Club, Item 3.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 a temporary four-month renewal, through April 30, 2006, of the state gambling license for Commerce Club.

c. The 101 Casino: Cal-Pac Sonoma, LLC, Limited Liability Company

Acting Deputy Director Podesto indicated that because the Division of Gambling Control needed additional time to complete their review of the renewal application, both the Division of Gambling Control and Commission staff recommend approval of a temporary three-month renewal, through March 31, 2006, of the state gambling license for The 101 Casino, Item 3.c. Upon motion of Commissioner Sasaki, seconded by Chairman Shelton and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved a temporary three-month renewal, through March 31, 2006, of the state gambling license for The 101 Casino.

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

a. Ideal Casino Services:

- i. Ideal Casino Services.
- ii. Brooks, Mary – Owner

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval, without prejudice, of the request for withdrawal of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for Ideal Casino Services, Item 4.a. Upon motion of Commissioner Sasaki, seconded by Commissioner Cruz 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 Ideal Casino Services.

b. International Casino Services, Inc.:

- i. Jingoli, Thomas Anthony
- ii. Legator, Allan David

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval, without prejudice, of the request for withdrawal of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for International Casino Services, Inc., Item 4.b. Upon motion of Commissioner Cruz, seconded by Chairman Shelton 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 International Casino Services, Inc.

c. LeHigh Capital Access, Inc.:

- i. LeHigh Capital Access, Inc.
- ii. Kalb, Robert – Owner

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval, without prejudice, of the request for withdrawal of the application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for LeHigh Capitol Access, Inc, Item 4.c. Upon motion of Commissioner Cruz, seconded by Chairman Shelton 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 for the application of Tribal-State Compact Gaming Resource Supplier Finding of Suitability for LeHigh Capitol Access, Inc.

5. Applications for Tribal-State Compact Key Employee Finding of Suitability - Request For Withdrawal:

- a. *Alturas Indian Rancheria – The Desert Rose Casino:
Allen, Penny*

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval, with prejudice, of the request for withdrawal of the application for Tribal-State Compact Key Employee Finding of Suitability for Penny Allen, Item 5.a. Upon motion of Commissioner Cruz, seconded by Chairman Shelton and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved, with prejudice, the request for withdrawal of the application for Tribal-State Compact Key Employee Finding of Suitability for Penny Allen.

- b. Augustine Band of Cahuilla Mission Indians of the Augustine Reservation – Augustine Casino:
Ellis, Derrick*

Acting Deputy Director Podesto indicated that both the Division of Gambling Control and Commission staff recommend approval, with prejudice, of the request for withdrawal of the application for Tribal-State Compact Key Employee Finding of Suitability for Derrick Ellis, Item 5.b. Upon motion of Commissioner Cruz, seconded by Chairman Shelton and unanimously carried in a roll-call vote with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved, with prejudice, the request for withdrawal of the application for Tribal-State Compact Key Employee Finding of Suitability for Derrick Ellis.

6. Final Adoption of Regulations Concerning Definitions and Change of Address Form (Title 4, California Code of Regulations, Sections 12002 and 12004).

Staff Counsel Heather Hoganson presented staff's recommendation that the Commission adopt the proposed permanent regulations concerning General Definitions and Change of Address Form (Title 4 California Code of Regulations sections 12002 and 12004). A copy of this regulation was included with the agenda posted on the Internet and available from the Commission.

A motion made by Chairman Shelton and seconded by Commissioner Cruz to approve proposed permanent regulations concerning General Definitions and Change of Address Form (Title 4 California Code of Regulations sections 12002 and 12004) for filing with the Office of Administrative Law unanimously carried in the roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes.

A copy of the proposed permanent regulations concerning General Definitions and Change of Address Form, as adopted by the Commission, is incorporated into the minutes as Attachment A.

CONSENT CALENDAR ITEMS

1. Applications for Tribal-State Compact Key Employee Finding of Suitability:
- c. Agua Caliente Band of Cahuilla Indians of the Agua Caliente Reservation – Agua Caliente Casino:
Bauer, Kurtis*
 - d. Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation – Barona Valley Ranch Resort and Casino:
Hunter, Aaron
Owens, Aaron*
 - e. Elk Valley Rancheria – Elk Valley Casino:
Beckendorf, Mary*

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- f. *Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation – Casino Pauma:*
 - Newcomer, Russell*
 - Parker, Shonna*
 - g. *Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation – Pechanga Resort and Casino:*
 - Harkins, Heidi*
 - Rayson, Edward*
 - h. *Quechan Tribe of the Fort Yuma Indian Reservation – Paradise Casino:*
 - Vasquez, Terri*
 - i. *Rumsey Indian Rancheria of Wintun Indians of California – Cache Creek Casino Resort:*
 - Watkins, Steven*
 - j. *Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation – Chumash Casino Resort:*
 - Parker, Katherine*
 - Zacarias, Cynthia*
 - k. *Sycuan Band of Diegueno Mission Indians of California – Sycuan Casino and Resort:*
 - Centman, David*
 - Rojas, Juan*
 - l. *Table Mountain Rancheria of California – Table Mountain Casino:*
 - Garcia, Julie*
 - m. *Twenty-Nine Palms Band of Mission Indians of California – Spotlight 29 Casino:*
 - Delfiandra, Kevin*
 - n. *United Auburn Indian Community of the Auburn Rancheria of California – Thunder Valley Casino:*
 - Venus, Jerome*
 - o. *Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation – Viejas Casino:*
 - Colergo, Manny*
 - Greer, Shane*
2. *Applications for Tribal-State Compact Key Employee Finding of Suitability - Renewals:*
- a. *Agua Caliente Band of Cahuilla Indians of the Agua Caliente Reservation – Agua Caliente Casino:*
 - Bailey, Todd*
 - Capobianco, Ruby*
 - Evans, Norma*
 - Gomez, Richard*
 - LeBlanc, Signe*
 - McCabe, Robert*

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- Oknyansky, Mariana*
Phipps, Rebecca
- b. *Augustine Band of Cahuilla Mission Indians of the Augustine Reservation – Augustine Casino:*
Bloomfield, Michael
Kelley, Janette
Lopez, Ellen
Muro, Juana
Rodriguez, Alejandro
Sharp, Lee
- c. *Big Sandy Rancheria of Mono Indians of California – Mono Winds Casino:*
Bays, Dennis
Milor, Cheryl
Silva, Carolyn
- d. *Jackson Rancheria of Me-Wuk Indians of California – Jackson Rancheria Casino, Hotel, and Conference Center:*
Bray, Randolph
Brown, Donald
Callaway, Glenn
Cates, Stephanie
Clark, Nadine
Downing, Renee
Fuller, Kevin
Griswold, Charlotte
Klein, Eddie
Konecny, Dean
Mackenberg, Robert
McHenry, Sean
Memmer, David
- e. *Morongo Band of Cahuilla Mission Indians of the Morongo Reservation – Casino Morongo:*
Amis, Jeweline
Ewing, Amberly
Quinn, Stephen
- f. *Pala Band of Luiseno Mission Indians of the Pala Reservation – Pala Casino Resort Spa:*
Bautista, Paul
Duhon, Marie
Moore, Leonard
O'Bannon, Tara
Smith, Laurie
Venegas, Daliarosa

- g. Rumsey Indian Rancheria of Wintun Indians of California – Cache Creek Casino Resort:*
Brailsford, Corry
Hurn, Shelley
Lam, Debbie
Lao, Vinh
Little, Leslie
Shapiro, Jay
- h. San Manuel Band of Serrano Mission Indians of the San Manuel Reservation – San Manuel Indian Bingo & Casino:*
Kelly, Denise
Ortiz, Irene
- i. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California – Black Oak Casino:*
Benkula, Robert
Patel, Ronald
- j. Twenty-Nine Palms Band of Mission Indians of California – Spotlight 29 Casino:*
Calderon, Deon
Johnson, Mary
Lambert, Stephanie
Montigny, Richard
Saenz, Gabriel
Salgado, Rena
Sedlock, Tom
Soliz, Osvaldo
Whittaker, Charles
- k. United Auburn Indian Community of the Auburn Rancheria of California – Thunder Valley Casino:*
Buckley, Jeannie
Carlton, Christopher
Chheang, Chamroeun
Chopelas, Anthony
Fagan, Richard
Garawitz, Scott
Labanieh, Robert
Levine, Joshua
Lusk, Shadrick
Manfrellotti, Ferdinand
McCollum, Diane
Peer, Dave
Phan, Quynh
Qiao, Yong
Saechao, Ricky

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*Saeteurn, Chiew**Saeteurn, Nai**Shahbaz, Patrick**Teap, Pheap**l. Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation – Viejas Casino:**Ali, Asghar**Bryant, Jennifer**Carbajal, Luis**Gennaro, Kenneth**Santana, Nelson*

Manager Podesto presented the Consent Calendar to the Commission for its consideration of the applications for Tribal-State Compact Key Employee Finding of Suitability and Tribal-State Compact Key Employee Finding of Suitability renewals. Upon motion of Commissioner Sasaki, seconded by Commissioner Cruz and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the Commission approved the Consent Calendar.

PUBLIC COMMENT:

There were no comments from the public during this portion of the meeting.

CLOSED SESSION:

Chairman Shelton announced that the Commission would adjourn to Closed Session. At 1:45 p.m. the Commission adjourned to Closed Session after Commission Counsel stated that discussions concerning litigation would take place under Government Code Section 11126(c) and 11126(e), and discussion concerning potential litigation would take place under Government Code Section 11126(e)(B)(i); and 11126(e) (C)(i).

RECONVENE TO OPEN SESSION:

Chairman Shelton reconvened the meeting at 2:15 p.m. with Commissioners Cruz, Sasaki, and Williams present.

ADJOURNMENT:

Upon motion to adjourn the meeting by Commissioner Sasaki, seconded by Commissioner Cruz and unanimously carried in a roll-call vote, with Chairman Shelton and Commissioners Cruz, Sasaki, and Williams voting yes, the meeting adjourned at 2:17 p.m.

CALIFORNIA GAMBLING CONTROL COMMISSION

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*Staff Report*

Date: November 17, 2005

To: Commissioners

From: Heather Hoganson, Staff Counsel
Cy Rickards, Chief Counsel

Subject: Final adoption of Regulations concerning Definitions and Change of Address Form (Title 4, California Code of Regulations, sections 12002 and 12004)

On the Commission agenda is an action item for adoption of regulations 12002 and 12004. Staff recommends adoption of this regulation package.

These non-controversial regulations were discussed with industry this past Spring, and raised at the July 7, 2005 Commission meeting. There was a 45-day notice and opportunity to comment period from July 22, 2005, through September 6, 2005. No request for a formal public hearing was made, and no formal public hearing was held.

Proposed regulation 12002 is a list of general definitions, many of which had been defined previously in other regulation packages. This regulation is necessary because, by grouping general definitions in Chapter 1 (which is a General Provisions Chapter) of the Commission regulations, duplication in other chapters may be avoided. One new definition, "conviction," was added, and was the subject of comments in the 45-day comment period. The definition was amended to address the concerns presented, and an additional 15-day comment period, from October 27 to November 10, 2005, was held for any further comment. No additional comments were received in the 15-day comment period.

Proposed regulation 12004 requires that a registrant or licensee notify the Commission of a change of address, and provides a form on which to do so. The Division has a similar regulation. This regulation is necessary because Commission staff have not always been notified by licensees or registrants of such changes, which causes communication problems. No comments were received regarding the proposed change of address regulation.

Once the Commission has adopted the regulation package, staff will forward the rulemaking text and accompanying required file documents to the Office of Administrative Law. With the 30-day review period allotted, staff anticipates that the adopted text would become law in January 2006.

1 **Title 4. Business Regulations**
2 **Division 18. California Gambling Control Commission**
3 **Chapter 1. General Provisions**

4 **12002. General Definitions**

5 Unless otherwise specified, the definitions in Business and Professions Code
6 section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of
7 Part 1 of the Penal Code (commencing with section 330), shall govern the
8 construction of this division. As used in this division:

- 9 (a) "Bureau" means the Bureau of Criminal Identification and Information in
10 the California Department of Justice.
- 11 (b) "California Games" means controlled games that feature a rotating player-
12 dealer position, as described in Penal Code section 330.11.
- 13 (c) "Commission" means the California Gambling Control Commission.
- 14 (d) "Conviction" means a plea or verdict of guilty or a plea of *nolo contendere*,
15 irrespective of a subsequent order of expungement under the provisions of
16 Penal Code section 1203.4, 1203.4a, or 1203.45, or a certificate of
17 rehabilitation under the provisions of Penal Code section 4852.13. Any
18 plea entered pursuant to Penal Code section 1000.1 does not constitute a
19 conviction for purposes of Business and Professions Code section 19859,
20 subdivisions (c) or (d) unless a judgment of guilty is entered pursuant to
21 Penal Code section 1000.3.
- 22 (e) "Deadly weapon" means any weapon, the possession or concealed
23 carrying of which is prohibited by Penal Code section 12020.
- 24 (f) "Division" means the Division of Gambling Control in the California
25 Department of Justice. For the filing of any reports or forms, Division
26 refers to the Sacramento office of the Division of Gambling Control.
- 27 (g) "Executive Director" means the executive officer of the Commission, as
28 provided in Business and Professions Code section 19816.
- 29 (h) "Gambling Control Act" or "Act" means Chapter 5 (commencing with
30 Section 19800) of Division 8 of the Business and Professions Code.
- 31 (i) "Registrant" means a person having a valid registration issued by the
32 Commission.
- 33

34 Authority: Sections 19811, 19823, 19824, 19840, 19841, 19853(a)(3), and 19854, Business and
35 Professions Code.

36 Reference: Sections 7.5, 19800, 19805, 19811, 19816, and 19951, Business and Professions Code.

1 **12004. Change of Address**

2 A registrant or licensee shall report to the Commission any change of address
3 within ten days of such change on a form entitled "Notice of Address Change"
4 CGCC-032 (New 06-05), which is attached in Appendix A to this Chapter.

5
6 Authority: Section 19811, 19823, 19824, 19853(a)(3), 19864, and 19984, Business and Professions
7 Code.

8 Reference: Sections 19850 and 19852, Business and Professions Code.



State of California
 California Gambling Control Commission
 CGCC – 032 (New 06-05)

Commission Use Only
Date to DGC: _____

NOTICE OF ADDRESS CHANGE

SECTION 1: INFORMATION

Full Legal Name:

Gambling Establishment Affiliation, if any:

Type of License / Registration (or Designated Agent):

SECTION 2: CHANGE OF BUSINESS ADDRESS

Previous Business Address:

Street City State Zip Code

New Business Address:

Street City State Zip Code

SECTION 3: CHANGE OF MAILING ADDRESS, IF DIFFERENT FROM BUSINESS ADDRESS

Previous Mailing Address:

Street City State Zip Code

New Mailing Address:

Street City State Zip Code

SECTION 4: CHANGE OF PHONE NUMBER OR E-MAIL ADDRESS

Previous Phone Number:

Previous E-mail Address (Optional):

New Phone Number:

New E-mail Address (Optional):

SECTION 5: DECLARATION

I specifically request that all notices and written communications be sent to the new address listed above.

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

Signature: _____

Printed Name and Title:

Date:

NOTICE OF ADDRESS CHANGE INSTRUCTIONS

Type or print (in ink) all information requested on this form.

Retain a photocopy of the completed form for your permanent records.

A separate form is required for each registered/licensed person/entity.

If the form is returned at any point in the processing, please follow the enclosed directions and resubmit it in a timely manner.

You are responsible for providing the appropriate information. If a question is not applicable, indicate with "N/A."

You must initial and date any corrections, changes, or other alterations.

Any individual or entity who holds a State Gambling License (including Key Employee License), Registration, or a CGCC-issued Work Permit is required to submit a Notice of Address Change Form within TEN days of such change.

SECTION 1: INFORMATION

Provide your full legal name and list all other names if applicable. State your Gambling Establishment Affiliation (i.e. Name of Gambling Establishment), if any, as well as the type of license/registration that you hold (i.e. Owner, Key Employee, Work Permit). If you are the Designated Agent, please state.

SECTION 2: CHANGE OF BUSINESS ADDRESS

and

SECTION 3: CHANGE OF ADDRESS

You must provide your complete previous address and new address.
Even if only part of the address is changing, you must fill in all the blanks.

SECTION 3: CHANGE OF PHONE NUMBER OR E-MAIL ADDRESS

You must provide your complete previous phone number and new phone number. Providing an e-mail address is optional.

SECTION 4: DECLARATION

Sign and date the form under penalty of perjury. A form must be signed and dated to be considered complete.
