

California Gambling Control Commission
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**MINUTES OF APRIL 26, 2007
COMMISSION MEETING**

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Shelton called the meeting to order at 1:30 p.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners.

Roll Call of Commissioners was taken with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich present.

3. Revenue Sharing Trust Fund Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending March 31, 2007 - Quarterly License Revenue Received and Shortfall Funds.

Deputy Director Ross presented to the Commission the Revenue Sharing Trust Fund Report for Distribution to Eligible Recipient Indian Tribes for the Quarter Ending March 31, 2007. A copy of the report is incorporated into the minutes as Attachment A.

4. Applications for Renewal of State Gambling License Including All Associated Applicants and Endorsees (Pursuant to Business and Professions Code section 19876):

A. Angie's Poker Club: Angela Harris, Sole Proprietor

Deputy Director Ciau indicated that staff recommends that the Commission approve the application for renewal of a state gambling license from May 1, 2007 through April 30, 2008 for Angie's Poker Club, Item 4.A., including all applicants and with the following condition applied to the license:

- *This license is conditioned upon the local gambling ordinance coming into compliance with the Gambling Control Act (Bus. & Prof. Code § 19860(a)(4)) within 12 months of issuance/renewal.*

Deputy Director Ciau further indicated that staff also recommends that the condition previously placed on the license concerning payment of table fees be removed. Upon motion of Commissioner Vuksich, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

B. Hemphill's Card Room: Estate of Billy L. Long, Sole Proprietor

Deputy Director Ciau indicated that staff recommends that the Commission extend the state gambling license thru the remainder of the licensing period from May 1, 2007 to September 30, 2007 for Hemphill's Card Room, Item 4.B., and that the conditions previously placed on the license remain on the license. Upon motion of Commissioner Shimazu, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

C. Kelly's: Albert Cianfichi, Sole Proprietor

Deputy Director Ciau indicated that staff recommends that the Commission approve a renewal of the state gambling license for the remaining period of the license from May 1, 2007 through February 29, 2008 for Kelly's, Item 4.C., and with the following condition placed on the license:

- *This license is conditioned upon the local gambling ordinance coming into compliance with the Gambling Control Act (Bus. & Prof. Code § 19860(a)(4)) within 12 months of issuance/renewal.*

Deputy Director Ciau further indicated that staff recommends that the condition previously placed on the license concerning advertisement and/or operations of promotions be removed from the license. Commissioner Cruz moved to approve the staff recommendation and to add an additional condition on the license that: *a key employee application must be submitted within 90-days*. Commissioner Shimazu seconded the motion, which was unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes.

D. La Primavera Pool Hall and Café: Candelario Salas, Sole Proprietor

Deputy Director Ciau indicated that staff recommends that the Commission approve the renewal of the state gambling license from May 1, 2007 through April 30, 2008, for La Primavera Pool Hall and Café, Item 4. d., with the following condition placed on the license:

- *The gambling establishment is required to report every six (6) months to the Division and the Commission the progress in its tax obligations.*

Commissioner Cruz moved to adopt the staff recommendation with an amendment to the condition to require the gambling establishment to report every three (3) months. Chairman Shelton seconded the motion, which unanimously carried in a vote by roll call with Chairman Shelton and Commissioner Cruz, Shimazu, and Vuksich voting yes.

E. Limelight Card Club: Peter Mikacich, Sole Proprietorship

Deputy director Ciau indicated that staff recommends that the Commission approve the renewal of the state gambling license from June 1, 2007 through May 31, 2008 for Limelight Card Club, Item 4.E., including all associated applicants and with the condition previously placed on the license removed. Upon motion of Commissioner Vuksich, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

F. Merced Poker Room: Her Xiong, Sole Proprietor

Deputy Director Ciau indicated that staff recommends that the Commission approve as the renewal of the state gambling license from May 1, 2007 through April 30, 2008 for Merced Poker Room, Item 4.F., with the following condition applied to the license:

- *This license is conditioned upon the local gambling ordinance coming into compliance with the Gambling Control Act (Bus. & Prof. Code § 19860(a)(4)) within 12 months of issuance/renewal.*

Commissioner Shimazu moved to approve the staff recommendation and to add an additional condition on the license that: *a key employee application must be submitted within 90-days.* Chairman Shelton seconded the motion, which unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes.

G. Saigon Casino: Saigon Casino, LP

Deputy Director Ciau indicated that staff recommends that the Commission approve the application for an initial temporary state gambling license from April 30, 2007 through October 31, 2007, for Saigon Casino, Item 4.G., with the following conditions placed on the license:

- *Applicants will have the financial review portion of the background investigation conducted by an independent accounting firm in cooperation with and subject to the approval of the Division.*
- *This temporary initial license is effective beginning on the date that escrow closes and expires six months from that date.*

- *Issuance of a temporary license does not obligate the Commission to grant a permanent license. Issuance of a temporary license does not create a vested right in the holder to either extension of the temporary license or to a regular license.*
- *Issuance of this temporary license does not in any way change the legal requirement that the applicant bears the burden of establishing that he/she is suitable pursuant to Business and Professions Code section 19856(a) for a regular license.*
- *Issuance of this temporary license does not change the license qualification requirements of the Gambling Control Act, including but not limited to Business and Professions Code sections 19856, 19857, 19858, and 19859.*
- *The applicant has pending applications for regular state gambling licenses. A regular license may or may not be issued, depending upon the results of the complete background investigation and upon the conduct of the applicant and its employees during the term of the temporary license.*
- *If, during the term of the temporary license, the Executive Director determines that any particular applicant is disqualified for any of the reasons set forth in Business and Professions Code section 19859, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting. The Applicant may request an evidentiary hearing either in writing not less than five days prior to the meeting or at the meeting itself.*
- *If, during the term of the temporary license, the Executive Director determines that any particular applicant may have violated one or more of the conditions under which the temporary license was issued, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting or at the meeting itself, the applicant may request an evidentiary hearing.*
- *All applications for those individuals desiring to work for Saigon Casino, LP as key employees shall be submitted within 30 days of the date of issuance of the temporary license.*
- *Saigon Casino, LP shall report to the Commission within ten days the name of any person who furnishes any services or any property to the gambling enterprise under any arrangement whereby that person receives payments based on earnings, profits, or receipts from controlled gambling.*

- *The Commission is relying on the applicant's agreement and acknowledgement that the applicant shall make no argument challenging the validity of the foregoing conditions in any future proceedings concerning this temporary license.*

Upon motion of Commissioner Cruz, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

5. Requests for Additional Permanent Authorized Tables (Pursuant to California Code of Regulations, Title 4, section 12359):
 - A. Bruce's Bar and Casino
 - B. Cameo Club
 - C. Casino Real

Deputy Director Ciau indicated that staff recommends that the Commission approve the requests of: Item 5.A., Bruce's Bar and Casino, for one additional table for a total of two tables authorized on the license; Item 5.B., Cameo Club, for two additional tables for a total of eight tables authorized on the license; and Item 5.C., Casino Real, for two additional tables for a total of eight tables authorized on the license. Upon motion of Chairman Shelton, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

6. Applications for Key Employee License (Pursuant to Business and Professions Code section 19854):
 - A. Crystal Hotel & Casino: Zaven Esmaili
 - B. Golden West Casino: Judith Hance; Frank Reach
 - C. Lucky Chances Casino: Luz Sugatan
 - D. Lucky Lady Casino: Terri Caldwell

Donna Nicolaus, Manager, Licensing Division, indicated that staff recommends that the Commission approve the applications for a key employee license for the applicants listed in agenda items 6.A. through 6.D. Upon motion of Commissioner Cruz, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

- E. Rancho's Club: Richard Nelson

Manager Nicolaus indicated that staff recommends that the Commission approve the application for a key employee license for Richard Nelson, Item 6.E.

Richard Nelson presented comments to the Commission concerning the circumstances surrounding his dismissal from his previous employment.

Upon motion of Chairman Shelton, seconded by Commissioner Cruz and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

7. Applications for Key Employee License – Request for Withdrawal Without Prejudice (Pursuant to Business and Professions Code section 19869):
Merced Poker Room: Robert Younan

Deputy Director Ciau indicated that staff recommends that the Commission approve the request for withdrawal, without prejudice, of the application for a key employee license for Robert Younan, Item 7. Upon motion of Commissioner Shimazu, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

8. Applications for Work Permit (Pursuant to Business and Professions Code section 19912):
A. Empire Sportsmen's Association: Dimony Diep
B. Lake Bowl Cardroom: Joseph Porter
C. Merced Poker Room: Ai Xiong
D. Napa Valley Casino: My Winter

Deputy Director Ciau indicated that staff recommends that the Commission approve the applications for a work permit for the applicants listed in Item 8.A. through 8. D. Upon motion of Commissioner Shimazu, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

- E. Empire Sportsmen's Association: Ean Pheng

The Commission took no action on Item 8.E., which was tabled at the request of staff.

- F. Sundowner Cardroom: Maha Crossler

Deputy Director Ciau indicated that staff recommends that the Commission deny the application for a work permit for Maha Crossler, Item 8.F. Upon motion of Commissioner Cruz, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

9. Applications to Convert Third Party Proposition Player Services Registration to a License (Pursuant to Business and Professions Code section 19984 and California Code of Regulations, Title 4, section 12218):

Paul C. Napier: Tam Chum

Lisa Rowell, Manager, Licensing Division, indicated that staff recommends that the Commission approve the request to convert TPPPS registration to a license for Paul C. Napier, Item 9. Upon motion of Commissioner Shimazu, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

10. Applications for Request to Convert Third Party Proposition Player Services Registration to a License – Request for Withdrawal Without Prejudice (Pursuant to Business and Professions Code section 19984 and California Code of Regulations, Title 4, section 12218.5):

A. BJ Gaming, LLC:

Christopher Akin

Melvin Baldwin

Aaron Brooks

Becky Collins

Michael Forney

Jeffrey Garner

Mesha Jackson

Oscar Maradiaga

Robert Morrison

Merle Neufield

Andrew Reynolds

Dusty Robertson

Colin Stiles

William West

Sulema Aparicio

Cheryl Bear

Melissa Cardoza

Melvin del Rosario

Rodger Fujimoto

Marshall Golden

Laurie Karle

Andrew Marure

Manuel Munoz

Manuel Pomales Jr

Anthony Rios

Francisco Soto

Kevin West

LaRae Williams

B. Certified Players, Inc.:

Albert Coito

Nghi Vuong

Erica Shelley

C. Pacific Palace, Inc.:

Than Aung

Kenny Chau

Wai Lee

Issac Bach

Lan Chau

Ta Long

D. Progressive Gaming Group, Inc.: Paul Chen

Manager Rowell indicated that staff recommends that the Commission approve the request for withdrawal, without prejudice, of the applications to convert TPPPS registration to a license for the applicants listed in Items 10.A. through 10.D. Upon motion of Chairman Shelton, seconded by Commissioner Vuksich and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

11. Application for Tribal-State Compact Gaming Resource Supplier – Financial Sources Finding of Suitability – Request for Withdrawal Without Prejudice (Pursuant to Business and Professions Code section 19869):

A. HCAL Corporation:

Chris Komanowski
Adriana Zirpoli
Steve Schaeffgen

Kathleen Mclaughlin-Harris
Richard Mirman
Aubyn Thomas

B. R. Franco U.S.A., Inc.:

Recreativos Franco
Jesus Munoz
Ferdinand Lychock
Julio Huete

R. Franco U.S.A., Inc.
Francisco Calleja
Joaquin Munoz

Deputy Director Ciau indicated that staff recommends that the Commission approve the request for withdrawal, without prejudice, of the applications for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for HCAL Corporation, Item 11.A., and R. Franco U.S.A., Inc., Item 11.B. Upon motion of Commissioner Vuksich, seconded by Chairman Shelton, and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.

12. Application for Tribal-State Compact Gaming Resource Supplier – Financial Sources Finding of Suitability – Request for Withdrawal With Prejudice (Pursuant to Business and Professions Code section 19869):

R. Franco U.S.A., Inc: Joaquin Perez

The Commission took no action on Item 12, which was tabled at the request of staff.

13. Applications for Tribal-State Compact Key Employee Finding of Suitability (Authority Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation –
Pechanga Resort and Casino: Vernet Davis

Deputy Director Ciau indicated that staff recommends that the Commission approve the finding of suitability for Vernet Davis, Item 13. Upon motion of Commissioner Vuksich, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Cruz, Shimazu, and Vuksich voting yes, the Commission adopted the staff recommendation.