

California Gambling Control Commission
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**MINUTES OF MAY 7, 2009
HEARING**

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Dean Shelton called the meeting to order at 10:01 a.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners.

Roll Call of Commissioners was taken with Chairman Dean Shelton and Commissioners Stephanie Shimazu, and Alexandra Vuksich present.

3. Adoption of Emergency Regulation Concerning Assistance to Bingo Players with Disabilities for Filing with the Office of Administrative Law (Adopt Title 4, CCR Section 12482) (Pursuant to Penal Code section 326.5(p)(6) (SB 1369))

- ADA Accommodations

Jesica Pandika, Staff Counsel, indicated that in order to provide reasonable accommodations for disabled players in the play of bingo games, Commission staff is providing the proposed emergency regulation for Commission consideration. The proposed emergency regulation will implement one element of the California Remote Caller Bingo Act, as authorized by Penal Code Section 326.5. The proposed emergency regulation has been revised upon consideration of additional information and comments received between April 15, 2009 and May 1, 2009. It is the revised proposed emergency regulation that is before the Commission for consideration today. Copies of the revised proposal are available at the back table. These copies include the clean version of the regulation as proposed for adoption today and a strikeout/underline version showing the changes made to the April 15, 2009 text.

As Ms. Pandika briefly summarized, Commission staff has made the following changes:

- First, the requirement to reserve two card-minding devices for use by disabled players under Section 12482(a)(1)(A) is now limited to operators of a bingo game

that already offers card-minding devices. In other words, operators that offer traditional paper-only bingo are not required to comply with the reservation requirement.

- Second, the last sentence was added in Section 12482(a)(1)(B) to clarify that disabled players are still required to pay fees and comply with any minimum purchase requirements that are imposed on all players. The waiver applies only to fees and requirements associated solely with the use or rental of card-minding devices.
- Third, the phrase “from a card-minding device” was deleted in Section 12482(a)(1)(C) to avoid any confusion and to clarify that a printout of a winning card need not come from the card-minding device itself, but that any printout of a winning card, or other evidence of a winning card approved by the Commission, shall be allowed by operators to be used by players with disabilities to claim prizes.
- Finally, subsection (b) of Section 12482 has been deleted since organizations that do not utilize card-minding devices are no longer required to comply with the reservation requirement. Therefore, this provision is no longer needed.

Ms. Pandika also noted for the record that although the statute permits the use of card-minding devices, it specifies that such devices must be “hand-held and portable,” and we have no discretion to permit the use of devices that fail to satisfy this requirement.

The proposed regulation has been noticed in advance, and if approved by the Commission at today’s meeting, would be filed with OAL tomorrow, May 8, 2009, and could become effective as early as May 18, 2009, if approved by OAL.

Ms. Pandika further indicated that staff recommended that the Commission adopt and approve for filing with the Office of Administrative Law, the revised proposed emergency regulation as previously noticed; and authorize staff to make any non-substantive changes to the regulation required by OAL during its review process.

Discussion commenced and the Commission heard public comments from Greg Peterson, representing El Camino Charity, Rebecca Aragon, on behalf of the Irving I. Moskowitz Foundation, Jonathan Stein, representing GameTech International, Doug Bergman, representing United Cerebral Palsy, David Fried, representing LIF Capital Group LLC, Tom Hope, Bingo Vision, and Gaming, Bill Williams, of the Attorney General’s Office.

All discussion on this item was transcribed and the meeting transcript is incorporated into these minutes as Attachment A.

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

4. Adoption of Emergency Regulations Concerning Remote Caller Bingo Equipment Approval, Requirements and Standards of Play, and Audits for Filing with the Office of Administrative Law (Amend Title 4, CCR Sections 12480 and 12486: Adopt Title 4, CCR Sections 12488, 12508, 12510, 12511, and 12514) (Pursuant to Penal Code section 326.3 (SB 1369))

- Approval of Remote Caller Bingo Equipment
- Requirements and Standards of Play for Remote Caller Bingo
- Audits

James Allen, Regulatory Action Manager, indicated agenda Item 4 concerns the adoption of emergency regulations that will implement several elements of the California Remote Caller Bingo Act (CRCBA), as mandated by Penal Code section 326.3. In order to comply with statutory requirements to provide for approval of Remote Caller Bingo Equipment, Standards of Play, requirements for organizations participating in remote caller bingo, requirements for organizations cosponsoring remote caller bingo, and auditing responsibilities, Commission staff is submitting the proposed emergency regulations for Commission consideration.

Based upon consideration of additional information and public comments received Between April 17 and May 1, Commission staff revised the text of the proposed emergency regulations. The revised text draft is dated May 1, 2009, and that is the text that is before the Commission for consideration today.

The proposal before the Commission was noticed in advance, May 1, 2009, in order to allow the emergency regulation to be filed with the Office of Administrative Law (OAL) tomorrow, May 8. They could then become effective May . If approved by OAL.

Mr. Allen further indicated that staff recommended that the Commission adopt and approve for the filing with the OAL, the proposed emergency regulations concerning interim approval of Remote Caller Bingo Equipment, Remote Caller Bingo Requirements and Standards of Play; and Audits, as previously noticed; and authorize staff to make any nonsubstantive changes in the file required by OAL during its review process.

The Commission heard comments from Jonathan Stein, representing GameTech International.

All discussion on this item was transcribed and the meeting transcript is incorporated into these minutes as Attachment A.

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

PUBLIC COMMENT

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

ADJOURNMENT

Upon motion to adjourn the meeting by Chairman Shelton, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shimazu and Vuksich voting yes, the meeting adjourned at 11:10 a.m.