

Commission Meeting Minutes for June 11, 2009

**California Gambling Control Commission**

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**MINUTES OF JUNE 11, 2009  
COMMISSION MEETING**

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**OPEN SESSION**

1. Call to Order and Pledge of Allegiance.
2. Roll Call of Commissioners.
3. Approval of Commission Meeting Minutes for :
  - A. April 22, 2009
  - B. April 29, 2009
  - C. May 7, 2009

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 meeting minutes for April 22, April 29 and May 7, 2009.

4. Request for Additional Permanent Authorized Tables (Pursuant to California Code of Regulations, Title 4, section 12359):  
California Grand Casino: Lamar Wilkinson, Sole Proprietor

Staff Manager Marianne Estes indicated that the Bureau of Gambling Control recommended that the Commission approve the request to add 2 additional permanent tables for a total of 16 tables. Commission staff has reviewed the Bureau's report and concurs with their recommendation. Upon motion of 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 Commission approved the recommendation provided by the Bureau of Gambling Control.

5. Applications for Initial Key Employee Personal Portable Licenses (Pursuant to Business and Professions Code section 19854(d)):
  - A. Panfilo Barbosa
  - B. Gene Cianfichi
  - C. Scott Vanderwilt

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Staff Manager Marianne Estes indicated that the Bureau of Gambling Control recommended that the Commission approve the applications for key employee personal portable licenses for the applicants in Item 5 A-C. Commission staff has reviewed the Bureau's reports and concurs with their recommendations. 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 recommendation provided by the Bureau of Gambling Control.

6. Application to Convert Gambling Business Supervisor Registration to a License (Pursuant to Business and Professions Code section 19853 and California Code of Regulations, Title 4, section 12233):

Network Management Group, Inc.:  
Supervisor: Justin Arkoosh

7. Applications to Convert Third Party Proposition Supervisor/Player Registrations to Licenses (Pursuant to Business and Professions Code section 19984 and California Code of Regulations, Title 4, section 12218):

A. Gaming Management Group, LLC:

Players: Lorraine Chester	Thanh Van Dang	Rogelio Delgado
Sarah Doran	Vincent Al Pangilinan	David Parrott

B. Network Management Group, Inc.:

Supervisor: Justin Arkoosh

Players: Hilary Brummett	Han Chau	Darren Lancaster
Andrea Miranda	Dwayne Morris	Diem Nguyen
Dominik Patucha	Mouang Saeteurn	Stephanie Tham
Tiffany Vito	Bradley Yoo	

C. Pacific Gaming Services, LLC:

Player: Yoeun Mon

D. Pacific Palace, Inc.:

Players: Tu Ly	Ming Yang
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Staff Manager Marianne Estes indicated that the Bureau of Gambling Control recommended that the Commission approve the applications to convert registrations to licenses for the applicants in Items 6 and 7 A-D. Commission staff has reviewed the Bureau's reports and concurs with their recommendations. 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 recommendation provided by the Bureau of Gambling Control.

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**CONSENT CALENDAR ITEMS:**

8. Applications for Initial Work Permits (Pursuant to Business and Professions Code section 19912):
  - A. Central Coast Casino (GB): John Caylor
  - B. Club San Rafael: Andrew Poncia
  - C. Outlaws Card Parlour: Janet Svoboda
  
9. Applications for Renewal Work Permits (Authority Pursuant to Business and Professions Code section 19870):
  - A. Central Coast Casino (GB): Jerson San Juan
  - B. Outlaws Card Parlour: Gloria Gable                      Lori Manfredi
  
10. Applications for Initial Tribal-State Compact Key Employee Findings of Suitability (Authority Pursuant to the Tribal-State Gaming Compact, section 6.4.4):
  - A. Agua Caliente Casino – Agua Caliente Band of Cahuilla Indians:  
David Meagley
  - B. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Alex Cano                                      Jaime Stevens
  - C. Barona Valley Ranch Resort - Barona Band of Mission Indians:  
Rodrigo Acero                      Jean Clough                      Francisco Diaz, Jr.  
Laraine Longinetti                      Kristin Romeo
  - D. Bear River Casino - Bear River Band of the Rohnerville Rancheria:  
Nicole Ammon-Ferris      Robert Short
  - E. Blue Lake Casino - Blue Lake Rancheria:  
Linda Matthews                      James McKinney
  - F. Chicken Ranch Bingo and Casino – Chicken Ranch Rancheria of Me-Wuk Indians:  
Jerry Van Winkle
  - G. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Serhiy Petryshak
  - H. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:  
Mary Clark
  - I. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:  
Mary Beardsley                      Otelo Mangindin, Jr.
  - J. La Posta Casino – La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation:  
Alman Jackson
  - K. Mono Wind Casino – Big Sandy Rancheria Band of Western Mono Indians:  
Jesse Vella
  - L. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:  
Brandt Staffeldt
  - M. Pala Casino – Pala Band of Mission Indians:  
Monika DiMaggio

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- N. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
John Hyllested
- O. Red Earth Casino – Torres-Martinez Band of Cahuilla Mission Indians:  
Angela Cervantes            Nelson Gil            Wayne Wallace
- P. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:  
Eric Lovvorn
- Q. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:  
Kimberly Dawson
- R. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:  
Mai Xiong
- S. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:  
Masumi Kamio            Pura Lucas            Andrew Swift-Davis
11. Applications for Renewal Tribal-State Compact Key Employee Findings of Suitability (Authority Pursuant to the Tribal-State Gaming Compact, section 6.4.4):
- A. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Rose Ann Hamilton            Michael Oaks            Atilano Quintana  
Patricia Reyes            Sandra Rodriguez
- B. Bear River Casino - Bear River Band of the Rohnerville Rancheria:  
George Claus            John McGinnis
- C. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad Rancheria:  
David Frye            Roberta Lara
- D. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Dave Abayan            Sergio Castillo            Christopher Jose
- E. Diamond Mountain Casino – Susanville Indian Reservation:  
Marilyn Gonzales            Campbell Jamieson            David Sweeney
- F. Elk Valley Casino – Elk Valley Rancheria:  
Mary Berry
- G. Harrah's Rincon – Rincon Band of Luiseno Indians:  
Timothy Hargesheimer            Dawn Polk            Thomas Smith
- H. Paiute Palace Casino – Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony:  
Pamela Frank            Robert Shoshone
- I. Pala Casino – Pala Band of Mission Indians:  
Shirley Fabek
- J. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
Queena Chan            Mary Fernandez            John Foster  
Shirley Fredrick            Mark Mihalina            Hai Nguyen  
Cassandra Singleton            Charaphitoun Souratha

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- K. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:
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|-----------------|----------------|-----------------|
| Fida Abdo       | Tammy Eversole | Hector Garcia   |
| Virginia Garcia | Darla Griffin  | Matthew Gunn    |
| Ernestina Hall  | Ralph Rubio    | Deborah Shinski |
| Felix Yglesias  | Linette Young  |                 |
- L. Soboba Casino - Soboba Band of Luiseno Indians:
- |                |            |          |
|----------------|------------|----------|
| April Cornwall | Jimmy Hays | Inki Kim |
|----------------|------------|----------|
- M. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
- Bert Guidroz
- N. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:
- Kathryn Maltes
- O. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:
- |              |                 |              |
|--------------|-----------------|--------------|
| Robert Angus | Kelley Deadman  | John Elledge |
| Daniel Martz | Felipe Masangya | Sang Tran    |
| Andres Velez | Hoa Vu          | Sam You      |
- P. Win-River Casino – Redding Rancheria:
- Jeffrey Fish

Staff recommends that the Commission approve agenda items 8, 9, 10, and 11. Upon motion of Chairman Shelton, 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

## RECESS

Chairman Shelton called for recess at 10:06 a.m. stating the meeting would reconvene at 1:00 p.m.

## RECONVENE

Chairman Shelton reconvened the meeting at 12:58 p.m.

12. Application for Approval for Initial State Gambling License Including All Associated Applicants and Endorsees (Pursuant to Business and Professions Code section 19851):

Lake Elsinore Hotel and Casino: Sahara Dunes Casino, Limited Partnership  
 Sahara Dunes Management, Inc., General Partner  
 Joseph O. Kingston, Limited Partner  
 Ted E. Kingston, Limited Partner

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Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission deny the initial state gambling license application. Commission staff has reviewed the Bureau's report and concurs with their recommendation.

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

Commissioner Shimazu moved to have an evidentiary hearing pursuant to Title 4 of the California Code of Regulation section 12050 (b)(1). The motion was seconded by Chairman Shelton and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shimazu and Vuksich voting yes, the Commission approved the motion.

Chairman Shelton adjourned the meeting at 1:06 p.m.

STATE OF CALIFORNIA  
GAMBLING CONTROL COMMISSION

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**ORIGINAL**

COMMISSION MEETING

California Gambling Control Commission  
2399 Gateway Oaks Boulevard  
Suite 100  
Sacramento, California 95833

JUNE 11, 2009  
1:00 P.M.

Reported by: PHYLLIS MANK, CSR No. 5093



**Northern California Court Reporters**

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APPEARANCES

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- DEAN SHELTON, Chairman
- STEPHANIE SHIMAZU, Commissioner
- ALEXANDRA VUKSICH, Commissioner
- TERRI CIAU, Executive Director
- EVELYN MATTEUCCI, Chief Counsel
- JOY CALKIN, Staff Services Analyst
- TINA LITTLETON, Deputy Director Licensing Division

1 BE IT REMEMBERED that, on Thursday, the 11th  
2 day of June, 2009, commencing at the hour of 1:00 p.m.  
3 thereof, at the California Gambling Control Commission,  
4 2399 Gateway Oaks Boulevard, Suite 100, Sacramento,  
5 California, before me, PHYLLIS MANK, a Certified  
6 Shorthand Reporter in and for the County of Sacramento,  
7 State of California, the following proceedings took  
8 place:

9 ---oOo---

10 CHAIRMAN SHELTON: I think it's close enough  
11 to 1:00 o'clock, looks like all parties are here that's  
12 participating, so I'll call the meeting to order.

13 We're back from recess. We had this morning,  
14 so there's no formalities at all.

15 Item number 12, I believe.

16 MS. LITTLETON: Item number 12. Good  
17 afternoon, Chairman, Commissioners. Tina Littleton,  
18 Deputy Director of Licensing Division.

19 Agenda item 12, Application for Approval for  
20 Initial State Gambling License Including All Associated  
21 Applicants and Endorsees. Lake Elsinore Hotel and  
22 Casino; Sahara Dunes Casino, Limited Partnership; Sahara  
23 Dunes Management, Incorporated, General Partner; Joseph  
24 Kingston, Limited Partner; Ted Kingston, Limited  
25 Partner.

1           The Bureau of Gambling Control recommends that  
2 the Commission deny the initial state gambling license  
3 application. Commission staff has reviewed the Bureau's  
4 report and concurs with their recommendation.

5           CHAIRMAN SHELTON: Thank you.

6           Commissioners?

7           COMMISSIONER SHIMAZU: Mr. Chairman, I have a  
8 comment or maybe a suggestion.

9           Start by saying we had a lot of information to  
10 go through and that's not unusual, we sometimes have a  
11 lot of stuff to go through, but there were a lot of  
12 issues that were in the Bureau's report, all the  
13 different reasons for denial, and then we had our  
14 staff's recommendation, we had Mr. Sharp's response and  
15 the Bureau's response and Mr. Sharp's response. There  
16 was a lot to go through.

17           Initially what I was going to say is maybe we  
18 should proceed by going through each of the basis of  
19 denial and letting both sides have a chance to talk, and  
20 I realize that would have taken a long time, which would  
21 be okay.

22           But in reading, I guess, the last  
23 correspondence from both Mr. Sharp and Mr. Pierce, they  
24 had both suggested possibly forwarding the matter to a  
25 full evidentiary hearing.

1           And at first I wasn't so sure about that, just  
2 because it would obviously add time, we wouldn't have  
3 closure, and maybe add some costs, but upon further  
4 reflection, I think this case is really appropriate for  
5 a full hearing on the matter.

6           We have lots of different issues, we have  
7 differences of opinion, factual disputes, lots of  
8 documentation, and so I think it would probably benefit  
9 from actually having it go to a hearing and having each  
10 piece of evidence looked at.

11           I think Mr. Pierce cited -- it was our  
12 regulation 12050(b)(1) where the Commission has the  
13 authority and can exercise discretion in electing to  
14 have a full evidentiary hearing, and I think we can do  
15 that either in front of the Commission or basically hand  
16 it off to an ALJ for a full APA hearing.

17           So I'm not sure if the other Commissioners are  
18 open to that or under what -- which way you would want  
19 to do it, in front of us or in front of the ALJ. I  
20 would prefer it go to ALJ because there's going to be a  
21 lot of probably evidentiary objections, lots of stuff to  
22 go through. So I'll throw that out there.

23           COMMISSIONER VUKSICH: You stole my direction.  
24 That is exactly where I was going with this. I, too,  
25 having gone through all the materials, and tried to do

1 little maps that I do, came to the conclusion that this  
2 is probably best handled in the evidentiary format.

3 So I don't know how you'd like to proceed, Mr.  
4 Chairman.

5 CHAIRMAN SHELTON: Well, I tend to agree, not  
6 only because of the confusion that arises from all  
7 parties involved and agreements and disagreements and  
8 the legalities. I think we could do it and do a good,  
9 fair, impartial job. But the truth is, if we send it  
10 out to an administrative law judge, it comes back to us  
11 for final determination. Is that correct?

12 MS. MATTEUCCI: That's correct. Evelyn  
13 Matteucci, Chief Counsel. That's correct, Mr.  
14 Chairman.

15 CHAIRMAN SHELTON: So I agree. So you want to  
16 put that in the form of a motion?

17 MS. MATTEUCCI: Just one thought. I don't know  
18 if you want to hear from any of the parties? Maybe if  
19 they --

20 CHAIRMAN SHELTON: I don't think at this time I  
21 want any public input. This would be tried before an  
22 administrative law judge, if we move in that direction,  
23 and anything said here would be repetitive, and I don't  
24 believe we should participate in any further to keep it  
25 clean.

1 MS. MATTEUCCI: I guess the only thing I was  
2 wanting to make sure is that Mr. Sharp -- I know he  
3 already sent a letter indicating they wanted a hearing.  
4 If that was --

5 CHAIRMAN SHELTON: Yeah, and we read that  
6 letter and it had a lot of credence to it and then from  
7 the Bureau, and I guess we all three -- you know, we  
8 can't talk until we get here in public so it's  
9 difficult. So if we put people out today in travel,  
10 it's my apology to you for that. But I do agree with  
11 you.

12 COMMISSIONER SHIMAZU: I guess the motion would  
13 be I'd move to have an evidentiary hearing pursuant  
14 to -- it's Title 4, right, California Code of  
15 Regulations, Section 12050(b)(1), correct?

16 MS. MATTEUCCI: Correct.

17 COMMISSIONER SHIMAZU: If I need to add  
18 something to that motion, just let me know.

19 CHAIRMAN SHELTON: I'll second the motion.  
20 Call for the vote.

21 MS. CALKIN: Commissioner Shimazu?

22 COMMISSIONER SHIMAZU: Aye.

23 MS. CALKIN: Commissioner Vuksich?

24 COMMISSIONER VUKSICH: Aye.

25 MS. CALKIN: Chairman Shelton?

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CHAIRMAN SHELTON: Aye.

MS. CALKIN: Motion carried.

CHAIRMAN SHELTON: Thank you very much  
everybody for coming. Short meeting. We're adjourned.

(Proceedings concluded at 1:05 p.m.)

