

**California Gambling Control Commission**

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**MINUTES OF February 11, 2010  
COMMISSION MEETING**

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**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. Approval of Commission Meeting Minutes for:  
January 6, 2010

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 meeting minutes for January 6, 2010.

4. Update from the Bureau of Gambling Control Regarding Matters Related to George Hardie, Jr.'s Endorsement on Wizard Gaming, Inc.'s State Gambling License (Pursuant to Business and Professions Code sections 19856, 19857 and 19859):

Diamond Jim's Casino: Wizard Gaming, Inc.

George Hardie, Jr., Beneficiary of the Zephyr Inter Vivos Trust

Norm Pierce representing the Bureau of Gambling Control presented the following update regarding George Hardie, Jr.:

- During the August 13, 2009 meeting, the Commission imposed conditions on the renewal of Mr. Hardie's State Gambling License requiring that he or his designated agent provides documents pertaining to Mr. Hardie's felony conviction and ongoing appeals.

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- In September 2009, Designated Agent, Mr. Harlan Goodson, submitted translated court documents confirming that on May 29, 2009, Mr. Hardie was convicted and received a 10-years prison sentence for the crimes of Attempted Murder Committed on Foreign Soil and Bearing Firearms for the Exclusive Use for the Military, Army, and Air Force. The Bureau obtained the records, confirmed the information, and referred the matter to its legal counsel for the filing of an accusation.
- In September 2009, the Bureau was notified that the Kern County Sheriff's Office issued a Notice of Proposed Revocation of Mr. Hardie's local license as a result of the conviction.
- In December 2009, Mr. Goodson notified the Bureau that the conviction for Attempted Murder was overturned on appeal. On the basis of that information, the Bureau suspended its filing of the Accusation and requested certified records from the appellate court. The Bureau is still awaiting receipt of this documentation.
- Mr. Goodson submitted to Commission and Bureau staff a translated transcription of the appeal hearing. The documents indicate that on November 30, 2009, the conviction of Mr. Hardie for Attempted Murder was overturned. The firearms conviction, however, was sustained, resulting in a prison sentence of 1 year, 17 days and a fine of \$841. Mr. Hardie was immediately released from custody after having served that time.
- The Bureau does not believe that the criminal matter in Mexico constitutes a sufficient basis for initiating administrative action against Mr. Hardie's license.
- After consulting with the Department's counsel, it is the Bureau's view that convictions by courts in other countries are not applicable to Business and Professions Code section 19859 (c)(d), which specify that felony and certain misdemeanor convictions are mandatory disqualifiers. Thus, the Bureau does not believe that the firearms conviction itself serves as a basis for revocation of Mr. Hardie's license.
- The Bureau considered the specific actions of Mr. Hardie during this incident to assess whether they reflect bad character or dishonesty to potentially disqualify him from licensure pursuant to Business and Professions Code section 19857, subs. (a). The Bureau does not believe that Mr. Hardie's actions rise to that level.
- Additionally, the Bureau recently received a copy of a letter from the Kern County Sheriff's Office indicating that it has rescinded the Notice of Proposed Revocation of Mr. Hardie's local license based on the fact that the court absolved him on the charge of attempted murder.
- The Bureau is awaiting certified documents from Mexico to officially verify the appellate court action and other facts of this case. Upon receipt of that

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information, the Bureau will make a final determination as to whether any formal action is warranted based on the incident in Mexico.

- In July 2009, the counsel for Wizard Gaming, Inc., Mr. Steven Blackman submitted to the Commission and the Bureau a substantial amount of information intended to support various allegations against Mr. Hardie and other related parties.
- The Bureau is now undertaking a more in-depth examination of the various other allegations raised by Mr. Blackman and has expanded the investigation to determine whether sufficient evidence exists to pursue administrative action.

Harlan Goodson, on behalf of George Hardie Jr., indicated that they concur with Mr. Pierce's representation of the events that occurred in Belize and in Mexico with one correction; the sentence that was imposed on the gun charge was not one year seventeen days. Mr. Goodson further indicated that Mr. George Hardie Jr. spent more than one year in prison and there was an acknowledgement in the appellate court decision as to that fact, but the sentence itself was one year and not in excess of one year. Mr. Goodson commented that it is an important distinction as to whether it constitutes a felony or misdemeanor.

Chairman Shelton requested this be put on a future agenda and he wanted to know what participation Mr. Hardie Jr. has in a casino in another state.

Alan Isaacman, attorney for Wizard Gaming, Inc., indicated that he wanted to clarify Wizard Gaming, Inc.'s viewpoint in terms of the gun charge conviction. The felony definition under California law is subject to imprisonment in a state prison and punishable by up to ten years in prison.

No action was taken on this item. It was informational only.

5. Applications for Approval for Initial State Gambling Licenses (Pursuant to Business and Professions Code section 19851& 19852; Title 4 CCR 12342(a)(8) (Form 143)):

The Bicycle Casino: The Bicycle Casino, Limited Partnership

Pierson Family Trust

David Pierson and Pamela Pierson, Trustors/Trustees

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the initial applications for endorsement on the Bicycle Casino state gambling license. Staff has reviewed the Bureau's report and concurred with their recommendation.

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.

6. Application for Renewal of State Gambling License (Pursuant to Business and Professions Code section 19876):

Sundowner Cardroom: Augustine Mora, Sole Proprietor

Deputy Director Tina Littleton indicated staff recommended the Commission approve the renewal state gambling license application for the period of March 1, 2010 through February 29, 2012.

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.

7. Applications for Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854(d) and 19859(b)):

- |                  |                    |
|------------------|--------------------|
| A. Caryn Cross   | E. Jason Simpson   |
| B. Stephanie Lim | F. Manuelito Solis |
| C. Andrew Nguyen | G. Tedd Stobie     |
| D. Peter Nguyen  |                    |

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended the Commission approve the initial key employee portable personal license applications for the applicants in Items 7A through 7G. Staff has reviewed the Bureau's reports, concurred with their recommendation; and, recommended approval through February 29, 2012.

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 staff recommendation.

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

A. California Gaming Consultants:

Players: Kim Heng	Jo Hun	Stephanie Luna
Carrisa Rodgers		

B. Gaming Management, LLC

Players: D'Shawn Brown	Rory Cernuda	Chad Gasquoine
Timothy Hayes	Dolly Khoonsrivong	Randee Lash
Thanhthuy Nguyen		

C. Network Management Group, Inc.

Players: Alex Aamodt	Julie Arroyo	Avamarie Frenandezees
Jonathan Freeman	Mok Yieng Huot	Markus Maya
Alexander Szeto	Denton Warnock	Sou Xiong
Tou Hue Xiong		

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Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the applications to convert registrations to licenses for the applicants in Items 8A through 8C. Staff has reviewed the Bureau's reports, concurred with their recommendation; and, recommended approval through February 29, 2012.

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.

9. Application for Initial Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Authority Pursuant to the Tribal-State Gaming Compact, section 6.4.5):  
Gemaco, Inc.: a Missouri Corporation  
Paul Quinlan, General Manager and Executive Vice President

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the initial application for endorsement on Gemaco, Inc.'s finding of suitability. Staff has reviewed the Bureau's report and concurred with their recommendation.

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.

10. Application for Renewal of Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Authority Pursuant to the Tribal-State Gaming Compact, section 6.4.5):  
Atronic Americas, LLC: Lottomatica Group S.p.A.  
Gerhard Burda, CEO/Manager      Kenneth Bossingham, COO/Manager

Upon request by staff and concurrence of the Commissioners Kenneth Bossingham was tabled for a later date.

Deputy Director Tina Littleton indicated staff recommended that the Commission approve the renewal finding of suitability application for the period of March 1, 2010 through February 29, 2012 for Atronic Americas, LLC and Gerhard Burda.

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.

11. Consideration of Final Adoption of, and Approval for Filing with the Fair Political Practice Commission:  
Conflict of Interest Code (Amending Title 4, California Code of Regulations, section 12590)

Legal Staff Analyst Pamela Ramsey indicated that staff recommended the Commission approve the current amended text of the Commission's Conflict of Interest Code for filing with the Fair Political Practices Commission for review and approval, and for initiation of the third and final comment period.

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.

12. 2010 Rulemaking Calendar: Review and Approval for Publication in the California Regulatory Notice Register, Pursuant to Government Code section 11017.6

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the 2010 Rulemaking Calendar.

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.

**CONSENT CALENDAR ITEMS:**

13. Applications for Initial Work Permit (Pursuant to Business and Professions Code section 19912):

- A. Poker Flats Casino: My Ly Vang
- B. The 101 Casino: Melinda Palmer      Tiffany Tieken

14. Applications for Renewal Work Permit (Authority Pursuant to Business and Professions Code section 19870):

- A. Lake Bowl Card Room: Brandon Stokes
- B. Napa Valley Casino: Anthony Hutchins
- C. The 101 Casino: Robin Boyce      David Del Bonta      Hui Xie

15. 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:  
Roberta Martinez
- B. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Heidi Elkins
- C. Barona Valley Ranch Resort - Barona Band of Mission Indians:  
Bewar Alzakholy      James Berry, Jr.      Jeffrey Carbonell  
Brian Doerr      David Glass      Michele Gualano  
Jimmy Lieu      Brian Moutaw      John Sandoval  
Robert Ward
- D. Blue Lake Casino - Blue Lake Rancheria:  
Bonnie Morris

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- E. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad Rancheria:  
Anthony Lopez
  - F. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:  
Michael Delano                      Wendy Dowling
  - G. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:  
Daniel Kline
  - H. Desert Rose Casino – Alturas Rancheria:  
Melanie Warren
  - I. Gold Country Casino – Berry Creek Rancheria of Maidu Indians of California:  
David Henderson, Jr.              Darrell Loomis              Allen Owens, Jr.
  - J. Golden Acorn Casino and Travel Center – Campo Band of Diegueno Mission Indians:  
Roy Williams
  - K. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:  
Gerald Difuntorum              Brendyn Gunn              Elizabeth Woods
  - L. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:  
Kimberly Canales              Tiffany Colianno              Tammy Spreitzer
  - M. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
James Berchtold
  - N. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:  
Brittany Manchatta              Michael McLaughlin              Patricia Valdez
  - O. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:  
Rachel Loza                      Debra Senn
  - P. Soboba Casino - Soboba Band of Luiseno Indians:  
Zachariah Ngo                      Axel Romanillos
  - Q. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:  
Tomas Zavala
  - R. Sycuan Casino & Resort- Sycuan Band of the Kumeyaay Nation:  
Florence Jardiniano
  - S. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:  
Brian Culcasi                      Raymond Lopez
  - T. Valley View Casino – San Pasqual Band of Diegueno Mission Indians:  
Edward Alacio                      Matthew Leonard              Ciria Orozco
16. 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:  
Christina Bourque              Hoon Kang
  - B. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:

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- Laura Neher
- C. Cache Creek Casino Resort – Rumsey Indian Rancheria of Wintun Indians:  
Kevin Hao    George Perry    Sameth Phon  
Ngoc-Minh To
- D. Chicken Ranch Bingo and Casino – Chicken Ranch Rancheria of Me-Wuk Indians:  
Corena Bell-Raymond
- E. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Francisco Andrade                                  Kathy Beard                                  Jere Gonzalez  
Rosa Gonzalez    Gabriel Hernandez                                  Kristina Lajda  
Milton Royster
- F. Colusa Casino and Bingo – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:  
Maria Melesio    Phillip Morris
- G. Eagle Mountain Casino – Tule River Indian Tribe of the Tule River Reservation:  
Victoria Christman
- H. Fantasy Springs Casino – Cabazon Band of Mission Indians:  
Bernard Bandy    Angelica Espinoza                                  Alesandro Puga
- I. Feather Falls Casino – Mooretown Rancheria of Maidu Indians:  
Matt Weisser
- J. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:  
Johnny Tran
- K. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:  
Jason Asher    William Hissam    Edward Montes
- L. Pala Casino – Pala Band of Mission Indians:  
Anthony Difederico    Lynda Jackson    Gabriel Saballa  
Russell Street
- M. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:  
Juan Lozano    Javier Quintero
- N. Sycuan Casino & Resort - Sycuan Band of the Kumeyaay Nation:  
Aurora Agsaoay    Samuel Bonner    Annie Bui  
David Centman    Kira Contreras    Troy Fuller  
Carole Harris    Kimberly Lee    Silbern McCallister  
Maria More    Ysmael Segundo    Fifian Stepho  
Wai Tse
- O. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:  
Maria Flores    Barbara Martin    Robin Scott  
David Viau
- P. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:  
Anthony Galindez    Valentin Hernandez    Ronald Jacobs  
Samantha Nguyen
- Q. Viejas Casino & Turf Club - Viejas Band of Kumeyaay Indians:  
Guillermo Abasolo    Bassam Orahah    Perla Rivera



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Paul Smoot  
R. Win-River Casino – Redding Rancheria:  
Nathan McNeal

John Tehan  
Jason Spencer

Deputy Director Tina Littleton indicated that staff recommended that the Commission approve **agenda items 13, 14, 15, and 16.**

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.

### **PUBLIC COMMENT**

There was no public comment at this time.

### **ADJOURNMENT**

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 meeting was adjourned at 10:25 am.

**CALIFORNIA GAMBLING CONTROL COMMISSION**  
**LEGAL DIVISION MEMORANDUM****PUBLIC STAFF REPORT**

Date: January 13, 2010

To: Chairman Dean Shelton  
Commissioner Stephanie Shimazu  
Commissioner Alexandra Vuksich

Via: Terresa A. Ciau, Executive Director

From: Pam Ramsay, Associate Governmental Program Analyst *PR*  
Joe Dhillon, Chief Counsel *JED*

Re: Proposed Revision to the Commission's Conflict of Interest Code  
(Amend Title 4, California Code of Regulations, section 12590)

Recommendation:

**STAFF RECOMMENDS THAT THE COMMISSION APPROVE THE CURRENT AMENDED TEXT OF THE COMMISSION'S CONFLICT OF INTEREST CODE FOR FILING WITH THE FAIR POLITICAL PRACTICES COMMISSION FOR REVIEW AND APPROVAL, AND FOR INITIATION OF THE THIRD AND FINAL COMMENT PERIOD.**

Summary:

Staff drafted a revised Conflict of Interest Code ("Code") to replace the outdated 2006 version. On March 27, 2009 a Notice of Intention to Amend the Code was filed with the Office of Administrative Law ("OAL"), thus initiating the 45-day public and employee comment period.<sup>1</sup> Following the conclusion of the initial 45-day comment period a 15-day change to the Code was proposed to reflect new information from Support Services concerning changes to Commission staffing.

As of January 28, 2010, the revised Code will have cleared the first two phases of the adoption process: the 45-day comment period, and the 15-day comment period covering changes to the revision as originally proposed in March 2009.

<sup>1</sup> No comments were received from the public during the 45-day public comment period.

**CALIFORNIA CODE OF REGULATIONS**  
**Title 4. Business Regulations**  
**Division 18. California Gambling Control Commission**

**CHAPTER 11. CONFLICT OF INTEREST CODE (~~EFFECTIVE MARCH 1, 2007~~)**

**Section 12590. Conflict of Interest Code**

The Political Reform Act (Government Code Sections 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code, and which may be amended by the FPPC, to conform to amendments in the Political Reform Act, after public notice and hearings. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix A, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Gambling Control Commission ("Commission").

Designated employees shall file statements of economic interests with the FPPC filing officer in the Commission who will make the statements available for inspection and reproduction. With respect to the Commissioners, and the Executive Director of the Commission, the Commission shall make and retain a copy and forward the original of these statements to the FPPC.

**Authority:** Section 87300, Government Code.

**Reference:** Sections 87300 and 87302, Government Code.

**APPENDIX A**

**CALIFORNIA GAMBLING CONTROL COMMISSION**  
**CONFLICT OF INTEREST CODE**

List of Designated Positions	Assigned Disclosure Categories
<b>COMMISSIONERS</b>	
Commissioners	1
<b>EXECUTIVE ADMINISTRATION</b>	
Executive Director	1
Deputy Executive Director	1
Staff Management Auditor	4
Staff Services Manager III	1
Research Program Specialist II	2, 3, 4
Senior Information System Analyst (Specialist)	2, 3
Staff Information System Analyst	2, 3
Administrative Assistant I/II	2
Executive Assistant	2

<b>LEGAL DIVISION</b>	
Chief Counsel	1
Staff Counsel III	1
Staff Counsel	1
Associate Governmental Program Analyst	2, 4
Staff Services Analyst	2, 4
<b>LEGISLATIVE &amp; PUBLIC AFFAIRS OFFICE</b>	
Deputy Director	1
<u>Information Officer II</u>	<u>2, 3</u>
Associate Governmental Program Analyst	2
Staff Services Analyst	2
<b>SUPPORT SERVICES</b>	
Deputy Director	1
Staff Services Manager 1	1
<u>Systems Software Specialist II (Supervisor)</u>	<u>1</u>
Senior Programmer Analyst	2, 3
<u>Associate Programmer Analyst</u>	<u>2, 3</u>
Systems Software Specialist I	2, 3
<u>Staff Programmer Analyst</u>	<u>2, 3</u>
Associate Governmental Program Analyst	2, 4
Staff Services Analyst	2, 4
Senior Accounting Officer	2, 4
Associate Budget Analyst	4
Associate Information System Analyst (Specialist)	2, 3
<u>Senior Personnel Specialist</u>	<u>2, 4</u>
<u>Accountant I</u>	<u>2, 4</u>
Associate Personnel Analyst	4
<u>Health and Safety Officer</u>	<u>4</u>
<b>LICENSING DIVISION</b>	
Deputy Director	1
<u>Staff Services Manager II</u>	<u>1</u>
Staff Services Manager I	1
<u>Research Program Specialist I</u>	<u>2</u>
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Services Technician	2
<b>COMPLIANCE DIVISION</b>	
Deputy Director	1
<u>Associate Governmental Program Analyst</u>	<u>2</u>
<u>Staff Services Analyst</u>	<u>2</u>
<b>FINANCIAL AUDITS</b>	
<u>Supervising Management Auditor</u>	<u>1</u>
Senior Management Auditor	1

Staff Management Auditor	2
Associate Management Auditor	2
Staff Services Management Auditor	2
Associate Accounting Analyst	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
<b><u>ELECTRONIC GAMING DEVICES</u></b>	
Systems Software Specialist III (Supervisory)	1
Systems Software Specialist II	2, 3
Systems Software Specialist I	2, 3
Staff Services Manager I	1
Associate Information System Analyst (Specialist)	2, 3
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Service Technician	2
<b><u>GAMING STANDARDS SECTION</u></b>	
Staff Services Manager II	1
Staff Services Manager I	1
Associate Management Auditor	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Service Technician	2
<b><u>CONSULTANTS</u></b>	
Consultant	

**DISCLOSURE CATEGORY 1** – Full disclosure is required. Any officer, employee, or consultant in this category shall disclose all interest in real property in the State of California, as well as investments, business positions, and sources or income, including gifts, loans and travel payments.

**DISCLOSURE CATEGORY 2** – Any officer, employee, or consultant in this category shall disclose investments, business positions, and sources of income including gifts, loans and travel payments, from any manufacturer or distributor of gambling equipment; manufacturer or distributor of card-minding devices; manufacturer or distributor of remote caller bingo equipment or supplies; holder of a finding of suitability issued pursuant to a tribal-state compact; Indian tribe; holder of a state gambling license, holder of (including a key employee of a



gambling establishment) license; holder of a work permit; holder of a third-party provider of proposition player services license; holder of a third-party provider of proposition player services registration; holder of a gambling business license; holder of a gambling business registration; applicant for a state gambling license; applicant for a key employee license; applicant for a work permit; applicant for licensure as a third-party provider of proposition player services; applicant for registration as a third-party provider of proposition player services; applicant for licensure as a gambling business; applicant for registration as a gambling business; applicant for registration as a manufacturer or distributor of gambling equipment; applicant for licensure as manufacturer or distributor of card-minding devices; applicant for licensure as manufacturer or distributor of remote caller bingo equipment or supplies; applicant for a finding of suitability under a tribal-state compact; or applicant for any other license, registration, permit or approval provided for in the Gambling Control Act or the Remote Caller Bingo Act, any regulation adopted pursuant to the Gambling Control Act or the Remote Caller Bingo Act, or any tribal-state compact. Any person in this category shall also disclose any interest in real property in the State of California.

**DISCLOSURE CATEGORY 3** – A designated employee in this category shall report all investments, business positions, and income, including gifts, loans, and travel payments, from sources that provide information technology systems including: hardware, software, equipment, or consulting services, of the type utilized at the Commission.

**DISCLOSURE CATEGORY 4** – A designated employee in the category shall report all investments, business positions and income, including gifts, loans and travel payments, from sources that provides or provided within the previous two years services, supplies, equipment, vehicles, machinery, leased facilities, including training or consulting services, of the type utilized by the Commission.

**CONSULTANT DISCLOSURE CATEGORY** – Consultants shall be placed in disclosure category 1, subject to the following limitation: the Executive Director may determine in writing that a particular consultant although a “designated position”, has been hired to perform a range of duties that is limited in scope and, thus, is not required to fully comply with the disclosure requirements in this Code. Such determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The

**CALIFORNIA CODE OF REGULATIONS**  
**Title 4. Business Regulations**  
**Division 18. California Gambling Control Commission**

**CHAPTER 11. CONFLICT OF INTEREST CODE**

**Section 12590. Conflict of Interest Code**

The Political Reform Act (Government Code Sections 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code, and which may be amended by the FPPC, to conform to amendments in the Political Reform Act, after public notice and hearings. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix A, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Gambling Control Commission ("Commission").

Designated employees shall file statements of economic interests with the FPPC filing officer in the Commission who will make the statements available for inspection and reproduction. With respect to the Commissioners, and the Executive Director of the Commission, the Commission shall make and retain a copy and forward the original of these statements to the FPPC.

**Authority:** Section 87300, Government Code.

**Reference:** Sections 87300 and 87302, Government Code.

**APPENDIX A**

**CALIFORNIA GAMBLING CONTROL COMMISSION**  
**CONFLICT OF INTEREST CODE**

List of Designated Positions	Assigned Disclosure Categories
<b>COMMISSIONERS</b>	
Commissioners	1
<b>EXECUTIVE ADMINISTRATION</b>	
Executive Director	1
Deputy Executive Director	1
Staff Services Manager III	1
Research Program Specialist II	2, 3, 4
Senior Information System Analyst (Specialist)	2, 3
Staff Information System Analyst	2, 3
Administrative Assistant I/II	2
Executive Assistant	2
<b>LEGAL DIVISION</b>	
Chief Counsel	1

Staff Counsel III	1
Staff Counsel	1
Associate Governmental Program Analyst	2, 4
Staff Services Analyst	2, 4
<b>LEGISLATIVE &amp; PUBLIC AFFAIRS OFFICE</b>	
Deputy Director	1
Information Officer II	2, 3
Associate Governmental Program Analyst	2
Staff Services Analyst	2
<b>SUPPORT SERVICES</b>	
Deputy Director	1
Staff Services Manager 1	1
Systems Software Specialist II (Supervisor)	1
Senior Programmer Analyst	2, 3
Associate Programmer Analyst	2, 3
Systems Software Specialist I	2, 3
Staff Programmer Analyst	2, 3
Associate Governmental Program Analyst	2, 4
Staff Services Analyst	2, 4
Senior Accounting Officer	2, 4
Associate Budget Analyst	4
Associate Information System Analyst (Specialist)	2, 3
Senior Personnel Specialist	2, 4
Accountant I	2, 4
Associate Personnel Analyst	4
Health and Safety Officer	4
<b>LICENSING DIVISION</b>	
Deputy Director	1
Staff Services Manager II	1
Staff Services Manager I	1
Research Program Specialist I	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Services Technician	2
<b>COMPLIANCE DIVISION</b>	
Deputy Director	1
Associate Governmental Program Analyst	2
Staff Services Analyst	2
<b>FINANCIAL AUDITS</b>	
Supervising Management Auditor	1
Senior Management Auditor	1
Staff Management Auditor	2
Associate Management Auditor	2



Staff Services Management Auditor	2
Associate Accounting Analyst	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
<b>ELECTRONIC GAMING DEVICES</b>	
Systems Software Specialist III (Supervisory)	1
Systems Software Specialist II	2, 3
Systems Software Specialist I	2, 3
Staff Services Manager I	1
Associate Information System Analyst (Specialist)	2, 3
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Service Technician	2
<b>GAMING STANDARDS SECTION</b>	
Staff Services Manager II	1
Staff Services Manager I	1
Associate Management Auditor	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Management Service Technician	2
<b>CONSULTANTS</b>	
Consultant	

**DISCLOSURE CATEGORY 1** – Full disclosure is required. Any officer, employee, or consultant in this category shall disclose all interest in real property in the State of California, as well as investments, business positions, and sources or income, including gifts, loans and travel payments.

**DISCLOSURE CATEGORY 2** – Any officer, employee, or consultant in this category shall disclose investments, business positions, and sources of income including gifts, loans and travel payments, from any manufacturer or distributor of gambling equipment; manufacturer or distributor of card-minding devices; manufacturer or distributor of remote caller bingo equipment or supplies; holder of a finding of suitability issued pursuant to a tribal-state compact; Indian tribe; holder of a state gambling license, holder of a key employee license; holder of a work permit; holder of a third-party provider of proposition player services license; holder of a third-party provider of proposition player services registration; holder of a gambling business

license; holder of a gambling business registration; applicant for a state gambling license; applicant for a key employee license; applicant for a work permit; applicant for licensure as a third-party provider of proposition player services; applicant for registration as a third-party provider of proposition player services; applicant for licensure as a gambling business; applicant for registration as a gambling business; applicant for registration as a manufacturer or distributor of gambling equipment; applicant for licensure as manufacturer or distributor of card-minding devices; applicant for licensure as manufacturer or distributor of remote caller bingo equipment or supplies; applicant for a finding of suitability under a tribal-state compact; or applicant for any other license, registration, permit or approval provided for in the Gambling Control Act or the Remote Caller Bingo Act, any regulation adopted pursuant to the Gambling Control Act or the Remote Caller Bingo Act, or any tribal-state compact. Any person in this category shall also disclose any interest in real property in the State of California.

**DISCLOSURE CATEGORY 3** – A designated employee in this category shall report all investments, business positions, and income, including gifts, loans, and travel payments, from sources that provide information technology systems including: hardware, software, equipment, or consulting services, of the type utilized at the Commission.

**DISCLOSURE CATEGORY 4** – A designated employee in the category shall report all investments, business positions and income, including gifts, loans and travel payments, from sources that provides or provided within the previous two years services, supplies, equipment, vehicles, machinery, leased facilities, including training or consulting services, of the type utilized by the Commission.

**CONSULTANT DISCLOSURE CATEGORY** – Consultants shall be placed in disclosure category 1, subject to the following limitation: the Executive Director may determine in writing that a particular consultant although a “designated position”, has been hired to perform a range of duties that is limited in scope and, thus, is not required to fully comply with the disclosure requirements in this Code. Such determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’s determination is a public record and shall be retained for public inspection in the same manner and locations as this Conflict of Interest Code.

CALIFORNIA GAMBLING CONTROL COMMISSION  
CONFLICT OF INTEREST CODE  
JUSTIFICATION FOR AMENDMENTS

Substantive Changes

This amendment makes several substantive changes and other technical changes to reflect the current organizational structure of the Commission. Appendix A has been amended to add titles of new positions not covered in the current Conflict of Interest Code (Code) for each respective division within the Commission and assigns disclosure categories for each of the designated positions.

1. The Code is being amended to delete Staff Management Auditor from the Executive Administration section of the Commission because this position no longer exists within the Commission's Executive Administration.
2. The Code is being amended to add the new positions under the Executive Administration of Staff Services Manager III, Research Program Specialist II, Senior Information System Analyst, Staff Information System Analyst, and Administrative Assistant I/II. These positions did not exist when the current Code was amended in 2006. The Staff Services Manager III is responsible for the planning, research and administrative support activities for the Commission. The Research Program Specialist II is responsible for the review and assessment of the day-to-day operations of the administrative functions of the Support Services Division. The Senior Information System Analyst serves as an expert technical specialist performing analytical studies on intricate information technology systems and projects. The Staff Information System Analyst provides studies and consultation on information technology systems and projects. The Administrative Assistant I/II provides sensitive administrative support to the Executive Director and Commissioners.
3. The Code is being amended to add the new position under Legislative and Public Affairs Office of Information Officer II. The Information Officer II is responsible for the administration and oversight of the Commission's Public Information Program, prepares legislative analyses, and serves as the Commission's Information Security Officer and the Officer of Privacy Protection.

4. The Code is being amended to add the new positions under Support Services of Systems Software Specialist Supervisor II, Associate Programmer Analyst, Staff Programmer Analyst, Senior Personnel Specialist, Accountant I, and Health and Safety Officer. These positions did not exist when the current Code was amended in 2006. The Systems Software Specialist Supervisor II supervises and the Associate Programmer Analyst and Staff Programmer Analyst assist in the development of data processing and technical applications for the Commission's oversight function and maybe involved in contract selection(s) and or purchases for information technology services. The Senior Personnel Specialist, Accountant I, and Health and Safety Officer perform the administrative functions for the Commission, including personnel, fiscal and budget services support.
5. The Code is being amended to add the new positions under Licensing Division of Staff Services Manager II and Research Program Specialist I. These positions did not exist when the current Code was amended in 2006. The Staff Services Manager II functions as the Commission's authority on and coordinator of gambling license application approval, denial, conditional, suspension, and revocation process. The Research Program Specialist I is responsible for the development of regulations for the Commission's various regulatory programs.
6. The Code is being amended to add the new position under Compliance Division of Associate Governmental Program Analyst and Staff Services Analyst. These positions provide management analysis and technical support to the various projects and programs within the Compliance Division.
7. The Code is being amended to add the Financial Audits Section and the new positions in that section of Supervising Management Auditor, Associate Accounting Analyst, Associate Governmental Program Analyst, and Staff Services Analyst. These did not exist when the current Code was amended in 2006. The Supervising Management Auditor is responsible for Tribal-State Gaming Compact financial policy development and all fund audit oversight. The Associate Accounting Analyst performs accounting functions associated with the Tribal-State Gaming Compacts. The Associate Governmental Program Analyst and Staff Services Analyst provide management analysis and technical support for the Financial Audits Section.
8. The Code is being amended to add the Electronic Gaming Devices Section and the new positions in that section of Systems Software Specialist III (Supervisory), Systems Software Specialist II/I, Staff Services Manger I, Associate Governmental Program Analyst, Staff Services Analyst, and Management Service Technician. These did not exist when



the current Code was amended in 2006. The Systems Software Specialist III (Supervisory) supervises staff in relation to the Commission's regulatory responsibilities under the Tribal-State Gaming Compacts. The Systems Software Specialist II/I provide advice on manufactures and tribal technical standards related to the software for games authorized for play on slot machines. The Staff Services Manager I manages the operations for staff's random testing and inspection of electronic gaming devices in the field. The Associate Governmental Program Analyst, Staff Services Analyst, and Management Service Technician coordinate tribal casino audit responsibilities and assessment of each tribal casino's overall compliance with its Compact and provide program support.

9. The Code is being amended to add the Gaming Standards Section and the new positions in that section of Staff Services Manager I/II, Associate Management Auditor, Associate Governmental Program Analyst, Staff Services Analyst, and Management Service Technician. These did not exist when the current Code was amended in 2006. The Staff Services Manager I/II manages the operation of conducting reviews of tribal casinos Minimum Internal Control Standards (MICS) in relation to Class III gaming operations at tribal casinos. The Associate Management Auditor and Associate Governmental Program Analyst conduct on-site MICS reviews of tribal casinos and report findings and recommendations to the Commission. The Management Services Technician provides program support to the Gaming Standards Section.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18730. Provisions of Conflict of Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been

determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to



have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.



3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.



5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

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1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and

verified by the designated employee as if it were an original. See Government Code section 81004.

2See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

**CALIFORNIA GAMBLING CONTROL COMMISSION  
2010 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2009**

<p>Subject: Licensing of Receivers, Trustees, Beneficiaries, Executors, Administrators, Conservators, Successors in Interest, or Security Interest Holders for a Gambling Enterprise.</p>	<p>CCR Title &amp; Sections Affected: Title 4, § 12349</p>	<p>Statutes Being Implemented: Chapter 233, Statutes of 2009 (AB 293, Mendoza) Bus. &amp; Profs. Code § 19841</p>															
<p>Responsible Agency Unit: Licensing Division</p>	<p>Contact Person &amp; Phone Number: James Allen (916) 263-4024</p>	<table border="1"> <tr> <th colspan="3">Projected Dates:</th> </tr> <tr> <td>Notice:</td> <td>Hearing:</td> <td>To OAL:</td> </tr> <tr> <td>Apr 2010</td> <td>Jun 2010</td> <td>Aug 2010</td> </tr> <tr> <td></td> <td>Adoption:</td> <td></td> </tr> <tr> <td></td> <td>Jul 2010</td> <td></td> </tr> </table>	Projected Dates:			Notice:	Hearing:	To OAL:	Apr 2010	Jun 2010	Aug 2010		Adoption:			Jul 2010	
Projected Dates:																	
Notice:	Hearing:	To OAL:															
Apr 2010	Jun 2010	Aug 2010															
	Adoption:																
	Jul 2010																

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2009**

<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase II – Security and Surveillance (Emergency &amp; Security Plans).</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12370, 12371, 12394 and 12395.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19801, 19823, 19827, 19841, 19860, 19912, 19920, 19922 and 19924.</p>															
<p><b>Responsible Agency Unit:</b> Licensing Division</p>	<p><b>Contact Person &amp; Phone Number:</b> James Allen (916) 263-4024</p>	<table border="1"> <tr> <th colspan="3"><b>Projected Dates:</b></th> </tr> <tr> <td><b>Notice:</b></td> <td><b>Hearing:</b></td> <td><b>To OAL:</b></td> </tr> <tr> <td>Jun 2009</td> <td>Aug 2009</td> <td>Feb 2010</td> </tr> <tr> <td></td> <td><b>Adoption:</b></td> <td></td> </tr> <tr> <td></td> <td>Jan 2010</td> <td></td> </tr> </table>	<b>Projected Dates:</b>			<b>Notice:</b>	<b>Hearing:</b>	<b>To OAL:</b>	Jun 2009	Aug 2009	Feb 2010		<b>Adoption:</b>			Jan 2010	
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<p><b>Subject:</b> Assistance to Bingo Players with Disabilities; Certificate of Compliance (COC) Re: OAL File No. 2009-0508-03 E.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12482.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. §§ 326.3 and 326.5.</p>															
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<p><b>Subject:</b> Portable Personal Key Employee Licenses.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12008, 12335, 12340, 12342, 12343, 12344, 12345, 12346, 12347, 12348, 12350, 12351, 12352, 12353, 12354 and 12355.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code § 19854.</p>															
<p><b>Responsible Agency Unit:</b> Licensing Division</p>	<p><b>Contact Person &amp; Phone Number:</b> James Allen (916) 263-4024</p>	<table border="1"> <tr> <th colspan="3"><b>Projected Dates:</b></th> </tr> <tr> <td><b>Notice:</b></td> <td><b>Hearing:</b></td> <td><b>To OAL:</b></td> </tr> <tr> <td>Dec 2009</td> <td>(None)</td> <td>Mar 2010</td> </tr> <tr> <td></td> <td><b>Adoption:</b></td> <td></td> </tr> <tr> <td></td> <td>Feb 2010</td> <td></td> </tr> </table>	<b>Projected Dates:</b>			<b>Notice:</b>	<b>Hearing:</b>	<b>To OAL:</b>	Dec 2009	(None)	Mar 2010		<b>Adoption:</b>			Feb 2010	
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<p><b>Subject:</b> Reactivation of Expired Gambling Licenses (Closed Cardrooms)</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12356.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code § 19963.</p>									
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<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase III – Gaming Floor Operations and Play of Controlled Games.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12391.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841, 19920 and 19824.</p>									
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<p><b>Subject:</b> Approval of Bingo Card Minding Devices; Certificate of Compliance (COC) Re: OAL File No. 2009-0619-02 EE.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12482</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. § 326.5.</p>									
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<p><b>Subject:</b> Licensing of Manufacturers, Distributors and Suppliers of Bingo Card-Minding Devices, and Remote Caller Bingo Equipment. COC Re: OAL File No. 2009-0414-02 E.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12484</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. §§ 326.3 and 326.5.</p>															
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<p><b>Subject:</b> Hearing Procedures</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12050.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19804, 19870 and 19872.</p>															
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<p><b>Subject:</b> Application Abandonment</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12048.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19811, 19823, 19824, 19840, 19841, 19893, and 19951.</p>															
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<p><b>Subject:</b> Request for Approval Regarding Security Interests and Secured Transactions.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § (new) 12355.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19852, 19853, 19901, 19902, and 19904.</p>									
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<p><b>Subject:</b> Temporary Gambling Licenses; Conditions</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12343.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841 and 19868.</p>									
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<p><b>Subject:</b> Licensing or Approval of Remote Caller Bingo Operators, including Organizations, Fiduciaries, Site Managers, Callers, and Administrative, Technical, Financial and Security Personnel. COC Re: OAL File No. 2009-0414-02 E.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12488</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. §§ 326.3 and 326.5.</p>									
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<p><b>Subject:</b> Establishment of Criteria for the Approval of Remote Caller Bingo Controls, Methodologies and Standards of Game Play. COC Re: OAL File No. 2009-0508-02 E.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12490</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. § 326.3.</p>									
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<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase IV – Chips, Cards and Other Gambling Equipment.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12393.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841, 19920 and 19824.</p>									
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<p><b>Subject:</b> Establishment of Criteria for the Operation and Approval of Remote Caller Bingo Equipment, Including Transmission Equipment. COC Re: OAL File No. 2009-0508-02 E.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 12492</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. § 326.5.</p>									
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<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase V – Personnel and Tips.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12382 and 12383.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841, 19920 and 19824.</p>															
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<p><b>Subject:</b> Remote Caller Bingo Transmission Monitoring and Field Enforcement.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § 19530.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19850.5 and 19850.6; and P.C. §§ 326.3 and 326.5.</p>															
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<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase VI – Adequate Financing; Player/Dealer Banks; and Jackpots.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ (new) 12389 and 12390.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841, 19920 and 19824.</p>															
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<p><b>Subject:</b> Minimum Internal Control Standards (MICS) for Gambling Establishments: Phase VII – Information Technology Systems.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § (new) 12396.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19841, 19920 and 19824.</p>															
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<p><b>Subject:</b> Redundant Definitions: "Executive Director," and "Gambling Establishment" or "Establishment."</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12100 and 12300.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 10 and 19816.</p>															
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<p><b>Subject:</b> Class III Gaming Devices; Transportation &amp; Software Testing/Approval.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, § (new) 12311.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19805, 19841, 19930, 19931 and 19951.</p>															
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<p><b>Subject:</b> Licensing of Gambling Equipment Manufacturers and Distributors.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12308, 12309, 12310 and 12320 – 12328.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19823, 19825, 19826, 19827, 19840, 19841, 19844, 19845, 19846, 19851, 19852, 19853, 19856, 19857, 19859, 19865, 19866, 19867, 19868, 19876, 19920, 19930 and 19951</p>									
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<p><b>Subject:</b> Accounting and Financial Reporting.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12400-12406.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 19805 and 19841.</p>									
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<p><b>Subject:</b> Temporary Work Permits – Clean-Up.</p>	<p><b>CCR Title &amp; Sections Affected:</b> Title 4, §§ 12120-12128.</p>	<p><b>Statutes Being Implemented:</b> Bus. &amp; Profs. Code §§ 10, 19801, 19811, 19816, 19823, 19824, 19859, 19866, 19910, 19912.</p>									
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**Report on the status of all uncompleted rulemaking described on previous calendars:**

• Remote Caller Bingo and Bingo Card-Minding Devices:

The effective terms of all emergency regulations adopted before July 1, 2009 were extended to December 31, 2001 by SB 126, Cedillo (Ch 562, Stats. 2009). The development of permanent regulations to replace the emergency interim regulations is continuing.

• Minimum Internal Control Standards (MICS) for Cardrooms:

The MICS regulations were separated into focused categories or phases. Phase I was completed in 2009. Phase II was noticed in June 2009 and was adopted in December 2009 and filed with OAL in February 2010. Public/Industry workshops on the third and fourth phases are planned for January and March 2010 respectively. All other phases remain in the conceptual planning and drafting stage.

• Licensing Issues:

- a. Portable Personal Key Employee License. Notice published in December 2009.
- b. Licensing of Gambling Equipment Manufacturers and Distributors. Remains in the conceptual planning and drafting stage.
- c. Processing timelines for temporary work permits. Remains in the conceptual planning and drafting stage.
- d. Interim Key Employee in Corporate-Owned Cardrooms. Combined with Portable Personal Key Employee regulations.
- e. Temporary Gambling Licenses. Remains in the conceptual planning and drafting stage.
- f. Temporary Work Permits – Clean-Up. Remains in the conceptual planning and drafting stage.

• Request for Approval of Security Interests and Secured Transactions. Remains in the conceptual planning and drafting stage.

• Accounting and Financial Reporting. Conceptual planning and drafting continuing. Some elements may be addressed in the MICS regulations.

• Request for Approval of Transactions – Stock Purchases, Transfer of Shares, Purchase and Sales Agreements. Combined with Approval of Security Interests and Secured Transactions.

• Request for Approval of New or Amended / Restated Articles of Incorporation. Combined with Approval of Security Interests and Secured Transactions.

• Class III Gaming Devices; Transportation & Software Testing/Approval. Remains in the conceptual planning and drafting stage.

• Redundant Definitions. Superseded by higher priority projects.