

California Gambling Control Commission

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**MINUTES OF FEBRUARY 25, 2010
COMMISSION MEETING**

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 :
 - A. January 14, 2010
 - B. February 4, 2010

Deputy Director Tina Littleton requested the following correction on the January 14, 2010 Commission minutes:

- Page 11, Item 14 B: Staff reviewed the Bureau's report, concurred with their recommendation; and, recommended approval for the period of January 14, 2010 through January 31, 2012.

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 amended minutes for January 14, 2010 and the February 4, 2010 minutes.

4. Application for Approval for Initial State Gambling License (Pursuant to Business and Professions Code section 19851):

The Player's Club: Player's Poker Club, Inc.

Monica Donohoo, Shareholder

William Kracht, President/Chief Executive Officer

Sherri Drifka, Secretary/Chief Financial Officer

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the initial applications. Staff has reviewed

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the Bureau's reports, concurred with their recommendation; and, recommended approval for the period of March 1, 2010 through February 29, 2012.

Commissioner Vuksich questioned if Ms. Drifka receives any salary from the gambling establishment for duties performed.

Bill Kracht indicated that Ms. Drifka does not receive a salary. The Player's Poker Club, Inc., has a contract with a Certified Public Accountant firm of which Ms. Drikfa is employed.

Chairman Shelton requested clarification regarding the Mr. Kracht's income statement.

Bill Kracht explained that there is a discrepancy with the reported information on the income statement. He described his rental income which clarified the reported information.

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.

5. Applications for Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876):

A. Capitol Casino: Capitol Casino, Inc.

Clarke Rosa, President/Director

Sandra Rosa, Treasurer/Secretary

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of April 1, 2010 through March 31, 2012.

Commissioner Vuksich asked if the tent city was still located nearby.

Clarke Rosa, President of Capitol Casino, Inc. responded that the tent city was gone.

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.

B. Garden City Casino: Garden City, Inc.

Eric Swallow, Chief Financial Officer/Secretary/Shareholder

Peter Lunardi, President/Shareholder

Jeanine Lunardi, Shareholder

Irene Pestana, Percentage Landlord

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of March 1, 2010 through February 29, 2012; with the conditions as follows:

Continue Existing Condition:

1. *The owners shall abide by the conditions 1-15 placed on the locally issued individual stockholder license and the conditions 1-5 placed on the locally issued individual key employee license.*

Remove the Following Conditions:

1. *Garden City Inc. shall make available to either the Division or the Commission, upon request, copies of any Audit Committee meeting minutes or reports, internal control documents, and Compliance Committee meeting minutes or reports maintained as required by the gaming licenses issued by the San Jose Police Department Gaming Control Division.*
2. *Within 90 days of renewal Garden City Casino must submit their Emergency Evacuation and Preparedness Plan as required in Title 4 of the California Code of Regulations, Section 12370.*

Commissioner Vuksich requested staff research if the landlord had similar lease agreements with other businesses within the same complex.

Commissioner Shimazu questioned why there was an increase in calls for service.

Chris Davis, Manager, Bureau of Gambling Control indicated that they were waiting for requested information; and, will provide a report to the Commission at a later date.

C. Mike's Card Casino: Michael Whiteley, Jr., Sole Proprietor

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of April 1, 2010 through March 31, 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.

D. Ocean View Cardroom: Veronica Chohrach, Sole Proprietor

Deputy Director Tina Littleton indicated that 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 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.

E. Rogelio's: Rogelio's, Inc.

Rogelio Garcia, President/Director

Mew Ha Garcia, Vice President/Treasurer/Secretary

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Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of April 1, 2010 through March 31, 2012.

Commissioner Vuksich inquired about the gambling establishment's Responsible Gambling Program.

Rogelio Garcia indicated that his card room does have a Responsible Gambling Program in place; and, staff has been trained.

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.

F. The Player's Club: Monica Donohoo, Sole Proprietor

No action taken since agenda item 4 was approved.

6. Applications for Approval for Extension of Temporary State Gambling License (Pursuant to Business and Professions Code section 19824(f)):

Marina Club: Guy Calamia and Ki-Sun Calamia Living Trust
Robert Ward, Trustee
Ki-Sun Calamia, Beneficiary

Deputy Director Tina Littleton indicated that staff recommended the Commission extend the temporary state gambling license for the period of April 1, 2010 through March 31, 2011 with the following conditions:

1. *The temporary initial license takes effect on the date that the Commission approves the request and expires March 31, 2011. If more time is needed to complete the background process, then the temporary state gambling license can be extended for an appropriate amount of time after consultation with the Bureau.*
2. *Issuance of a temporary license does not obligate the Commission to grant a permanent license. Issuance of a temporary license does not create a vested right in the holder to either extension of the temporary license or to a regular license.*
3. *Issuance of this temporary license does not in any way change the legal requirement that the applicant bears the burden of establishing that he/she is suitable pursuant to Business and Professions (B&P) Code section 19856(a) for a regular license.*
4. *Issuance of this temporary license does not change the license qualification requirements of the Gambling Control Act, including but not limited to B&P Code sections 19856, 19857, 19858, and 19859.*
5. *The applicant has pending applications for regular state gambling licenses. A regular license may or may not be issued, depending upon the results of the*

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complete background investigation and upon the conduct of the applicant and its employees during the term of the temporary license.

6. *If, during the term of the temporary license, the Executive Director determines that any particular applicant is disqualified for any of the reasons set forth in B&P Code section 19859, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting. The applicant may request an evidentiary hearing either in writing not less than five days prior to the meeting or at the meeting itself.*
7. *If, during the term of the temporary license, the Executive Director determines that any particular applicant may have violated one or more of the conditions under which the temporary license was issued, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting. Either in writing not less than five days prior to the meeting or at the meeting itself, the applicant may request an evidentiary hearing.*

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.

7. Applications for Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854(d)):
 - A. Sean Martin
 - B. Joseph Rogers

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 Item 7A and 7B. Staff has reviewed the Bureau's reports and 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 for Renewal of Third Party Provider of Proposition Services/ Gambling Business Licenses (Pursuant to California Code of Regulations, Title 4, section 12218.8 and 12238)
 - A. California Gaming Consultants: Dog Named Blue, Inc.

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Licensing Manager Marianne Estes indicated that staff recommended the Commission extend the finding of suitability through May 31, 2010.

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. Application for Approval for Interim State License for Bingo Manufacturers and Distributors (Penal Code 326.5 and California Code of Regulations, Title 4, section 12492):

B1 Technologies, LLC: Charles Lessin, Shareholder

Licensing Manager Marianne Estes indicated that staff recommended the Commission approve the application through February 28, 2011 with the following conditions:

1. *An interim license shall be valid for one year from the date it is issued by the Commission and may be renewed if regulations specifying the criteria for a regular license have not been adopted.*
2. *Upon adoption of regulations specifying the criteria for a regular license, the Commission will notify the holder of the interim license of the requirement to submit a regular application package within 30 days of the effective date of the regulations. If a response has not been received within 30 days, the interim license will not be eligible for renewal.*
3. *An interim license does not obligate the Commission to issue a regular license nor does it create a vested right in the holder to either a renewal of the interim license or to the granting of a subsequent regular license.*
4. *Issuance of an interim license has no bearing on the question of whether the holder will qualify for issuance of any Commission permit, registration, or license. The interim license will be cancelled in the event that the Commission subsequently determines the applicant does not qualify for a regular license.*
5. *If, during the term of an interim license, it is determined that the holder is disqualified pursuant to Section 12494, the Executive Director shall prepare an order to show cause why that interim license should not be cancelled. The holder of the interim license shall be given at least 30 days, but not more than 90 days, to respond in writing. After receipt of the holder's response, or if the holder fails to respond in the time specified, the matter shall be set for consideration at a noticed Commission meeting. The holder may address the Commission by way of an oral statement at the Commission meeting and, either in writing not less than ten days prior to the meeting or at the meeting itself, may request an evidentiary hearing.*

CONSENT CALENDAR ITEMS:

12. Applications for Renewal Key Employee Portable Personal License (Pursuant to Business and Professions Code section 19854(d)):

- | | | |
|-------------------|------------------|-------------------|
| A. Patricia Abelt | F. Scott Hayden | K. John McDermott |
| B. Sean Clark | G. Michael Henry | L. Jack Remington |

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C. Royal Colbert	H. Alan Kakimoto	M. Michael Scott
D. Harold Furtado	I. William Kracht	N. Francis Smallwood
E. Maria Hagen	J. Robert Lytle	O. James Smith

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

- A. Lake Bowl Cardroom: Ernesto Bermudez
- B. Merced Poker Room: Justin Haller
- C. Napa Valley Casino: Mai Yang
- D. The 101 Casino: Kenneth Haselden

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

- A. Napa Valley Casino: Kimly Chhoung Lilia Cueva Yi Yuen Teh
- B. Sundowner Cardroom: Samphou Saephan
- C. The 101 Casino: Carol Fricke Robert Orr

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:
Robert Marinello Robert McCabe Joseph Thomas
- B. Barona Valley Ranch Resort - Barona Band of Mission Indians:
Woodrow Coplin Eldon Felipe Miranda Grieshaber
Kathleen Hahn Soukha Miller Nicholas Prince
Luis Ruiz Tamara Smith Somphong Souksavath
Naochika Teshima Jeannine Urban
- C. Gold Country Casino – Berry Creek Rancheria of Maidu Indians of California:
Nai Ching Chao
- D. Golden Acorn Casino and Travel Center – Campo Band of Diegueno Mission Indians:
Francisco Ayala Enrique Verdugo Toni Weibel
- E. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:
John Do
- F. Soboba Casino - Soboba Band of Luiseno Indians:
Steven Crane, II
- G. Sycuan Casino & Resort- Sycuan Band of the Kumeyaay Nation:
Paul Barry Travis Ly Mark Tompkins
- H. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:
Robert Lester Richard St. Jean
- I. Valley View Casino – San Pasqual Band of Diegueno Mission Indians:
Daniel Gomez

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. Agua Caliente Casino – Agua Caliente Band of Cahuilla Indians:
Sulema Garcia Shanel Green Romel Tintero

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- Elaine Tujko Jerry Velasquez
- B. Barona Valley Ranch Resort - Barona Band of Mission Indians:
Caryn Parr Salvatore Pellerito Rene Rios
- C. Bear River Casino - Bear River Band of the Rohnerville Rancheria:
Evan Dallmann Dakota McGinnis, Jr. John Simmons
- D. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
William Bojorques
- E. Blue Lake Casino - Blue Lake Rancheria:
Christopher Armstrong David McBroome
- F. Cache Creek Casino Resort – Rumsey Indian Rancheria of Wintun Indians:
Thanh Thuy Ha
- G. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:
Thomas Kesterson Jacqueline Luu Douglas Williams
- H. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:
Kosal Ok
- I. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Dante Dacanay Emma Montoya Serhiy Petryshak
Ruben Saldivar
- J. Colusa Casino and Bingo – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:
Gerald Towan
- K. Eagle Mountain Casino – Tule River Indian Tribe of the Tule River Reservation:
Adoranto Cardenas William Garfield
- L. Fantasy Springs Casino – Cabazon Band of Mission Indians:
William Brief Thongbay Khamvilaythong
- M. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:
Lisa Frank Christopher Gile John Momaney
Christopher Newbold Kendra Pimentel Randy Schlatter
Jess Tatro, III
- N. Pala Casino – Pala Band of Mission Indians:
Nicole Audet-Silvestre Linda Roberts Joseph Jensen
Dina West-King
- O. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Burton Batey Robert Embesi Ana Maria Foster
James Hudgins Darrell Marriott Eugene Merza
Jeffrey Metsker Sally Moreno-Ortiz Felix Ramirez, Jr.
Jody Rivas Teang Sok Victor Valle
Dany Wright
- P. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:
Ignacio Jauregui, Jr. Bryan Mason Tracy Nielsen

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Q. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:

Julian Aguilar	Javier Amaya	Otis Andrews
James Aulgur, Jr.	Juana Barajas	Jerry Berns
Regina Carrillo	Papri Chakma	David Collins
Anita Curry	Myra Dotson	Jeffrey Durling
Ernesto Gomez	Alfredo Guzman	Edward Harris
DeShawn Holloway	Danny Kim	Patricia Kyle
Ramona Lebron	Ruben Lechuga	Brian Lemus
Barbara Marshall	Paul Martinez	Ronald Mastandrea
Kar Ng	Tommy Nguyen	Voodtikon Phumirat
Jonathan Raef	Tracey Ramos	Debra Rodriguez
Stephen Rodriguez	Rick Rothenberger	Allen Schultz
Maria Soto	Rebecca Spalding	Debra Starcher
James Starcher	Selma Sulce	Alisa Winston

R. Sho-Ka-Wah Casino – Hopland Band of Pomo Indians of the Hopland Rancheria:
Vladimir Lopez

S. Soboba Casino - Soboba Band of Luiseno Indians:
Michael Carchio Scott Matuga Timothy Wood
David Wortham

T. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Ky Porter

U. Sycuan Casino & Resort- Sycuan Band of the Kumeyaay Nation:
Christian Agapay Marisela Enrique De Pena Mittaphone Khansourivong
Christopher Niss Romana Otero Jose Rivera
Eric Simmen

V. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:

Chiem Keomanivong	Mandy Mei	Puth Or
Gricelda Perez	Zenaida Rogge	

W. Valley View Casino – San Pasqual Band of Diegueno Mission Indians:
Manuela Ayala Linda Bach Christina Cardenas
Allen Esparza Ahmed Mohamed Gina Montesdeoca
Patricia Nguyen Peter Sisombath

X. Win-River Casino – Redding Rancheria:
Indrick Wilson

Staff recommends that the Commission approve agenda items 12, 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 were no comments at this time.

ADJOURNMENT

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 meeting was adjourned at 10:20a.m.