

California Gambling Control Commission

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**MINUTES OF MAY 27, 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 James Shelby and Stephanie Shimazu present.

3. Approval of Commission Meeting Minutes for :

A. April 28, 2010

B. April 29, 2010

Upon motion of Commissioner Shelby, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shelby and Shimazu voting yes, the Commission approved the meeting minutes for April 28 and 29, 2010.

4. Request for Relocation of Gambling Establishment (Pursuant to Business and Professions Code section 19824(c)(e):
Deuces Wild Casino: Deuces Wild, Inc.

Deputy Director Tina Littleton indicated that staff originally recommended the Commission take no action on this relocation request since the local business license has not been issued. However, since that time, correspondence was received from the County confirming that all requirements have been met except for final approval by the Building Department with respect to tenant improvements. It was also recommended that the Commission consider placing a condition should the relocation be approved.

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Chairman Shelton stated that in light of the additional information received on this item, he would like to table this item to allow for additional time to review the new information.

Robert Tabor representing Deuces Wild, Inc. indicated documents presented to the Commission were presented by individuals who are not party to this action. Chairman Shelton reiterated that it was new information coming in and the Commission wanted time to consider it.

5. Request for Additional Permanent Authorized Tables (Pursuant to California Code of Regulations, Title 4, section 12359):

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

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended that the Commission approve the request for 12 additional permanent tables for a total of 18 tables. Commission staff has reviewed the Bureau report and originally provided a recommendation of approval however, since that time, questions have come about regarding the ordinance and it's compliance with the expansion of gambling as indicated in the Gambling Control Act. Ms. Littleton further indicated that additional time is needed to resolve this outstanding issue and requests to reschedule this item on the June 24, 2010 agenda.

Keith Sharp representing The Players Club indicated that they have been working for months with the Bureau and Commission staff resulting in a recommendation for approval from the Bureau and Commission staff and is disappointed to find this item will be tabled to a later meeting.

Chief Legal Counsel Joe Dhillon indicated the recommendation was to distinguish the prior recommendation which was approval, to reflect that staff had been working with Mr. Sharp and the Bureau to determine whether there is documentation that exists that supports the conclusion they have reached. Mr. Dhillon further indicated that the intention was to have a discussion so the Commissioners questions can be addressed while the Bureau and Mr. Sharp were present.

Chairman Shelton was concerned whether anything would be gained by tabling this item and asked if there was more information coming in to the Commission.

Joe Dhillon indicated that the question is that there is no existing documentation that establishes what the applicable limits were on January 1, 1996. Mr. Dhillon further indicated that because of the importance of this issue to the Commission that the legal staff would defer to the Commission as to how they want to proceed. Mr. Dhillon continued that if the Commissioners were comfortable that staff has satisfied the requirements of the Gambling Control Act then staff welcomes a vote. If the Commission is not, then legal staff will work with all parties to see if there is any additional documentation and bring it to the Commissioners.

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Keith Sharp indicated that he believed the Bureau had done their due diligence in looking into this and they have done theirs.

Commissioner Shimazu questioned which ordinance was in place indicating how many tables were allocated to the club.

Keith Sharp responded that the city ordinance said that they were permitted the number of tables as reflected in the county license as of November 1, 1980. Unfortunately there is no county license that anyone can locate. In 1998 the jurisdictional limit was 15 as a result of the Gambling Control Act.

Norm Pierce, Bureau of Gambling Control indicated that Mr. Sharp was correct and the city did not specify the number of tables for each location, however they did set the 15 table jurisdictional limit. Mr. Pierce further indicated that the Bureau did not have a copy of the license from 1980 however, the Bureau's records in 1984 indicated the Players Club was operating 4 tables and on the basis of that the Bureau assumed that the gaming license in 1980 specified 4 tables. The local jurisdiction did an exhaustive search and there is no documentation indicating the number of tables in 1980.

Jacob Appelsmith, Bureau of Gambling Control indicated that he also met with the city officials, the Chief of Police and the Sheriff and determined there was no such documentation.

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

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

A. Napa Valley Casino: BVK Gaming, Inc.

Brian Altizer, Shareholder, President, Director

Von Altizer, Shareholder, Secretary, Director

Keith Miller, Shareholder, CFO, Director

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of June 1, 2010 through May 31, 2012 with the two conditions as follows:

1. *Mr. Keith Miller must send to the California Gambling Control Commission, on the 15th of every month beginning June 15, 2010, an update on the progress of his repayment plan with Progressive Tax Group. This condition will continue until repayment or a settlement has been completed.*

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2. *BVK Gaming, Inc. must submit their 2009 financial report within 30 days of this approval.*

Ms. Littleton continued that since staff's original recommendation, the Commission is in receipt of BVK Gaming, Inc's 2009 financial reports. The report was received on Friday, May 21, 2010; therefore, condition number two is no longer required. Upon motion of Chairman Shelton, seconded by Commissioner Shelby and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shelby and Shimazu voting yes, the Commission approved the staff recommendation with condition number one listed above.

B. Phoenix Casino and Lounge: Phoenix Casino and Lounge, Inc.
Jack Cunningham,
Shareholder/President/Treasurer/Secretary

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

Commissioner Shelby asked if the issues with the Third-Party Provider had been resolved.

Norm Pierce, Bureau of Gambling Control responded that the issues with California Gaming Consultants have not been resolved and their business practices are being examined very thoroughly by the Bureau. Mr. Pierce further indicated that they have been in contact with their Indian and gambling law section to determine appropriate action.

Commissioner Shelby asked if the applicant was aware of the issues with the Third-Party Provider.

Jack Cunningham, owner, indicated he was not aware of any issues.

Commissioner Shelby questioned the Bureau's practice with regards to contacting the clubs doing business with this Third-Party Provider to relay Bureau concerns.

Norma Pierce indicated the Bureau had discussions with Mr. Baldaramos but did not know if anyone had discussed the issues with Mr. Cunningham.

Deborah Dunn, Bureau of Gambling Control indicated certain actions, such as issuing letters of warning the Bureau does notify the cardrooms. Actions that relate strictly to the operations of the Third-Party Provider, they do not notify the cardrooms. If the issue pertains to both parties of the contract, both parties are notified.

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Chairman Shelton expressed concern about actions that have happened years ago, and no action has been taken, are now being brought to the attention of the Commission when the Bureau deems it appropriate. Chairman Shelton wanted to know when the Bureau considers the Commission appropriately involved.

Deborah Dunn indicated for Third-Party, the Bureau summarizes their letters of warning into their reports they complete for renewals and licenses.

Upon motion of Commissioner Shelby, seconded by Chairman Shelton and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shelby and Shimazu 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. Katie Lane

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the personal key employee license application. Staff has reviewed the Bureau's report and concurred with their recommendation; and, recommended approval for the period of May 27, 2010, through May 31, 2012.

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

B. Adam Soules

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission deny the personal key employee license application. Staff has reviewed the Bureau's report and concurred with their recommendation.

Ms. Littleton continued that Mr. Soules has requested an evidentiary hearing; therefore, no action was needed.

No action taken on this item.

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.

The Rick Baldaramos Trust

Richard M. Baldaramos, Trustor, Trustee,

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Beneficiary

Deputy Director Tina Littleton indicated that staff recommended the Commission extend the licensure period through August 31, 2010.

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

- B. Gaming Management, LLC: Patrick A. Tierney and Jamie L. Tierney Family Trust
Patrick Tierney, Trustee, Trustor, and Beneficiary
Jamie Tierney, Trustee, Trustor, and Beneficiary

Deputy Director Tina Littleton indicated that staff recommended the Commission extend the licensure period through August 31, 2010.

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

- C. Pacific Gaming Services, LLC: Lori B. Suson, Sole Member/Owner

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

Ms. Littleton confirmed that staff did receive documentation verifying that the business license has been renewed through April 27, 2011.

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

9. 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): Happ Controls Inc.: Illinois Corporation*

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal application for the licensure period of June 1, 2010, through May 31, 2012.

Upon motion of Commissioner Shelby, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners

Shelby and Shimazu voting yes, the Commission approved the staff recommendation.

10. Application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability – Request to Withdraw (Pursuant to Business and Professions Code section 19869):

TableMax Gaming, Inc.*

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the request to withdraw without prejudice.

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

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

Arrow International, Inc.*

Staff Manager Jim Allen recommended the Commission approve the applications for the licensure period of May 27, 2010, through May 31, 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.

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

12. Request for Recognition of Eligibility to Conduct Remote Caller Bingo Games (Pursuant to Penal Code section 326.3 and California Code of Regulations, Title 4, section 12504):

- A. American Legion, Post 208, Dixon, California
- B. American Legion, Post 426, Yucaipa, California

Staff Manager Jim Allen recommended the Commission recognize these organizations as being eligible to conduct remote caller bingo effective May 27, 2010.

Greg Coppes, Commander of Post 208 expressed appreciation for the assistance received from Jim Allen and Kelly Schmidt in working through the process.

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

13. Commission Review and Consideration of, and Approval for Commencement of the Formal APA Rulemaking Process for, Regulations Concerning Remote Caller Bingo (Amend Title 4, CCR, Sections 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504 and 12508):

- Definitions (§ 12480)
- Remote caller bingo vendors (§§ 12488, 12492, 12496)
- Remote caller bingo interim licenses and work permits (§§ 12498, 12499, 12501, 12502)
- Recognition of organizations conducting remote caller bingo (§ 12504)
- Remote caller bingo requirements (§ 12508)

Staff Manager Jim Allen recommended the Commission approve initiation of the formal administrative rulemaking process for the proposed regulatory action to adopt

the regulation amendments as described in the staff memorandum dated May 6 and May 24, 2010.

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

CONSENT CALENDAR ITEMS:

(Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be discussed, in which case it will be discussed separately at a later point in the meeting.)

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

- A. Napa Valley Casino: Gayle Coleman Pei Zhao
- B. The 101 Casino: Ilmira Andronico Tanesha England Wei Juan
 Casey Gao Duangrudee Pflueger Na Zhang

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

- A. Napa Valley Casino: Hannah Kim
- B. The 101 Casino: Paula Washington

16. Applications for Initial Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

- A. Barona Valley Ranch Resort & Casino - Barona Band of Mission Indians:
 - Eileen Butler Jay Chang Shawn Cox
 - William Cressey, III Thomas Hunstock Aubrey Jones
 - Rhonda Oelke Jessica Ruiz Kari Stout-Smith
- B. Blue Lake Casino - Blue Lake Rancheria:
 - Geoffrey Edington Jeremiah Jones
- C. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:
 - Andrew Christou Marilyn Desmond Gerald Priddy
- D. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad Rancheria:
 - Rachael Gleaton
- E. Chicken Ranch Bingo and Casino – Chicken Ranch Rancheria of Me-Wuk Indians:
 - Pamala Momyer
- F. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:
 - Anthony Kar Pang Tao Lee Joy Oudomdy
 - Roberto Roldan, Jr. Cavan Shea Rodney Streeter

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Santhavy Tan

- G. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Alex Beavo Lori Broder Maudia Henderson
Maylyne Kamidoi Samuel Loresco Katrina Watkins
- H. Colusa Casino and Bingo – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:
Shaun Bisiaux Ryan Browning Andrea McCurry
Anthony Williams
- I. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:
Alan Littlebear, Jr.
- J. Fantasy Springs Casino – Cabazon Band of Mission Indians:
Keri Downs
- K. Harrah's Rincon Casino & Resort – Rincon Band of Luiseno Indians:
Ernest Russell, IV
- L. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwok Indians:
William Thornton
- M. Konocti Vista Casino – Big Valley Band of Pomo Indians of the Big Valley Rancheria:
Linda West
- N. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:
Jason Diehl Paul Marcus Matthew Picker
Ernest Seal
- O. Pala Casino – Pala Band of Mission Indians:
Sheila Forgerson Cathy Woodbury
- P. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Myra Alojado Geoffrey Bannon Ruben Lopez
Michael Ohl Raymond Pittel
- Q. Red Earth Casino – Torres-Martinez Band of Cahuilla Mission Indians:
Johnathan Ingram Isidro Medina, Jr.
- R. Red Hawk Casino – Shingle Springs Band of Miwok Indians:
Elizabeth
Horstman
- S. Soboba Casino - Soboba Band of Luiseno Indians:
Sean Crane
- T. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Andrea Anderson Sophia Chang Jose Gonzalez
- U. Sycuan Casino & Resort- Sycuan Band of the Kumeyaay Nation:
Christopher Potter
- V. Table Mountain Casino - Table Mountain Rancheria:
Leo Castillo Patrick Guyett Arthur Negrete
- W. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:
Raymond Garcia Jose Gonzalez Adriana Hastings

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|----------------|--------------------|------------------|
| David Hunt, II | Soupharak Kayarath | Patrick Plata |
| Eetang See | Deanna Silva | Kristie Sullivan |
- X. Thunder Valley Casino - United Auburn Indian Community of the Auburn Rancheria:
Ian Saechao

17. Applications for Renewal Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

- A. Agua Caliente Casino – Agua Caliente Band of Cahuilla Indians:
- | | | |
|--------------------|-----------------------|-------------------|
| Keely Alexander | Charles Arrage | Diane Bobo |
| George Ewert | Alberto Figueroa-Soto | Donald Fleeman |
| Jerry Fry | Joanne Glaser | Charles Lantz |
| Christopher Lorton | Noreen Marchese | Sumalee Meyer |
| Jose Montano | Alwilda McElwain | William Oliver |
| Jerry Park | Salvador Sifuentes | Constance Thurmon |
| Cesar Vizcarra | Thomas Voght | Penny Wrich |
- B. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad Rancheria:
Cammi Cain
- C. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:
- | | | |
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| Kelli Jennings | Kathleen Moosios | Robert Sherwood |
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- D. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
- | | | |
|------------------|----------------|-----------------|
| Jonathan Bobbitt | Enrique Perez | Eldon Shiffman |
| Bonnie Smathers | Alfonso Torres | Gladys Zacarias |
- E. Diamond Mountain Casino – Susanville Indian Reservation:
Laura Roberts
- F. Fantasy Springs Casino – Cabazon Band of Mission Indians:
- | | | |
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| Soledad Arguilez | Darryl Dragon | Paul Pilch |
|------------------|---------------|------------|
- G. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:
- | | | |
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| Aaron Christian | Sharon Conner | James Lee |
| Sheryl Mettler | Lisa Peat | Mali Vongphrachanh |
| Lawrence Yettner | | |
- H. Lucky 7 Casino – Smith River Reservation:
Jeannette Bain
- I. Pala Casino – Pala Band of Mission Indians:
- | | | |
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| William Bembenek | Mary Crane | Carissa Fimbres |
| William Richards | Brian Roe | Yoa Tuy |
- J. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
- | | | |
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| April Covarrubias | Cindy Goldwing | Evangeline Gregory |
| Lovell Lim | Theresa Van Worth | |
- K. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:
Joshua Mitchell
- L. Rolling Hills Casino – Paskenta Band of Nomlaki Indians:

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| Arthur Felix | Mary Fox | Donna Komar |
| Mary Rosas | | |
- M. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:
- | | | |
|-------------------|------------------|----------------|
| Timothy Armstrong | Rolly Bataller | Rufina Charles |
| Luke Connolly | Michael Jure | Steve Lai |
| Louis Lugo, III | Demitrius Nguyen | Irene Ortiz |
| Eun Pak | Antonio Perales | John Pham |
| Quang Trieu | | |
- N. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Eduardo Zavala Rodriguez
- O. Sycuan Casino & Resort- Sycuan Band of the Kumeyaay Nation:
- | | | |
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| Juan Baca | Barbara Brady | Romeo Buensuceso |
| George Cruz | Pho Dao | Rene De Ocampo |
| Ketkeo Inthavong | Randy Jaboro | Roberto Jardiniano |
| Kin Lee | John Lienert | Eric Lisowski |
| Anthony Malerba | James Mitchell | Jennifer Ng |
| Robert Picciotti | Lela Sandoval | Yzrael Santos |
| Sam Tedesco | Richard Tuck | Larry Turley |
- P. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:
Shannon Souza

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the consent calendar items 14, 15, 16, and 17.

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

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

Upon motion of Chairman Shelton, seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shelby and Shimazu voting yes, the meeting was adjourned at 10:40 a.m.