

California Gambling Control Commission

2399 GATEWAY OAKS DRIVE, SUITE 220

SACRAMENTO, CA 95833

(916) 263-0700 FAX (916) 263-0499

www.cgcc.ca.gov

**MINUTES OF JULY 22, 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 :
June 24, 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.

Deputy Director Tina Littleton indicated that staff was requesting the tabling of item 8 to be rescheduled for the August 26, 2010 Commission meeting. Upon concurrence of the Commissioners item 8 was tabled.

4. Commission Consideration of Wilton Rancheria's Request to Reconsider Pro Rata Computation of Revenue Sharing Trust Fund Quarterly Distribution Payment for the Quarter Ending June 30, 2009

Deputy Director Richard Ross indicated this is a request from the Wilton Rancheria to have the Commission re-review its assessment of the distribution that was determined at the January 28, 2010 Commission meeting. At that meeting a pro-rata amount was decided upon. At the time a Tribal government had not yet been certified for the recognized tribe. The Commission indicated that in the future should the tribe want to present a question on the matter when there was an established,

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recognized government certified by Bureau of Indian Affairs (BIA), they would be welcome to do so. Mr. Ross further indicated that on May 6, 2010 a representative of the tribe presented a letter to Deputy Director Richard Ross regarding the offer and invitation suggested on January 28, 2010. The agenda item today is a request by the tribe for a reconsideration of the allowance of the full quarter of a distribution beginning on April 1 through June 30, 2009.

Commissioner Shimazu reiterated that on January 28, 2010 a representative of the tribe was not there and the Commission wanted to ensure they heard from the tribe and therefore expressed the invitation.

Chairman Shelton indicated that on a personal level he would like to give the tribe the full distribution; however, he did not want to set a precedent.

Commissioner Shelby indicated his position was that the payment was based on the approval date of the tribe's recognition and to go beyond that was not prudent.

Chairman Shelton moved to uphold the previous decision which adopted a pro rata calculation of contributions that is fair, equitable and consistent with the Compact. The motion was 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 motion.

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

Outlaws Card Parlour: Dora Brown, Sole Proprietor
Alfred Brown, Community Property Interest Holder

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal state gambling license application for the period of August 1, 2010 through July 31, 2012 with the following condition:

Outlaws Card Parlour must submit to the California Gambling Control Commission within 30 days of this approval a state gambling license application for the Brown Family Trust.

Deputy Director Tina Littleton further indicated that Mr. and Mrs. Brown provided documentation that the assets of the cardroom are not going to be held in trust. They have hired an attorney and are making the changes so the assets are not included in the trust; therefore, the trust does not have to be licensed and an application does not need to be filed. Ms. Littleton further recommended that the license be renewed for the two years licensure period.

Chairman Shelton inquired on how the Commission could do that without the facts being presented to them.

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Deputy Director Tina Littleton indicated that Mr. and Mrs. Brown provided a signed documentation showing that the assets would not be owned by the trust.

Chairman Shelton asked if the assets were in the trust at this time. Ms. Littleton responded that yes they were at this time. Chairman Shelton indicated that the Commission would have to review the actual changes to the trust not just a letter documenting the changes that will be made to the trust.

Commissioner Shelby indicated that if it was officially in the trust, then it is a violation of the gaming law for the period of time it was in the trust.

Deputy Director Tina Littleton indicated that the original recommendation was to have the Brown's submit the application for the trust so that it could be reviewed. Ms. Littleton stated that staff has a copy of the trust but has not completed a full analysis to verify the facts.

Commissioner Shelby moved to extend the license for 60 days from the expiration date of July 31, 2010 to September 30, 2010. The motion was seconded by Commissioner Shimazu and unanimously carried in a vote by roll call with Chairman Shelton and Commissioners Shelby and Shimazu voting yes.

6. Applications for Approval of Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854(d)):
 - A. Dan Chung
 - B. Stephen Conyers
 - C. Khamstone Inthavong
 - D. Jeffery Muller
 - E. Sean Phanh

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the personal key employee license applications in items 6A through 6E. Staff has reviewed the Bureau's reports, concurred with their recommendations; and, recommended approval through July 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.

7. Applications for Approval of Conversion of Third-Party Providers of Proposition Player Services /Gambling Business Supervisor/Player Registrations to Licenses (Pursuant to California Code of Regulations, Title 4, section 12218 and 12233):
 - A. California Gaming Consultants:

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- Players: Sheena Domondon Shane Hernandez Sarah Vasquez
- B. Gaming Fund Group, Inc.:
Players: Quiera Martinez
- C. Gaming Management, LLC:
Players: Dominique Everage John Fulton Natasha Jarvis
Tiffini Le Joshua Mathews Phieban Mulatu
Kevin Rogers Joe San Luis Tony Shiau
Lisa Shick Kellee Stoehr Boshan Wong
- D. Network Management Group, Inc.:
Players: James Abuan Derrick Maughn Lisana Sanderson
- E. Premier Player Providers, Inc.:
Players: Thave Savorn

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended that the Commission approve the Third Party player applications in item 7A through 7E. Staff has reviewed the Bureau's reports, concurred with their recommendations; and recommended approval through July 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.

8. Application for Approval of Initial Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.5):
Casinfo, LLC: Gary Kuipers, President
Ximena Davalos, Secretary, Treasurer
Casinfo, Inc., Affiliate

By request from staff and upon concurrence of the Commissioners this item was tabled and rescheduled for August 26, 2010.

9. Application for Approval of Renewal of Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.5):
Shuffle Master, Inc.: John R. Bailey, Director
Louis J. Castle II, Director
Phillip C. Peckman, Interim Chief Executive Officer
Garry W. Saunders, Director

Deputy Director Tina Littleton indicated that staff recommended the Commission extend the finding of suitability for the period of August 1, 2010 through September 30, 2010.

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.

10. Requests 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 79, Riverside, California
- B. Knights of Columbus, Council 4438, Tujunga, California
- C. Ontario Fastpitch Softball Association, Ontario, California

Deputy Director Tina Littleton indicated that staff recommended the Commission recognize the organizations in items 10A through 10C as being eligible to conduct remote caller bingo effective July 22, 2010.

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.

11. Application for Approval of Interim License for Remote Caller Bingo (Pursuant to Penal Code section 326.3 and Title 4, California Code of Regulations section 12498):

Hilary Fox

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the interim license application for the period of July 22, 2010 through July 31, 2011 with the conditions as follows:

- (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.*

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(5) If, during the term of an interim license, it is determined that the holder is disqualified pursuant to Section 12499, 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.

By request of Chairman Shelton and concurrence of the Commissioners items 11 and 12 were combined for the motion.

12. Application for Approval of Interim Work Permit for Remote Caller Bingo (Pursuant to Penal Code section 326.3 and Title 4, California Code of Regulations section 12501):

Christopher Rich

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the interim work permit application for the period of July 22, 2010 through July 31, 2011 with the conditions as follows:

- (1) An interim work permit 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 work permit, 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 work permit will not be eligible for renewal.*
- (3) An interim work permit does not obligate the Commission to issue a regular work permit nor does it create a vested right in the holder to either a renewal of the interim work permit or to the granting of a subsequent regular work permit.*
- (4) Issuance of an interim work permit has no bearing on the question of whether the holder will qualify for issuance of any Commission permit, registration, or license. The interim work permit will be cancelled in the event that the Commission subsequently determines the applicant does not qualify for any Commission permit, registration, or license.*
- (5) If, during the term of an work permit, it is determined that the holder is disqualified pursuant to Section 12502, the Executive Director shall prepare an order to show cause why that interim work permit should not be cancelled. The holder of the interim work permit shall be given at*

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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 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 in items 11 & 12.

CONSENT CALENDAR ITEMS:

13. Applications for Approval of Initial 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:

Nathalie Abad	Geraldine Baltazar	Maria Campos
Carolyn Cara	Marilou Carino	Brian Cheney
Melinda Hodge	Patricia Nunez	Lisa Stepp
 - B. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:

Anita Butler	Roberto Martinez, Jr.
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 - C. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:

Randy Atkins	Antonio Donatelli	Graciela Flores
Vicky Xiong		
 - D. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:

Edgar Romo-Marquez

 - E. Colusa Casino and Bingo – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:

Ricardo Cardona	Virgil Nunnemaker	Melissa Shanks
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 - F. Fantasy Springs Casino – Cabazon Band of Mission Indians:

Jack Robertson, Jr.

 - G. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:

Robert Exley, Jr.

 - H. Pala Casino – Pala Band of Mission Indians:

Kyle Feldt	Shigekazu Nakayama	David Newman
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 - I. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:

Miguel Segovia

 - J. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:

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- Brian Parrish Nichole Potts Richard Williamson
- K. Red Hawk Casino – Shingle Springs Band of Miwok Indians:
Joseph Farrington David Wollstadt
- L. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:
Javier Ramirez
- M. Robinson Rancheria Bingo and Casino – Robinson Rancheria of Pomo Indians:
Carl Anderson
- N. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission
Indians of the San Manuel Reservation:
Larry Feild Smiley McKinnon
- O. Table Mountain Casino - Table Mountain Rancheria:
Jeffrey Capra Julie Garcia Antoniette Jordan
Jane Kopecky Jay Shapiro
- P. Tachi Palace Hotel & Casino – Santa Rosa Indian Community of the Santa Rosa
Rancheria:
Apple Corial Johnny Phaphon
14. Applications for Approval of Renewal Tribal-State Compact Key Employee Findings
of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):
- A. Augustine Casino - Augustine Band of Cahuilla Mission Indians:
Alex Cano Sue Cook JoAnn Fowler
Fernando Martinez John Wheeler
- B. Barona Valley Ranch Resort & Casino - Barona Band of Mission Indians:
Debra Arce David Collier Michael Gannon
Jamin Steindorf
- C. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne
Rancheria:
Stephanie Holm Richard Ward
- D. Cache Creek Casino Resort – Rumsey Indian Rancheria of Wintun Indians:
Darren Delatorre Raymond De Los Angeles Charlie Kuoch
- E. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad
Rancheria:
Valdis Egle
- F. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi
Indians:
Johnny Kim
- G. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa
Ynez Reservation:
Fernando Medina John Vinluan
- H. Colusa Casino and Bingo – Cachil Dehe Band of Wintun Indians of the Colusa
Indian Community of the Colusa Rancheria:
Guy Hill Raquel Ramos
- I. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:
Daniel Kline
- J. Diamond Mountain Casino – Susanville Indian Reservation:
Robert Nay

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- K. Fantasy Springs Casino – Cabazon Band of Mission Indians:
Carissa Carl Angelica Espinoza
- L. Harrah’s Rincon Casino & Resort – Rincon Band of Luiseno Indians:
Raymond McIntosh Kenneth Warren
- M. Jackson Rancheria Hotel & Casino – Jackson Rancheria Band of Miwuk Indians:
Marty Goldman Deborah Ruggles John Turney
- N. Mono Wind Casino – Big Sandy Rancheria Band of Western Mono Indians:
Melissa Caballero
- O. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the
Morongo Reservation:
Jacqueline Esquer Barbara Geer JoAnna Holden
Andres Reyna Lashawn Roberts
- P. Pala Casino – Pala Band of Mission Indians:
Lisa Hong Richard Long Becky Paull
Jeff Situ
- Q. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians
of the Pechanga Reservation:
Summer Cripe Linda Herbert Robert Latham
Fabiola Miranda Jeanie Rose Mary Ann Segismar
Cody Wright
- R. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian
Reservation:
Jason Mendoza
- S. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:
Debra Senn
- T. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission
Indians of the San Manuel Reservation:
Joel Dancel Jane Garcia Saithong Intapura
Leo Lupinsky Timothy McLaughlin Dennis Plymale
Cau Truong
- U. Soboba Casino - Soboba Band of Luiseno Indians:
Tori Rose
- V. Table Mountain Casino - Table Mountain Rancheria:
Tria Vang Roger Yang Dwayne Swenson
- W. Win-River Casino – Redding Rancheria:
Johnathan Powers Mario Ramirez

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the consent calendar items 13 and 14.

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.

15. Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending June 30, 2010 – Quarterly License Revenue Received and Shortfall.

Deputy Director Ross indicated that this is the end of the fiscal year so the report is also a summary of the RSTF distributions. There are several tribes in which distributions are being recommended, however, the actual allocation of the money to these particular tribes is being withheld, as identified in the memorandum, due to the lack of clear identification of the Tribal government by the Bureau of Indian Affairs (BIA). Mr. Ross stated that there are representatives from the Elem Colony that wish to address the Commission concerning our recommended action of distribution to the recognized government of the Elem Colony that is recognized by the BIA. Mr. Ross further recommended that the Commission be consistent with policy which is; if a recognized tribal entity has a BIA recognized government, we distribute the check to the Chairperson of that recognized government.

Anthony Cohen, Attorney on behalf of the Treasurer, Sarah Garcia, indicated that he is requesting the Commission withhold distribution of the Revenue Sharing Trust Fund for this quarter. Mr. Cohen commented that originally he was asking the Commission to redirect the funds to the Treasurer, Sarah Garcia but that now he is requesting the Commission to withhold the funds in trust in an interest bearing account to protect the people of the tribe. It is their hope that the withholding of funds will motivate the Chair to participate with them and to work with the BIA and get funding restored.

Mr. Cohen additionally presented arguments for his request to redirect funds to the Treasurer. Mr. Cohen stated that the Chairperson and the Treasurer are unable to work together and requested the funds be redirected to the Treasurer as tribal law authorizes. Mr. Cohen referenced a decision 15 years ago that U.S. District Judge Conti specifically ruled that the Chairman has no authority to handle the tribe's money, only the Treasurer has the authority. The judge determined as a matter of law that the constitution requires the Treasurer to have access. Mr. Cohen indicated that the constitution also requires the Chair to co-sign checks so that neither party alone can spend tribal funds.

Mr. Cohen continued adding arguments for his current recommendation by referencing a letter from the BIA dated July 6, 2010 and indicated that the BIA recognized both parties and also indicated that the BIA saw the tribe as a dysfunctional government and did not trust them and was therefore stopping the disbursement of federal grant funds to the tribe until the Chair and Treasurer convince the BIA they will work together for the proper handling of funding. Mr. Cohen next reference a letter dated January 3, 2008 from the Commission regarding a similar situation where the BIA stopped funding to a tribe however in this instance the tribe did not have a governing body.

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Chairman Shelton asked where the National Indian Gaming Commission stood on this issue.

Anthony Cohen replied that the National Indian Gaming Commission is not involved because this is a non-gaming tribe and they have no casino.

Chief Counsel, Joe Dhillon indicated the Compacts obligate the Commission to make payments to federally recognized tribes. The Commission has also made payments to non-compact tribes consistent with the Compacts who have governments certified by the BIA. Mr. Dhillon stated that this has been the Commission's practice.

Commissioner Shelby questioned if the officers are voted by the members of the tribe and if there are procedures for calling an emergency meeting when issues arise.

Anthony Cohen responded that unfortunately the Chair dominates those procedures and efforts to call a meeting have been stymied by the Chair. Mr. Cohen added that there is an election coming up soon and they are very concerned that the money will be used to influence the outcome of the election. Mr. Cohen expressed their belief that as a trustee, having been informed by the federal government that they will not distribute funds; the trustee has an obligation to simply do nothing with the money. . They see this as a delay in payment, not depriving anyone of payment. Mr. Cohen indicated that Ms. Garcia feels this is the only way to protect the money.

Commissioner Shimazu commented that the tribe had to adhere to certain standards to receive federal grant money. Those standards were not being met and that is why the federal government is withholding the money. Commissioner Shimazu further indicated that the Commission's authority is derived solely from the Compact and the Compact specifically states the Commission has no discretion on the use of the funds. The Commission is only responsible for making sure the correct tribes receive it.

Anthony Cohen indicated that his belief was that the fiduciary obligation of the trustee requires the Commission to hold the funds if they are at risk from not going to the intended beneficiaries.

Chairman Shelton commented that the Commission has not been provided with evidence, only hearsay. Additionally, it is his believe that the Commission does not have a role in deciding who receives the funds.

Commissioner Shelby stated that in the absence of two views of the story and the absence of a court order, he is unwilling to act to withhold the funds.

Chairman Shelton requested Deputy Director Ross to update the Commission on the funds coming into the Revenue Sharing Trust Fund.

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Deputy Director Ross presented a background of the RSTF. He indicated that the Compact allows the Special Distribution Fund (SDF) by used to supplement the shortfall in the RSTF. With the amendments in the Compacts, in 2004 and 2008, the flow of funds into the Special Distribution Fund was reduced by increases to the State's general fund. The shift of funds from the SDF into the RSTF has now exceeded the inflow of revenue into the RSTF. Over the years the funds into the SDF have also continued to decline. The most recent Compacts did allow that if the RSTF didn't have enough revenue to pay the required distribution, then certain general fund contributions by a group of tribes, with amended compacts, could be diverted to pay the difference. In regards to late payments, some tribes have been late in payment but the delinquency has been minor.

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.

Executive Director Terresa Ciau clarified that the Compacts state that the Commission has the authority to divert the funds, coming into the Commission to be deposited into the general fund, to the RSTF. The funds do not actually come from the general fund.

CLOSED SESSION

Chairman Shelton recessed the Commissioners to closed session at 10:38 a.m. to discuss item 1B, Candace Cates v. Steve Westly, et al., San Diego County Superior Court (GIC 821775).

RECONVENE TO OPEN SESSION

Chairman Shelton reconvened the Commission at 10:48 a.m. Chief Counsel, Joe Dhillon received advice from the Commissioners on the case; however, no action was taken at this time.

PUBLIC COMMENT

There were no public comments 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 Shelby and Shimazu voting yes, the meeting was adjourned at 10:49 a.m.