

**California Gambling Control Commission**

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**MINUTES OF DECEMBER 8, 2011  
COMMISSION MEETING**

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**OPEN SESSION**

1. Call to Order and Pledge of Allegiance.

Chairperson Stephanie Shimazu called the meeting to order at 10:00 a.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners.

Roll Call of Commissioners was taken, with Chairperson Stephanie Shimazu and Commissioners Tiffany Conklin, Lauren Hammond and Richard Schuetz present.

3. Approval of Commission Meeting Minutes for:

- A. September 28, 2011
- B. October 13, 2011
- C. October 27, 2011

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the meeting minutes for September 28, 2011, October 13, 2011 and October 27, 2011.

4. Application for A) Approval of Initial State Gambling License; and, B) Approval of Extension of Temporary State Gambling License (Pursuant to Business and Professions Code sections 19851 and 19824(f)):

- A. Bankers Casino: Cap's Enterprises, Inc.  
Salvador Jimenez, Jr., President, Treasurer,  
Secretary, Shareholder  
Hector Campos, Vice President, Shareholder
- B. Bankers Casino: Cap's Enterprises, Inc.

Upon concurrence by the Commissioners, this item was moved to the end of the Open Session portion of the agenda.

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5. Approval of Transaction Loan Document (Pursuant to Business and Professions Code section 19824(c)):

Commerce Casino: California Commerce Club, Inc.

Comments Received From:

Andy Schneiderman, Commerce Casino

Dante Oliveto, Chief Financial Officer Commerce Casino

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Revolving Credit Agreement between Commerce Bank and California Commerce Club, Inc. with the conditions noted below:

1. *Commerce Casino shall provide to the California Gambling Control Commission a copy of the Legal Opinions required by Section 4.1 (a) of the Agreement within 30 days of closing.*
2. *The Commerce Casino shall provide to the California Gambling Control Commission a final copy of the Agreement and Loan Documents within 30 days of closing.*

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

A. Casino Marysville: Sau Cung Phong Inc.,  
Sau Cung Phong, President, Treasurer, Secretary,  
Shareholder

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the renewal application through December 31, 2013.

B. Lucky Derby Casino: Point Walker, Inc.  
Kermit Schayltz, President  
Leo Chu, Vice President, Chief Financial Officer,  
Secretary  
Ivy Chu, Community Property Interest Holder  
Sandra Schayltz, Community Property Interest  
Holder

Comments Received From:

Rob Blonien, Lucky Derby Casino

Marty Horan, Bureau of Gambling Control

Action:

Upon motion of Chairperson Shimazu, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved to extend the renewal state gambling license for for (3) months with the licensure period of January 1, 2012 through March 31, 2012.

C. Oasis Card Room: Chieko Epstein, Sole Proprietor

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the renewal state gambling license for the licensure period through December 31, 2013.

D. Turlock Poker Room: Central Valley Gaming, LLC  
Jose Fernandez, Member  
Philip Reinschild, Member  
Deborah Fernandez, Member

Action:

Upon motion of Commissioner Hammond seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the renewal finding of suitability application for the period through December 31, 2013.

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

A. Gus Arcon

Action:

Upon motion of Chairperson Schuetz, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the initial key employee license through January 31, 2013 with the following condition:

*Within 30 days of this approval Mr. Arcon must submit to the Commission and Bureau written evidence of attempts to establish a re-payment plan with the merchants listed in his background investigation report, and communication of their response.*

B. Christopher Clark  
C. Anthony Opdyk

Action:

Upon motion of Chairperson Shimazu, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the key employee license applications with approval through December 31, 2013 for Mr. Clark and through May 31, 2012 for Mr. Opdyk.

8. Application for Approval to Convert Third Party Provider of Proposition Services Owner Registration to a License (Pursuant to Business and Professions Code section 19984 and CCR, Title 4, section 12218):  
Qualified Player Services, LLC: Casey Zolnier, Sole Member

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the conversion license through December 31, 2013.

9. Applications 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):  
A. Bally Gaming, Inc. dba Bally Technologies\*

Comments Received From:

Mark Learner, Senior Vice President General Counsel Valley Gaming

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the renewal finding of suitability application through December 31, 2013.

- B. Gemaco, Inc.: GemGroup, Inc.  
Diana Kaye Summers, President, CEO,  
Shareholder  
Danny Carpenter, Chairman, Shareholder  
Jason Fitzhugh, President, Casino Division,  
Shareholder  
Paul Quinlan, General Manager  
Leesa Ann Nichols, Controller

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and

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Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the renewal finding of suitability application through December 31, 2013.

4. Application for A) Approval of Initial State Gambling License; and, B) Approval of Extension of Temporary State Gambling License (Pursuant to Business and Professions Code sections 19851 and 19824(f)):

A. Bankers Casino: Cap's Enterprises, Inc.  
Salvador Jimenez, Jr., President, Treasurer,  
Secretary, Shareholder  
Hector Campos, Vice President, Shareholder

Comments Received From:

Keith Sharp – Designated Agent, Banker's Casino  
Marty Horan - Bureau of Gambling Control  
Robert Burge – Bureau of Gambling Control  
Norm Pierce – Bureau of Gambling Control  
Frances Asuncion – Bureau of Gambling Control

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved Cap's Enterprises, Incorporated, dba Bankers Casino and its owners', Hector Campos and Salvador Jimenez, Jr., applications for a state gambling license for the period December 8, 2011 through December 31, 2013 with the following conditions:

1. *Licensee shall provide the following documentation to the Commission within 30 days of this approval:*
  - *Updated copy of Articles of Incorporation and/or Statement of Information as filed with the Secretary of State.*
  - *Evidence that the Licensee has obtained active status as a corporation with the California Secretary of State*
  - *Application For a State Gambling License and all applicable fees for Guadalupe Campos as a Community Property Interest Holder;*
2. *Licensee shall engage an independent auditor who shall be a licensed CPA, approved by the Bureau and Commission, to submit, in accordance with GAAP, audit results of Cap's Enterprises, Inc. to the Bureau and Commission for the time period covering January 1, 2010 through December 31, 2011. This audit report shall be submitted before May 15, 2012.*
3. *Licensee shall prepare and send a monthly financial statement, for the duration of the licensure period, to the Bureau and Commission no later than the 15<sup>th</sup> day of the following month; the first such statement shall be provided for the month of December 2011 and provided on or before January 15, 2012.*

4. *Licensee shall retain an individual with knowledge and experience of the statutes and rules which govern the operation of gambling enterprises in the State of California to conduct monthly inspections of Banker's Casino's policies, practices and procedures and provide a report of his or her findings and recommendations to the Bureau and Commission no later than the 15<sup>th</sup> day of the following month; the first such statement shall be provided for the month of December 2011 and provided on or before January 15, 2012. Specifically, these reports shall detail findings that show compliance or non-compliance with California Code of Regulations Title 4, Division 18, Chapter 7 and the applicable provisions of Title 11, Division 3, Chapter 1.*
5. *On an annual basis, Licensee shall submit reviewed financial statements to the Bureau and Commission for each of Messrs. Campos' and Jimenez's other businesses as well as their respective individual tax returns; the date of first submission shall be December 31, 2012.*
6. *Licensee shall hire an in-house Director of Finance, or equivalent, to handle all financial matters of Cap's Enterprises, Inc.*
7. *Messrs. Campos and Jimenez, while ultimately responsible for the operation of the gambling establishment, pursuant to sections 19920 and 19922 of the Gambling Control Act, shall hire experienced staff to manage day to day operations of Bankers Casino.*
8. *Allow the Bureau, upon request, immediate and full investigatory access to all aspects of the gambling establishment's operation.*
9. *Provide proof of the close of escrow to the Commission within ten (10) days of escrow closing.*

B. Bankers Casino: Cap's Enterprises, Inc.

No action required.

**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.)*

10. Applications for Approval of Renewal of Third Party Provider of Proposition Services/Gambling Business Supervisor/Player Licenses (Pursuant to CCR, Title 4, sections 12218.8 and 12238)
  - A. California Gaming Consultants:  
Players: Matthew Heake      Ason Saechao      Lenh Thoong
  - B. Certified Players, Inc.:  
Player: Jeremy Zamecnik
  - C. Premier Player Providers, Inc.:  
Player: Richard Murillo

D. PT Gaming, LLC:

Players: Julio Hernandez      Andrew Paolini      Onekeo Saechao

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

- |                          |                    |
|--------------------------|--------------------|
| A. Roger Ankenbauer      | I. Michael Lazer   |
| B. Jonathan Boone        | J. Peter Phong     |
| C. Jason Brisby          | K. Va Phong        |
| D. Srinivas Cherukuri    | L. San Saechao     |
| E. Craig Dooley          | M. Billy Saetern   |
| F. Donald Guilfoyle, Jr. | N. Donald Schayltz |
| G. Cody Hutchings        | O. Roger Schayltz  |
| H. Jason Ingle           |                    |

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

- |                               |                  |
|-------------------------------|------------------|
| A. The Deuce Lounge & Casino: | Daniel White     |
| B. Towers Casino:             | Michael Freifeld |

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. Barona Resort and Casino – Barona Band of Mission Indians:  
Naomi Vardy
- B. Bear River Casino – Bear River Band of the Rohnerville Rancheria:  
Andrea Weber-Piazza
- C. Blue Lake Casino and Hotel – Blue Lake Rancheria:  
Debra Baier
- D. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:  
Jamielind Navarro
- E. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Matthew Peinado      Lawrence Yard
- F. Desert Rose Casino – Alturas Rancheria:  
Susana Anklin
- G. Fantasy Springs Resort Casino – Cabazon Band of Mission Indians:  
Yan Huang      Judy Sajakul
- H. Feather Falls Casino & Lodge – Mooretown Rancheria of Maidu Indians:  
Lo Ching Saechao
- I. Gold Country Casino & Hotel – Berry Creek Rancheria of Maidu Indians of California:  
Vernell Evenson      Ricky Mayhew      Filiberto Padilla  
James Wood
- J. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:

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Yvann Chong      Robert Kahrman      Andras Pota  
Kyle Trotter

- K. Pala Casino Spa Resort – Pala Band of Mission Indians:  
Charles Sutherlin
- L. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
Deborah Jones      Nicholas Mitseff      Angelica Rodriguez
- M. Red Earth Casino – Torres-Martinez Band of Cahuilla Mission Indians:  
Nicole Gable
- N. Red Hawk Casino – Shingle Springs Band of Miwok Indians:  
Tou Thao
- O. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:  
Rhonda Zahn
- P. Santa Ysabel Casino – Santa Ysabel Band of Digueno Indians:  
David Chelette
- Q. Spotlight 29 Casino – Twenty-Nine Palms Band of Mission Indians:  
Marcia Martin
- R. Sycuan Casino & Resort – Sycuan Band of the Kumeyaay Nation:  
Adam Haynes      Cynthia Snow
- S. Table Mountain Casino – Table Mountain Rancheria:  
Albert Rojas Jr.
- T. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:  
Angela Padilla      Sera Suminski
- U. Valley View Casino & Hotel – San Pasqual Band of Diegueno Mission Indians:  
Robert Anaya
- V. Viejas Casino – Viejas Band of Kumeyaay Indians:  
John Cuaresma III

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

- A. Agua Caliente Casino Resort Spa – Agua Caliente Band of Cahuilla Indians:  
Harold Dachenhausen      Yancy Diaz      George Dickey  
Patricia Nunez      Arthur Pfeifer      Alfonso Rosas  
Ronald Sheweloff      Elaine Tujko      Carlos Walker
- B. Bear River Casino – Bear River Band of the Rohnerville Rancheria:  
Jesse Parks
- C. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:  
Laura Neher
- D. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:  
Christopher Concepcion      Leslie Guidera      Allison Khon  
Narin Khon      Derick Nakayama      Tuong Nguyen  
Mark Tateyama      Eugene Whitman

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- E. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:  
Aaron Hampton
- F. Cher-Ae-Heights Casino – Cher-Ae-Heights Indian Community of the Trinidad Rancheria:  
Rachael Gleaton
- G. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:  
Kathleen Moosios Joe Xiong
- H. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Garry Ashbrook Alex Beavo Enjoli Bjork  
Ann Juarez Benjamin Schaub
- I. Colusa Casino Resort – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:  
William Greco
- J. Coyote Valley Casino – Coyote Valley Band of Pomo Indians:  
Norman Runyan
- K. Diamond Mountain Casino and Hotel – Susanville Indian Reservation:  
Kimball Medders
- L. Eagle Mountain Casino – Tule River Indian Tribe of the Tule River Reservation:  
Thomas Stewart
- M. Fantasy Springs Resort Casino – Cabazon Band of Mission Indians:  
Shirley Abreu Soledad Arguilez Bernard Bandy  
Miguel Beltran William Brief Joshua Canon  
Raul Chavez Dianna Connerly Juan Cortez  
Myklen Cotton Jesse Diaz Corrina Espinosa  
Ismael Felix Dennis Gadbois Isabel Garcia  
Dan Htwe Daniel London Joel Nevarez  
Steven Planchon Alejandro Puga Richard Rogers  
Regina Trujillo Thomas Tveit Kimber Young
- N. Harrah's Rincon Casino & Resort – Rincon Band of Luiseno Indians:  
Kathryn Dillon Ethan Meadows Meridith Morris  
Hoang Nguyen Harry Welker
- O. Lucky 7 Casino – Smith River Reservation:  
Eric Richcreek
- P. Pala Casino Spa Resort – Pala Band of Mission Indians:  
Dean Almodova Sherry Fernando Audra Hidalgo  
Enrique Lopez
- Q. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
Steven Beck Gillian Busenbark Mary Coltharp  
Joseph Diaz Rene Fajardo James Grizzle  
Shashi Patel Patrick Tuntakit
- R. Pit River Casino – Pit River Tribe:  
Sheena Hawkins

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- S. Red Earth Casino – Torres-Martinez Band of Cahuilla Mission Indians:  
Mario Guzman
- T. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:  
Julian Aguilar                      Juana Barajas                      Amol Chand  
Pornteva Chittasenee              Anita Curry                      Ernesto Gomez  
Edward Harris                      Ramona LeBron                      Brian Lemus  
Ronald Mastandrea                      Khanh Nguyen                      Voodtikon Phumirat  
Rick Rothenberger                      Allen Schultz                      Rebecca Spalding  
Debra Starcher                      James Starcher                      Hoc Tram
- U. Soboba Casino – Soboba Band of Luiseno Indians:  
Adrian Casarrubias
- V. Spotlight 29 Casino – Twenty-Nine Palms Band of Mission Indians:  
Esmeralda Castro                      Andrea Gonzalez                      Vanessa Hernandez  
Ventura Lopez                      Sharon Marshall                      Matthew Singleton
- W. Sycuan Casino & Resort – Sycuan Band of the Kumeyaay Nation:  
Glenn Barry                      Alan Buna                      Erik Carter  
Travis Elliott                      Nang Fang                      Annette Fermil  
Larry Ha                      Harold Johns                      Minerva Leano  
Samantha McDonald                      April Randle                      Kristy Shapiro  
Anita Stevenson                      Noelle Tehrani                      Victor Trevino  
Faamaopo Villasin
- X. Tachi Palace Hotel and Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:  
Lee Bustamonte                      Albert Davis                      Stan Espinoza  
Donna Longacre                      Karen Mendes                      Annette Miller  
Benjamin Morquecho                      Larry Norton                      Patrick Plata
- Y. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:  
Ruben Aranda                      Donald Atkinson                      Ivan Au  
Stephen Bryant                      Christie Bugica                      Sandra Edwards  
Jayson Hadley                      Jeff Heil                      Traci Hobson  
Masumi Kamio                      Mark Lee                      Eduardo Pais  
Andrea Reynolds                      Tyler Rogo                      Meuy Saelee  
Saancho Saelee                      Daniel Smith
- Z. Viejas Casino – Viejas Band of Kumeyaay Indians:  
Isam Alayoubi                      Timothy Coghe                      Shane Greer  
Tracy Laughery                      Julieta Navarro                      Kevin Nguyen
- AA. Win-River Casino – Redding Rancheria:  
Roy Alcala                      Heather Couch                      Jessica Davis  
Amanda Etchison                      Darlene Etchison                      Shelley Fahsholtz  
Toni Pond

Action:

Upon motion of Chairperson Shimazu, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners

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Conklin, Hammond and Schuetz voting yes, the Commission approved the Consent Calendar.

*The Commission affords an opportunity to members of the public to address the Commission on items of interest that are within the Commission's jurisdiction. The Commission is not permitted to take action on items that are not identified on the agenda. The Commission "reserves the right to limit speakers if necessary to provide an adequate opportunity for all to be heard."*

### **PUBLIC COMMENT**

Rob Blonien  
Frank Molina  
Jennifer Chrisman

### **CLOSED SESSION:**

1. Litigation: (Government Code section 11126(e)):
  - A. *California Valley Miwok Tribe v. The California Gambling Control Commission*; San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).
  - B. *Candace Cates v. Steve Westly, et al.*, San Diego County Superior Court (GIC 821775).
  - C. *San Pasqual Band of Mission Indians v. State of California, et al.*, U.S. Dist. Court, S.D. California (06CV0988 LAB AJB).
  - D. *Pauma Band of Luiseno Mission Indians v. Gambling Control Commission; and Arnold Schwarzenegger*, U.S. Dist Court S. D. California (09 CV01955 LAB AJB)
  - E. *Timothy Eugene Stroud v. California Gambling Control Commission*, San Luis Obispo County Superior Court (CV100082).
  - F. *Alturas Indian Rancheria, v. Kenneth L. Salazar, Secretary of the Interior et al.*, U.S. Dist. Court, E.D. California (2:10-cv-01197-LKK-EFB)
  - G. *San Pasqual Band of Mission Indians v. State of California, et al.*, Los Angeles County Superior Court (BC431469)
  - H. *Alturas Indian Rancheria v. California Gambling Control Commission*, U.S. District Court for the Eastern District of California (2:11-cv-02070-LKK-EFB)

### **RECONVENE TO OPEN SESSION**

Chairperson Shimazu reported that Consent Items 1. F and 1.H were discussed with litigation counsel in closed session, however, no action was taken by the Commissioners.

### **ADJOURNMENT**

Chairperson Shimazu adjourned the Commission Meeting at 12:20 p.m.