

**California Gambling Control Commission**

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**MINUTES OF MARCH 10, 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 10:01 a.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners.

Roll Call of Commissioners was taken, with Chairperson Stephanie Shimazu and Commissioners Tiffany Conklin and James Shelby present.

3. Approval of Commission Meeting Minutes for :

- A. January 27, 2011
- B. February 10, 2011

Upon motion of Chairperson Shimazu, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the meeting minutes for January 27 and February 10, 2011.

4. California Problem Gambling Treatment Services Program, Overview & Update: Presenter, TerriSue Canale, Deputy Director, Office of Problem Gambling.

TerriSue Canale presented the latest achievements of the Office of Problem Gambling. No action was taken on this item.

5. Discussion Regarding the Gaming Policy Advisory Committee (Pursuant to Business and Professions Code section 19817)

Deputy Director Tina Littleton indicated this agenda item is to afford the Commissioners an opportunity to discuss the establishment of a Gaming Policy Advisory Committee.

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Discussion ensued amongst the Commissioners which included comments from Mr. Rod Blonien, Ms. TerriSue Canale and Mr. Kermit Schayltz. Commission staff will work on developing a selection process for re-establishment of the GPAC. No action was taken on this item.

6. Application for Approval of A) Purchase Agreement; and, B) Initial State Gambling License (Pursuant to Business and Professions Code sections 19824(c), 19851,19852; Title 4 CCR 12342(a)(8)):

- A. St. Charles Place: James E. Roos, Sole Proprietor (Seller)  
Robert Bertges, (Buyer)
- B. St. Charles Place: Robert Bertges, Sole Proprietor  
Lori Bertges, Community Property Interest Holder

Deputy Director Tina Littleton indicated this recommendation was two-fold. First, staff recommended that the Commission approve the purchase agreement. Second, the Bureau of Gambling Control recommended the Commission approve the initial applications. Staff has reviewed the Bureau's report, concurred with the Bureau's recommendation, and recommended approval for a two year period beginning the date escrow closes with the following conditions:

1. *Mr. Bertges shall provide proof of the close of escrow to the Commission within ten (10) days of escrow closing.*
2. *Within 60 days of approval, Mr. Bertges shall provide a copy the following to both the Commission and Bureau:  
Business License,  
Emergency Preparedness and Evacuation Plan,  
Chips in Use Account; and,  
Chart of Accounts.*

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

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

- A. Lucky Chances Casino: Lucky Chances, Inc.  
Rene and Mila Medina 2009 Irrevocable Blind Trust  
Agreement

Deputy Director Tina Littleton indicated staff recommended the Commission approve the renewal of the 2009 Blind Trust Agreement through the remainder of the state gambling licensure period.

Commissioner Shimazu inquired on the status of the outstanding loan. Deputy Director Littleton indicated that staff would follow-up and provide the Commissioners with the information.

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

B. Royal Flush Cardroom: Adolfo Martinez, Sole Proprietor

Deputy Director Tina Littleton indicated staff recommended the Commission approve the renewal state gambling license application through March 31, 2013.

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

C. Tommy's Casino and Saloon: Tommie Wayne Buck, Inc.  
Tommie Wayne Buck, President/Secretary/  
Treasurer/Shareholder

Deputy Director Tina Littleton indicated Staff recommends that the Commission approve the renewal state gambling license application through March 31, 2013.

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

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

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended the Commission approve the initial application. Staff has reviewed the Bureau's report, concurred with their recommendation, and recommended approval through March 31, 2013.

Chairperson Shimazu inquired about the status of the work permit issued by the city for Mr. Silva

Chris Davis, Bureau of Gambling Control indicated that she did not have that information; the Bureau was unable to make contact with Mr. Silva prior to the meeting.

Deputy Director Littleton indicated that the item could be tabled and rescheduled to the next meeting to afford staff time to follow-up with Mr. Silva. This item was tabled and will be rescheduled for the Commission meeting on March 24, 2011.

9. Applications for Approval of Conversion of Third-Party Providers of Proposition Player Services /Gambling Business Supervisor/Player Registrations to Licenses (Pursuant to CCR, Title 4, sections 12218 and 12233):

- A. Certified Network M, Inc.:  
Players: Tina Berry Kevin Bune
- B. Certified Players, Inc.:  
Players: Vipheavy Keo
- C. Chips Gaming Services, Inc.:  
Players: Jane Esta Makara Huot Menglong Sim
- D. Gaming Fund Group, Inc.:  
Players: Michael Carr
- E. Gaming Management, LLC:  
Supervisor: Alexis Alejandro  
Players: Sarah Andrews Jessica Ng Delfino Perez  
Jamie Reed Sotheary Sou

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended the Commission approve the conversion applications in items 9A through 9E. Staff has reviewed the Bureau's reports, concurred with their recommendations; and, recommended approval through March 31, 2013.

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

10. 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):  
Atronic Americas, LLC: Kenneth Bossingham, Chief Operating Officer/Manager

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended that the Commission approve the finding of suitability application for Mr. Bossingham. Staff has reviewed the Bureau's report, concurred with their recommendation; and, recommended approval through the finding of suitability period.

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

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

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Joni D. Stringer – Site Manager

Deputy Director Tina Littleton indicated staff recommended the Commission deny the interim license application.

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

**CONSENT CALENDAR ITEMS:**

12. Request for Recognition of Eligibility to Conduct Remote Caller Bingo Games (Pursuant to Penal Code section 326.3 and CCR, Title 4, section 12504):  
Placentia Post No. 277, American Legion, Placentia, CA
13. Application for Approval of Interim License for Remote Caller Bingo – Fiduciary/Site Manager/Caller (Pursuant to Penal Code section 326.3 and Title 4, California Code of Regulations Section 12498):
  - A. Michael D. Brault – Site Manager
  - B. Michele D. Gentry – Site Manager
  - C. Walter F. Nash – Site Manager
  - D. Charles Naudet – Site Manager
14. Applications for Approval of Renewal Key Employee Portable Personal License (Pursuant to Business and Professions Code section 19854):

A. Efren Antonio	G. Susan Holyfield	M. Steven Romeyn
B. Leila Calamia	H. Martin Kasko	N. Michael Sana
C. Daniela Cicu	I. Mike Kusano	O. Glenn Tracey
D. James Denio	J. Valerie Maldonado	P. Cynthia Winters
E. John Griffo	K. Debora Millan	Q. Alan Wong.
F. Jeffrey Harris	L. David Mosikian	
15. Applications for Approval of Initial Work Permit (Pursuant to Business and Professions Code section 19912):
  - A. The 101 Casino: Nichole Bettencourt
  - B. Towers: Steven Milani
16. Applications for Approval of Renewal Work Permit (Pursuant to Business and Professions Code section 19912):

A. Napa Casino:	Jeniffer Huie	Quynh Le	Justin Liddicoat
B. The 101 Casino:	Monica Nowak	Savy Savang	Lili Shan
17. Applications for Approval of Renewal of Third Party Providers of Proposition Player Services/Gambling Business Supervisor/Player Licenses (Pursuant to California CCR Title 4, sections 12218.8 and 12238).

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- A. BJ Gaming, LLC  
Supervisor: Thuc Phan
- B. Gaming Management, LLC  
Supervisors Kamal Rahi Noel Salcedo Paul Zamacona

18. 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 Resort Spa – Agua Caliente Band of Cahuilla Indians:  
Deanna Stevens Percival Veloro
- B. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Alan Ferrante Jay Foreman, IV Juan Parra
- C. Barona Resort and Casino - Barona Band of Mission Indians:  
Bobby Nichols
- D. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:  
Noel Price
- E. Blue Lake Casino and Hotel - Blue Lake Rancheria:  
Jesse Johnston
- F. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:  
Peggy Ma
- G. Colusa Casino Resort – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:  
Zachary Stoltz
- H. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:  
Luis Barajas, Jr.
- I. Pala Casino Spa Resort – Pala Band of Mission Indians:  
Jerome Arapeles Betty Jo Bailey Carlos Guzman, Jr.  
Thuy Nguyen
- J. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
Christopher Thomas Stanley Vasily
- K. Red Fox Casino – Cahto Tribe of the Laytonville Rancheria:  
Irwin Cresswell
- L. Red Hawk Casino – Shingle Springs Band of Miwok Indians:  
Robert Crowe Michael Garcia William Jones  
Tracy Mimno Shannon Nielson
- M. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:  
Kelly Lehman Kenneth White
- N. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:  
Richard Hahn
- O. Table Mountain Casino - Table Mountain Rancheria:  
Cindy Ronquillo
- P. Tachi Palace Hotel and Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:  
Jon Deming Jacob Jeff, Sr. Daniel Vue

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- Q. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:  
Michael Coder                      Guilian Luo

19. 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. Agua Caliente Casino Resort Spa – Agua Caliente Band of Cahuilla Indians:

Diane Bobo	Denise Daxl	Rebecca Kilpatrick
Christopher Lorton	Alwilda McElwain	William Oliver
Jerry Park	James Petty	Richard Sabac
Penny Wrich		

- B. Barona Resort and Casino - Barona Band of Mission Indians:

Debra Bravo	Delia Camarero	Manuel Garcia
Lowell Halkowitz	Bsam Jangeel	Joshua Keyser
Aaron Marxen	Erica Payne	

- C. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:

David Au	Bruce Bertzyk	Billie Brazil
Simorn Chao	Shelley Ferguson	Peter Macleod
Chiew Saelee	Mong Saelee	

- D. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:

Richard Galvan	Angelica Rojas Magallon	
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- E. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:

Stephanie Banuelos	Nicholas Grube	Jessica Leung
Ignacio Nevarez	Onechanh Phakonekham	

- F. Eagle Mountain Casino – Tule River Indian Tribe of the Tule River Reservation:  
Baikham Ratsakhy

- G. Jackson Rancheria Casino & Hotel – Jackson Rancheria Band of Miwok Indians:

Pete Bresciani	Everett O'Connor	Shari O'Neill
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- H. Pala Casino Spa Resort – Pala Band of Mission Indians:

Judith Collins	Romeo Pasquariello	Beth Rose
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- I. Pechanga Resort and Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:

Richmon Deas, III	Richard Jenkins	William Maroney
Michael May	Matthew Smith	

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

Michael McLaughlin

- K. Red Earth Casino – Torres-Martinez Band of Cahuilla Mission Indians:

Alma Valadez

- L. Red Hawk Casino – Shingle Springs Band of Miwok Indians:

David Panek

- M. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:

Tiger Fington	Debra Pacheco	Daniel Perales
David Santillan		

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N. Soboba Casino - Soboba Band of Luiseno Indians:

Melissa Gates

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

Freedom Croft

P. Viejas Casino - Viejas Band of Kumeyaay Indians:

A. Steve Pace      Callaye Padiernos      Juan Perez

Deputy Director Tina Littleton indicated staff recommended the Commission approve consent calendar items 12 through 19.

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

Chairperson Shimazu recessed the open session at 10:43 a.m.

Chairperson Shimazu reconvened to open session at 1:30 p.m.

1. Call to Order.

Chairperson Shimazu called the meeting to order.

Tina Littleton, Deputy Director stated the following: Pursuant to Government Code section 11125.3(a)(2) two items have been added to the agenda as originally posted. The first new item (#2) is the Finding of Necessity for Adding Agenda Item number 3A and 3B. The second new item (#3A and 3B) is to consider whether further Orders should be issued by the Commission to amend the provisions of the Emergency Orders issued by the Acting Chief, Bureau of Gambling Control, on March 2, 2011.

2. \*Finding of Necessity for Adding Agenda Item number 3 (Pursuant to Government Code section 11125.3(a)(2))

Deputy Director Tina Littleton indicated this item is to consider whether there exists a need to take immediate action on; and, that the need for action came to the Commission's attention after the March 10, 2011, posted agenda.

Mr. Alan Titus, Designated Agent for Artichoke Joe's; and Mr. David Fried, Counsel for the Oaks Card Club presented argument as to the necessity for immediate action.

Chairperson Shimazu moved that there exists a need to take immediate action on items 3A and 3B; and, that the need for action came to the Commission's attention after the March 10, 2011 agenda was initially posted. The motion was seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes.

3. \*Consideration of whether further Orders should be issued by the Commission to amend the provisions of the Emergency Orders issued by the Acting Chief, Bureau of Gambling Control, on March 2, 2011 (Pursuant to Business and Professions Code section 19931(c)).
  - A. Artichoke Joe's, a California Corporation
  - B. Oaks Card Club, Limited Partnership

There was much discussion regarding the Modified Emergency Order presented to the Commission by the Bureau of Gambling Control which, upon approval, would allow Artichoke Joe's and Oaks Card Club to reopen with the exception of the Pai Gow Tiles games.

Arguments and comments were presented by William Williams, Deputy Attorney General; Alan Titus Designated Agent for Artichoke Joe's; Dennis Sammut, Owner of Artichoke Joe's; Joe Sammut, representing Helen Sammut; Monica Matthews and Bob Kleiber, employees of Artichoke Joe's; David Fried, Counsel for Oaks Card Club; John Tibbetts, Owner of Oaks Card Club; Martin Horan, Acting Chief of the Bureau of Gambling Control, and, Jade Jaeckle, representing Third-Party Proposition Players.

As part of the discussion, all parties agreed to amend the Stipulation for Modified Emergency Order for both clubs as follows:

Page one; paragraph one, lines 26, 27 and 28

Original:

The attached order shall remain in effect until the final order of the Commission is made in relation to the pending accusation against the Oaks/Artichoke Joe's that was filed herein on March 4, 2011.

Amended:

The attached order shall remain in effect until further order of the Commission.

Also all parties also agreed to add the club's reorganization plan, as an exhibit to the Modified Emergency Order.

(The Stipulation for Modified Emergency Order and the Modified Emergency Order for Artichoke Joe's and Oaks Card Club are incorporated into these minutes as Attachment A and Attachment B.)

**For item 3 A**, Chairperson Shimazu moved to approve the Modified Emergency Order as revised as well as the Stipulation for Modified Emergency Order as revised. The motion was seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes.



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Ms. Tina Littleton read the following modified condition:

*Notwithstanding anything to the contrary in the conditions of March 26, 2009, and, consistent with the condition imposed on January 27, 2011, provided that Mr. Hardie, Jr. will not have any direct input or involvement in the management of Wizard Gaming, Inc. ("Wizard"), Mr. Hardie, Jr. is not prohibited by these conditions from discussing with Trustee of the Zephyr Inter Vivos Trust (Trust), Joseph Etienne ("Mr. Etienne"), issues necessary **to the representation of the Trust and/or Mr. Hardie Jr.'s interest in mediation arising out of a dispute involving Wizard.***

Upon motion of Chairperson Shimazu, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation with the added/modified condition as read by Ms. Tina Littleton.

### **PUBLIC COMMENT**

Mr. Richard Armstrong, Counsel for the Alturas Indian Rancheria Business Committee indicated the Commission was withholding Revenue Sharing Trust Funds on the basis of waiting until the tribal representatives have been identified. Mr. Armstrong further indicated that it was his client's position that representatives have been identified through two letters from the Pacific Regional Directors identifying the Business Committee as the recognized tribal government. Mr. Armstrong argued that the basis for withholding the funds no longer exists.

### **ADJOURNMENT**

Upon motion of Chairperson Shimazu, seconded by Commissioner Shelby and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the meeting was adjourned at 4:30 p.m.