

California Gambling Control Commission

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**MINUTES OF AUGUST 29, 2012
COMMISSION MEETING**

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. Discussion of Tribal-State Gaming Compact Special Distribution Fund Review of Santa Rosa Indian Community of the Santa Rosa Rancheria pursuant to Compact Section 5.3 (Government Code Section 11126.4; Compact Section 7.4.3.)

This item was discussed in Closed Session.

CLOSED SESSION: 10:05 a.m.

- I. Discussion of Tribal-State Gaming Compact Special Distribution Fund Review of Santa Rosa Indian Community of the Santa Rosa Rancheria pursuant to Compact Section 5.3 (Government Code Section 11126.4; Compact Section 7.4.3.)

RECONVENE TO OPEN SESSION: 11:25 a.m.

Chairperson Shimazu reported that no action was taken.

- II. 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. *San Pasqual Band of Mission Indians v. State of California, et al.*, Los Angeles County Superior Court (BC431469)
 - G. *Bingo Innovations of California, Inc. v. California Gambling Control Commission*, Sacramento County Superior Court (34-2012-80001139)
 - H. *Yavapai-Apache Nation v. Iipay Nation of Santa Ysabel*, Sacramento County Superior Court, Case No. 34-2012-001197 27
 - I. *In Re: Santa Ysabel Resort and Casino*, United States Bankruptcy Court, Southern District of California, Bankruptcy No. 12-09415-PB11.
 - J. *Iipay Nation of Santa Ysabel v. California Gambling Control Commission*, U.S. Dist. Court, S.D. California (12CV1876BENRBB).

RECESS: 11:27 a.m.

RECONVENE TO OPEN SESSION: 1:30 p.m.

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

Hustler Casino:

El Dorado Enterprises, Inc.
Larry Flynt Revocable Trust, Shareholder
Larry Flynt, Trustee, Trustor, Beneficiary
Majestic Properties, Inc., Landlord

This item was not discussed as it was previously resolved at the August 27, 2012 Commission meeting.

5. Application for Approval of Renewal of Third Party Provider of Proposition Player Services/ Gambling Business Licenses (Pursuant to Business and Professions Code section 19824 and CCR, Title 4, sections 12050, 12218.8 and 12238)

Stipulated Settlement; Decision and Order in the Matter of the Statement of Issues Against:

PT Gaming, LLC, Patrick A. Tierney & Jamie L. Tierney Family Trust, sole member (BGC-HQ2012-00004AL)

This item was discussed in Closed Session.

6. Disciplinary Matters (Pursuant to Business and Professions Code section 19930 and CCR, Title 4, section 12552):

A. Stipulated Settlement; Decision and Order in the Matter of the Accusation
Against: Stanley Penn, sole proprietor, Lucky Lady Card Room (BGC Case No. HQ2011-0001AC, OAH No. 2011111047)

B. Default Decision and Order – Michael Penn (BGC Case No. HQ2011-0001AC)

This item was discussed in Closed Session.

CLOSED SESSION: 1:38 p.m.

III. Deliberation on Decisions (Government Code section 11126(c)(3)):

A. Stipulated Settlement; Decision and Order in the Matter of the Accusation
Against: Stanley Penn, sole proprietor, Lucky Lady Card Room (BGC Case No. HQ2011-0001AC, OAH No. 2011111047)

B. Default Decision and Order – Michael Penn (BGC Case No. HQ2011-0001AC)

C. Stipulated Settlement; Decision and Order in the Matter of the Statement of Issues Against: PT Gaming, LLC, Patrick A. Tierney & Jamie L. Tierney Family Trust, sole member (BGC-HQ2012-00004AL)

Chairperson Shimazu reported that the Commissioners approved items III. A, B and C.

RECONVENE TO OPEN SESSION: 1:48 p.m.

PUBLIC COMMENT:

Ron Diedrich

ADJOURNMENT:

Chairperson Shimazu adjourned the Commission Meeting at 11:55 a.m.