

California Gambling Control Commission

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**MINUTES OF JULY 26, 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. Approval of Commission Meeting Minutes for:
 - A. May 16, 2012 Regulation Hearing
 - B. June 28, 2012

Action:

Upon motion of Commissioner 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 meeting minutes for the May 16, 2012 Regulation Hearing and the June 28, 2012 Commission Meeting.

4. Application for Approval of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876 and CCR, Title 4, section 12345):
Poker Flats Casino: Terry Vargas, Sole Proprietor

Comments Received From:

Audra Opdyke, Bureau of Gambling Control

Action:

Upon motion of Commissioner 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 to extend the state gambling license for Poker Flats Casino through

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August 31, 2012, to allow the Bureau of Gambling Control to provide the Commission with an amended report.

5. Applications for Approval of Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854 and CCR, Title 4, section 12350):

A. Jonathan Baron

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 initial key employee application through July 31, 2014.

B. Stephen Gallagher

Comments Received From:

Stephen Gallagher

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and carried in a vote by roll call with Chairperson Shimazu, Commissioners Conklin and Hammond voting yes and Commissioner Schuetz voting no, the Commission approved the initial key employee application through April 30, 2013.

6. Application for Approval of Renewal Key Employee Portable Personal License (Pursuant to Business and Professions Code section 19854 and CCR, Title 4, section 12351):

Stephen Conyers

Comments Received From:

Stephen Conyers

Norm Pierce, Bureau of Gambling Control

Audra Opdyke, Bureau of Gambling Control

Action:

Upon motion of Commissioner Schuetz, seconded by Chairperson Shimazu 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 key employee application through July 31, 2014.

7. Request for Approval to Withdraw Application for Key Employee Portable Personal License (Pursuant to Business and Professions Code section 19869 and CCR, Title 4, section 12047):

James Ondang

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 to withdraw the key employee application **with prejudice**.

8. Applications for Approval of Conversion of Third-Party Providers of Proposition Player Services /Gambling Business Supervisor/Player Registrations to Licenses (Pursuant to Business and Professions Code section 19984 and CCR, Title 4, sections 12218 and 12233):

A. BANC, LLC:

Player: Gregory Morgan

Action:

Upon motion of Commissioner Conklin, seconded by Chairperson Shimazu 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 application through July 31, 2014.

B. Premier Player Providers, Inc.:

Supervisor: Samnang Phoung

Comments Received From:

Norm Pierce, Bureau of Gambling Control
Audra Opdyke, Bureau of Gambling Control
Jade Jaeckle, Designated Agent

Action:

Upon motion of Commissioner 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 to deny the conversion application. Jade Jaeckle, Designated Agent, requested an Administrative Hearing on behalf of Samnang Phoung.

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

Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:
Cheng Saechao

Comments Received From:

Cheng Saechao

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Action:

Commissioner Schuetz motioned to deny the Finding of Suitability application. The motion failed due to lack of a second.

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and carried in a vote by roll call with Chairperson Shimazu, Commissioners Conklin and Hammond voting yes, and Commissioner Schuetz voting no, the Commission approved the Finding of Suitability through July 1, 2013.

With concurrence by the Commissioners, the following item was removed from the Consent Calendar for consideration in Open Session.

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

D. Cahuilla Casino-Cahuilla Band of Mission Indians of the Cahuilla Reservation:
Jeremy Leahy

Comments Received From:

Jeremy Leahy (via telephone)

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and carried in a vote by roll call with Chairperson Shimazu, Commissioners Conklin and Hammond voting yes, and Commissioner Schuetz voting no, the Commission approved the licensure period through June 30, 2013.

10. Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending June 30, 2012 – Quarterly License Revenue Received and Shortfall

(This item was heard after the Consent Calendar.)

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.)

11. 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:

Guillermo Arrieta- Heather Brown Brenda Eskelin
Alvarez

Nichole O'Sullivan Karen Woodruff

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

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Linda Devine

- C. Blue Lake Casino and Hotel – Blue Lake Rancheria:
Peter Hill

- D. Cahuilla Casino – Cahuilla Band of Mission Indians of the Cahuilla Reservation:
Jeremy Leahy - **Moved to Open Session**

- E. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:

Evencio Cortes Carter Kinsman

- F. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:

Glenn Edwards

- G. Colusa Casino Resort – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:

Deborah Smart

- H. Diamond Mountain Casino and Hotel – Susanville Indian Reservation:

Farley Etpison

- I. Fantasy Springs Resort Casino – Cabazon Band of Mission Indians:

Jay Chesterton Louis Crescenzo Jr. Hall-La-Rae Gallagher

Ray Horton Karen Lu Sharon Moffitt

Kelly Mui Maria Sandoval Michael Stemmeler

Deana Tuckson Carlos Valdez Theresa Winters

- J. Gold Country Casino & Hotel – Berry Creek Rancheria of Maidu Indians of California:

Blaze Osby

- K. Harrah's Rincon Casino & Resort – Rincon Band of Luiseno Indians:

Mark Quinn

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

Mickey Miller

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

Steven Crum Sarah Escarrega Timothy Monaghan

- N. Paiute Palace Casino – Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony:

Charles Chinn

- O. Pala Casino Spa Resort – Pala Band of Mission Indians:

Randy Ennis Victor Estrella Daniel Garcia

Robert Keetch Jr.

- P. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:

Adelina Dimitrova Adoracion Halverson

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

David Lee

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

Eva McCurry

- S. Santa Ysabel Casino – Santa Ysabel Band of Digueno Indians:

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- Jarrold Denmark Matthew Sproat
- T. Soboba Casino – Soboba Band of Luiseno Indians:
Michele Maldonado
- U. Table Mountain Casino – Table Mountain Rancheria:
Glenda Turner
- V. Tachi Palace Hotel and Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:
Sherman Jones
- W. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:
Huy Nguyen Nai Saechao
- X. Valley View Casino & Hotel – San Pasqual Band of Diegueno Mission Indians:
Timothy Hargesheimer
12. 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:
Frank Charolla Ruth Fernandez Steven Finley
Virginia Gobats Robert McCabe Cheyane Walls Johnson
- B. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
Nicholas Brescia Matt Burlison Christoph Phipps
Tina Rust
- C. Blue Lake Casino and Hotel – Blue Lake Rancheria:
Amanda English Mandi Kindred Arla Ramsey
- D. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:
Darren Delatorre Raymond De Los Angeles Nancy Dizon
Ronel Dizon Kacey Chao James Cleary
Joseph Magbitang Lisa Mak Josephine Nakayama
Danny Nguyen Tracy Nichols Jay Pham
Johann Pichlmaier Mai Xiong
- E. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:
Jessica Hutchens Anthony Kar Bennie Savage
- F. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Maria Fonseca Michael Fonseca Curtis White
- G. Feather Falls Casino & Lodge – Mooretown Rancheria of Maidu Indians:
Stephanie Pejsa
- H. Gold Country Casino & Hotel – Berry Creek Rancheria of Maidu Indians of California:
Janice Horn
- I. Golden Acorn Casino & Travel Center – Campo Band of Diegueno Mission Indians:
Maira Arreola Francisco Ayala Dale Back

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- Erick Ramirez Macias Toni Weibel David Wright
- J. Konocti Vista Casino – Big Valley Band of Pomo Indians of the Big Valley Rancheria:
Octavio Calvillo Jr.
- K. Pala Casino Spa Resort – Pala Band of Mission Indians:
Elizabeth Baker Yong Qiang Huang Rotkeo Sayyasouk
- L. Red Hawk Casino – Shingle Springs Band of Miwok Indians:
Vue Chue Daniel Depedro Byron Gregory
Daothiam Hanoumane Thomas Manz James Sweatt
- M. Sherwood Valley Rancheria Casino – Sherwood Valley Rancheria of Pomo Indians of California:
Allen Wright
- N. Soboba Casino – Soboba Band of Luiseno Indians:
Shawn McDonald
- O. Spotlight 29 Casino – Twenty-Nine Palms Band of Mission Indians:
Jorge Beltran Thanh Huynh Lam Phan
- P. Sycuan Casino & Resort – Sycuan Band of the Kumeyaay Nation:
Paul Barry Vicente Bautista Rochelle Bradley
John Dinius Alex Favor Lance Goode
Jian Gu Robert Kasawdish Feu Lutau
Travis Ly Peter Maxwell Eden Partido
George Yelda
- Q. Tachi Palace Hotel and Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:
Jeanette Diaz Don Langdon Marta Maciel
Koy Saechao
- R. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:
Stephan Bisland Duc Nguyen Mouang Saefong
Flordeliza Santos Nancy Wyrsh
- S. Twin Pine Casino & Hotel – Middletown Rancheria Band of Pomo Indians:
Mary Parrott Judy Vasconcelles
- T. Valley View Casino & Hotel – San Pasqual Band of Diegueno Mission Indians:
Linda Bohard Humberto Donavan Javier Guerrero
Ramona Ochoa Erica Southivong
- U. Win-River Casino – Redding Rancheria:
Joseph Zeno

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 Consent Calendar items 11 and 12.

AGENDA ITEM 10:

Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending June 30, 2012 – Quarterly License Revenue Received and Shortfall

Comments Received From:

Richard Armstrong, Iipay Nation
Ira Bibbero, Yavapai-Apache Nation

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 allocation to 72 tribes, distributed to 70 and withheld from California Valley Miwok, pending resolution by the Federal government of a tribal leadership dispute, and the Iipay Nation of Santa Ysabel, pending guidance from a court of law as to who is entitled to the money with the requirement that it would be heard again at the August 8, 2012 Commission Meeting.

PUBLIC COMMENT:

None.

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. *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

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- I. *In re: Santa Ysabel Resort and Casino, Debtor and Debtor in Possession*,
United States Bankruptcy Court, Southern District of California, Case No.
12-09415-PB1 I

RECONVENE TO OPEN SESSION: 11:53 A.M

Chairperson Shimazu reported that the discussion ensued concerning closed session litigation, specifically items H. and I. and no action was taken.

PUBLIC COMMENT:

None.

ADJOURNMENT:

Chairperson Shimazu adjourned the meeting at 11:55 A.M.