California Gambling Control Commission

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MINUTES OF OCTOBER 23, 2014 COMMISSION MEETING

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Lopes 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 Chairman Richard Lopes and Commissioners Tiffany Conklin, Lauren Hammond and Richard Schuetz present.

Chairman Lopes asked Stacey Luna-Baxter, Assistant Bureau Chief for the Bureau of Gambling Control to introduce Lisa Wardall to the Commissioners and the public as the Department of Justice Administrator II (DOJA II) for the Bureau of Gambling Control. Chairman Lopes welcomed DOJA II Lisa Wardall to the industry.

3. <u>Approval of Commission Meeting Minutes for:</u> September 22, 2014 GCA Hearing

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the minutes for the September 22, 2014 GCA Hearing.

4. Application for Consideration of Initial State Gambling License (Pursuant to Business and Professions Code sections 19850, 19851, and 19852(e); CCR, Title 4 section 12342):

Club San Rafael: Pete's 881 Club, Inc.

The Robert and Karen Pellolio Revocable Trust
Dated February 25, 2011, Shareholder
Karen Pellolio, Chief Executive Officer,
Chief Financial Officer, Trustor,
Trustee, and Beneficiary

Trustee, and Beneficiary

<u>Comments Received From:</u>
Don Ezzell, Designated Agent

Action:

Upon motion of Chairman Lopes, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairmen Lopes and Commissioners Conklin, Hammond, and Schuetz voting yes, the Commission approved The Robert and Karen Pellolio Revocable Trust Dated February 25, 2011 and Karen Pellolio as beneficiary to be endorsed on the State Gambling License issued to Club San Rafael valid through November 30, 2015.

5. Applications for Consideration of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876; CCR, Title 4 section 12345):
 A. Artichoke Joe's Casino: Artichoke Joe's (A California Corporation)

Comments Received From:

Alan Titus, Designated Agent

Action:

Upon motion of Chairman Lopes, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Renewal State Gambling License Application through June 30, 2016 and removing the existing conditions noted below:

Conditions to be removed:

- 1. Artichoke Joe's must submit a written agreement between Artichoke Joe's and North Fork Computer Analysis Services, Ltd. that details the services and reimbursement provided, to the Commission and the Bureau of Gambling Control, within 30 days of placement of this condition.
- 2. Artichoke Joe's must submit a written agreement between Artichoke Joe's and Joseph Sammut, III, that details the services and reimbursement provided, to the Commission and the Bureau of Gambling Control, within 30 days of placement of this condition.
- B. Cordova Restaurant and Casino: Cal-Pac Rancho Cordova, LLC

John Park, Managing Member
Park West Casinos, Inc., Member
John Park, President, Treasurer,
Secretary, Sole Shareholder

Comments Received From:

Mike Vasey, Designated Agent Stacey Luna-Baxter, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and carried in a vote by roll call with Chairman Lopes and Commissioners Conklin and Hammond voting yes, and Commissioner Schuetz voting no, the Commission approved the Renewal State Gambling License Application through October 31, 2016.

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

A. Shawn Blankenship

Comments Received From:

Shawn Blankenship, via telephone

Action:

Upon motion of Chairman Lopes, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Key Employee Application through October 31, 2014 and the Renewal Key Employee application was approved through October 31, 2016 with the condition noted below:

Within 90 days of approval, Mr. Blankenship must provide to the Bureau of Gambling Control proof of payment plans and payments made to satisfy his tax lien and civil judgment claims.

B. Anthony Caldwell

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Key Employee Application through February 28, 2015.

C. Stacy Wall

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Key Employee Application through November 30, 2014.

- 7. <u>Consideration to Withdraw Applications for Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19869):</u>
 - A. Lance Dombroski
 - B. Scott Hayden
 - C. Gerald Nakamura

By Commissioner's concurrence, the following agenda items 7.A. and 7.C. were considered simultaneously:

7.A. Lance Dombroski and 7.C. Gerald Nakamura

Action:

Upon motion of Commissioner Schuetz, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners

Conklin, Hammond and Schuetz voting yes, the Commission approved the request to withdraw the Key Employee License Applications, without prejudice.

7.B. Scott Hayden

Comments Received From:

Jarhett Blonien, Designated Agent

Stacey Luna-Baxter, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Commissioner Schuetz, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission denied the request to withdraw the Key Employee License Application.

8. <u>Application for Consideration of Renewal Portable Personal Key Employee License</u> (Pursuant to Business and Professions Code section 19854; CCR Title 4, section 12351): Scott Hayden

Comments Received From:

Jarhett Blonien, Designated Agent

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission referred the Renewal Portable Personal Key Employee application to an evidentiary hearing and to consolidate this Application with the filed Accusation.

9. Applications for Consideration of Renewal of Third Party Provider of Proposition Services/Gambling Business Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12218.8 and 12238):

A. Certified Players, Inc.: Phillip H. LeBlanc & Patricia A. LeBlanc Revocable

Living Trust, Shareholder

Patricia LeBlanc, President, Secretary, Treasurer,

Trustor, Second Trustee, and Beneficiary

Phillip LeBlanc, Trustor, First Trustee, and Beneficiary Michael LeBlanc, Vice President and Shareholder

Comments Received From:

Patricia LeBlanc, via telephone Michael LeBlanc, via telephone

Action:

Upon motion of Commissioner Hammond, seconded by Chairman Lopes and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Renewal of Third Party Proposition Applications through October 31, 2016.

B. Gaming Fund Group, Inc.

Comments Received From:

Keith Sharp, Counsel for Gaming Fund Group, Inc.
Jade Jaeckle, Designated Agent, Gaming Fund Group, Inc.
David Chau, President of Gaming Fund Group, Inc.
Steve Scheiner, Counsel for TAJA Enterprises
Stacey Luna-Baxter, Assistant Bureau Chief, Bureau of Gambling Control
Yolanda Morrow, DOJA II, Bureau of Gambling Control

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and carried in a vote by roll call with Commissioners Conklin, Hammond and Schuetz voting yes, and Chairman Lopes voting no, the Commission approved the Renewal of Third Party Proposition Services Application through September 30, 2016, with the conditions noted below:

- 1. Gaming Fund Group, Inc. will not provide third-party proposition player services to, or operate as a gambling business at Pocket 3's Gaming, Inc. dba Club Caribe until Pocket 3's Gaming, Inc. has repaid in full all outstanding loans owed to Gaming Fund Group, Inc. and/or Game Source, LLC.
- 2. As required by the Gambling Control Act, Gaming Fund Group, Inc. shall not enter into any funding source or ownership agreements prior to the review and approval of the Commission and Bureau. Should Gaming Fund Group, Inc. enter into any funding source or ownership agreements prior to approval, it will be grounds for immediate revocation of Gaming Fund Group, Inc.'s Third Party Proposition Player Services contract agreements and the Bureau will take the appropriate steps for revocation of Gaming Fund Group, Inc.'s Third-Party Proposition Player Services and Gambling Business licenses.
- 3. Except for payment amount of 1, 3, and 4 of the Final Arbitration award, Gaming Fund Group, Inc. and its owners shall not enter into agreements with TAJA Enterprises. Further, Gaming Fund Group, Inc. shall cease any and all direct or indirect business involvement with TAJA Enterprises without prior approval by the Commission.
- 4. Except for payment amount of 1, 3, and 4 of the Final Arbitration award, Gaming Fund Group, Inc. shall not enter into any type of intellectual property license agreements with any person or entity without the prior approval of the California Gambling Control Commission.

New Condition:

5. <u>Gaming Fund Group, Inc. must submit a written agreement between Gaming Fund Group, Inc. and Game Services, LLC that details the services and reimbursement provided, to the Commission and the Bureau, within 30 days of placement of this condition.</u>

Continue with Existing conditions on Game Source's Endorsement:

- Game Source, LLC shall submit to the Bureau quarterly reports of investor holdings within 30 days of the end of each quarter. The Bureau reserves the right to request documentation regarding any additional investments based on these quarterly reports.
- 2. Tony Pourmohamad shall submit to the Bureau evidence of quarterly payments made to repay the promissory note between himself and Houshang Pourmohamad within 15-days of payment until repayment has been made.
- 3. No Game Source, LLC member shall accept any loans or monetary gifts for the purpose of increasing their investment in Game Source, LLC without prior approval by the Commission.

New Condition:

- 4. <u>Game Source, LLC must submit a written agreement between Game Source, LLC and Redux Lounge that details the loan and repayment to the Commission and the Bureau, within 30 days of placement of this condition.</u>
- 10. <u>Application for Consideration of Renewal Work Permit (Pursuant to Business and Professions Code section 19912; CCR Title 4, section 12104):</u>
 Nineteenth Hole: Curt Mieczkowski

Comments Received From:

John Nejedly, Counsel for Curt Mieczkowski

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission referred the Renewal Work Permit Application to an evidentiary hearing.

11. <u>Application for Consideration 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; CCR, Title 4, sections 12218 and 12233):</u>
Premier Player Providers, Inc.:

Supervisor: Stephen Evans

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Schuetz and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission referred the Conversion Application to an evidentiary hearing.

12. <u>Application for Consideration of Initial Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.5)</u>:

Buena Vista Development Company: Loretta Conroy, Non-Managing Member

Comments Received From:

Ronald Cocquyt, Designated Agent

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Finding of Suitability Application through February 28, 2015.

13. <u>Consideration to Withdraw Application of Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to Business and Professions Code section 19869):</u>

Paltronics, Inc.: Angelo Palmisano, President, Chief Executive Officer,

Director, and Shareholder

Terri Cooper, Chief Financial Officer, Chief Operating

Officer, and Director

Comments Received From:

Anna Jorgensen, via telephone

Action:

Upon motion of Chairman Lopes, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the requests to withdraw **without prejudice.**

- 14. <u>Applications for Consideration of Initial Tribal-State Compact Key Employee Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):</u>
 - A. Augustine Band of Cahuilla Indians Augustine Casino:

Jeffrey Bauer

- B. Habematolel Pomo of Upper Lake Running Creek Casino: Michael Carvl
- C. Soboba Band of Luiseno Indians Soboba Casino: Scott Sirois

By Commissioner's concurrence, the following agenda items 14.A. through 14.C. were considered simultaneously:

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Finding of Suitability Applications through the periods listed in the reports.

D. Sycuan Band of the Kumeyaay Nation – Sycuan Casino and Resort: Tracy Michel

Action:

Upon motion of Commissioner Schuetz, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved the Initial Finding of Suitability Application through August 6, 2015.

15. Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending September 30, 2014 – Quarterly License Revenue Received and Shortfall (Pursuant to Government Code section 12012.75)

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved distribution of funds to the eligible tribes as listed in the Revenue Sharing Trust Fund Report and that the allocations of California Valley Miwok Tribe be withheld pending resolution by the Federal Government of the tribal leadership dispute and Alturas Indian Rancheria be withheld pending additional information from the BIA regarding a potential tribal dispute.

CONSENT CALENDAR ITEMS:

- 16. <u>Application for Consideration of Renewal Portable Personal Key Employee License</u>
 (Pursuant to Business and Professions Code section 19854; CCR Title 4, section 12351):
 David Samaris
- 17. <u>Application for Consideration of Initial Work Permits (Pursuant to Business and Professions Code section 19912; CCR Title 4, section 12104):</u>
 Oasis Card Room: Stephen Collins
- 18. <u>Application for Consideration of Renewal Work Permit (Pursuant to Business and Professions Code section 19912; CCR Title 4, section 12104):</u>

The 101 Casino: Gerard Navarro

- 19. <u>Applications for Consideration of Initial Tribal-State Compact Key Employee Finding of</u> Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):
 - A. Agua Caliente Casino Resort Spa Agua Caliente Band of Cahuilla Indians: Trinidad Gracia
 - B. Black Oak Casino Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria: Ryan Zamzow
 - C. Chukchansi Gold Resort and Casino Picayune Rancheria of Chukchansi Indians: Lao Yang
 - D. Chumash Casino Resort Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:

Bradley Bendixen Kelly Hernandez

E. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:
Eliseo Guerrero Shawna Zimmerman

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

Joel Jensen Sang Kim Mongtuyen Ngo

G. Feather Falls Casino & Lodge - Mooretown Rancheria of Maidu Indians:
Andrea Haggard

H. Graton Resort & Casino - Federated Indians of Graton Rancheria:

Glenn Brewer Rogelio Castillo Fernandez Aftab Chowdhury

Raoul Natividad Diez Kevin Hao Nga Ly

Christopher Mouton Nai Saeyang Tressa Watson

I. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Michael Morgan

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

K. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:

Paul Bardzik Naita Saefong Gregory Simon

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

Daniel Chan

M. San Manuel Indian Bingo and Casino - San Manuel Band of Mission Indians:

Ryan Vandermer Roxanna Villegas

N. Sho-Ka-Wah Casino - Hopland Band of Pomo Indians:

Night Jasmine Boulevard Billy Barbara Mason

O. Spa Resort Casino - Agua Caliente Band of Cahuilla Indians: Kenneth Perrie

P. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation: Gregory Smith

Q. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:

Donald Quist

R. Valley View Casino & Hotel - San Pasqual Band of Diegueno Mission Indians:
Lauri Adams Allen Esparza

S. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:

Thomas Harwood II

20. <u>Applications for Consideration of Renewal Tribal-State Compact Key Employee Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):</u>

A. Agua Caliente Casino Resort Spa - Agua Caliente Band of Cahuilla Indians: Steven Tafoya

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

Roger Ball Mark Dixon Jr. Charles Hickey
Robert Hinrichs Shannon Michelson Adam Sanchez

C. Black Oak Casino - Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria: Terry Mehl

D. Cache Creek Casino Resort - Yocha Dehe Wintun Nation:

Cintya Ambrosy Jimmy An Brian Banducci David Forbes Debbie Nguyen Pha Reach Nancy Singsahanath Evelyn Smith

E. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:

George Carrasco

F. Chukchansi Gold Resort and Casino - Picayune Rancheria of Chukchansi Indians:

Trevor Davies Pang Fang

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

Allen Burrious

H. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:

Arlond Allen

I. Diamond Mountain Casino & Hotel - Susanville Indian Rancheria:

Tammy Gray

J. Elk Valley Casino - Elk Valley Rancheria:

Michael White

K. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:

Carolyn Burke Qi Da Savo Kikanovic

Rupertson Robles Mark Williamson

L. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:
Jesse Burciaga Tety Street

M. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:

Paul Bardzik

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

Roschelle Brown

O. Soboba Casino - Soboba Band of Luiseno Indians:

Jason Cozart

P. Spa Resort Casino - Agua Caliente Band of Cahuilla Indians:

Chimera Davis Myla Higby Cathie Wright

Gene Yang

Q. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:

Doyle Auten Susan Fletcher Patricia Fong

Laurence Stevenson

R. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:

Noelle Tehrani

S. Table Mountain Casino - Table Mountain Rancheria:

Michael Garcia

T. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:

Emelda Collins

U. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:

Devin Jacobs Somegnot Khanthathin Daniel Martz Felipe Masangya Veasna Muth Chou Nadone

Kachreh Nava Sing Ngai

V. Tortoise Rock Casino - Twenty-Nine Palms Band of Mission Indians:

Susan Fletcher

W. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:

Joe Berry III Habib George Robert McCowin

Martha Nguyen Nick Thieng

21. Consideration for Recognition of Eligibility to Conduct Remote Caller Bingo Games (Pursuant to Penal Code section 326.3 and CCR, Title 4, section 12505): Cri-Help, Inc.

Action:

Upon motion of Commissioner Conklin, seconded by Chairman Lopes and unanimously carried in a vote by roll call with Chairman Lopes and Commissioners Conklin, Hammond and Schuetz voting yes, the Commission approved Consent Calendar items 16 through 21.

CLOSED SESSION:

None.

- I. Litigation: (Government Code section 11126(e)):
 - A. Pauma Band of Luiseno Mission Indians v. Gambling Control Commission; and Arnold Schwarzenegger, U.S. Dist Court S. D. California (09 CV01955 LAB AJB)
 - B. San Pasqual Band of Mission Indians v. State of California, et al., Los Angeles County Superior Court (BC431469)
 - C. Bingo Innovations of California, Inc. v. California Gambling Control Commission, Sacramento County Superior Court (34-2012-80001139)
 - D. Yavapai Apache Nation v. lipay Nation of Santa Ysabel, the State of California, and the California Gambling Control Commission, Sacramento County Superior Court (34-2012-001199727)
 - E. Robert Saucier, et al. v. California Gambling Control Commission, Sacramento County Superior Court (34-2013-80001594)
 - F. Stand Up For California, et al. v. State of California, et al., Madera County Superior Court (MCV062850)
 - G. California Valley Miwok Tribe v. The California Gambling Control Commission; Court of Appeal of the State of California, Fourth Appellate District, Division One (D0645271), San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).
 - H. *Picayune Rancheria of Chukchansi Indians v. U.S. Department of the Interior, et al.,* U.S. Dist. Court, San Francisco Division (3:14-cv-04273-EDL)
- II. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
 - A. In the Matter of the Application for Approval of Conversion of Third-Party Provider of Proposition Player Services Player Registration to a License for Rene Vidales. (CGCC Case No. 2013-1121-10C-2)
 - B. In the Matter of the Application for Approval of Initial Tribal-State Compact Key Employee Finding of Suitability for Russell Bunch, (CGCC Case No. 2013-1212-18C)

- C. In the Matter of the Application for Approval of Initial Tribal-State Compact Key Employee Finding of Suitability for Debra Adelle Anderson, (CGCC Case No. 2013-1121-16D-1)
- D. In the Matter of the Application for Approval of Initial Tribal-State Compact Key Employee Finding of Suitability for Edward Wilson Augustine, (CGCC Case No. 2013-1121-D2)

PUBLIC COMMENT:

None.

ADJOURNMENT:

Chairman Lopes adjourned the Commission Meeting at 12:23 p.m.