

California Gambling Control Commission
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**MINUTES OF MAY 8, 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.

3. Approval of Commission Meeting Minutes for:
April 10, 2014

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 minutes for the April 10, 2014 Commission Meeting.

4. Applications for Approval of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876; CCR, Title 4 section 12345):

A. Bankers Casino: Jimenez and Campos, Inc.
Salvador Jimenez, Jr., Chief Executive Officer,
Chief Financial Officer, Shareholder
Hector Campos, Secretary, Shareholder

Comments Received From:

Salvador Jimenez, Jr.
Keith Sharp
Stacey Luna-Baxter, Bureau of Gambling Control

Action:

Commissioner Conklin disclosed that her mother is the branch manager of the Pacific Valley Bank where Bankers Casino banks. 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 state gambling license application through December 31, 2015; removing Conditions 1 through 4 and 6 through 9 and amending Condition 5 noted below. Keith Sharp has agreed to provide the Bureau of Gambling Control property loan documents and any paperwork from the bank that Ms. Campos is not on any loan documents.

Remove 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 15th 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 15th 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.*

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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.*

Amended Existing Condition

Within 90 days after Commission approval, the owner-licensee shall submit reviewed financial statements to the Bureau for each of Messrs. Campos' and Jimenez's other businesses as well as their respective individual tax returns for the years 2011, 2012, and 2013.

B. California Club Casino: Lamar Wilkinson, Sole Proprietor
Elizabeth Wilkinson, Community Property
Interest Holder

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 the renewal state gambling license application through May 31, 2016 and continuing with the existing condition noted below:

Prior to opening for business, Mr. Lamar Wilkinson must submit the following documentation to the Bureau of Gambling Control:

- *Cardroom Supplemental Information for State Gambling License Rev. 4/08 (BGC-APP-015C) reflecting the new address of the gambling establishment.*
- *A copy of the business license issued by the City of San Ramon.*
- *A written approval of the Patron Safety and Security Plan from the San Ramon Chief of Police.*
- *A complete Emergency and Evacuation Plan, including approval from the responsible local authority.*

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C. Napa Valley Casino: BVK Gaming, Inc.
 Von Altizer, President and Chief Financial
 Officer
 Brian Altizer, Secretary

Comments Received From:
Brian Altizer

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 renewal state gambling license application through May 31, 2016 and removing the existing conditions noted below:

Remove the existing conditions:

1. *Mr. Keith Miller shall not perform any duties which directly or indirectly involve the financial or operational aspects of the Napa Valley Casino.*
2. *Beginning July 1, 2012, and every 90 days thereafter, BVK Gaming, Inc. must submit to the California Gambling Control Commission and Bureau of Gambling Control, a written update on the status of the litigation between the City of American Canyon and BVK Gaming, Inc.*

5. Request for Approval to Remove Condition(s) from Temporary State Gambling License (Pursuant to Business and Professions Code section 19824(b)):

Oasis Card Room: Todd Mather, Sole Proprietor

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 to remove condition 10 from the Temporary License as noted below:

1. *Provide proof of escrow within ten (10) days of escrow closing to the Bureau of Gambling Control.*
2. *Within sixty (60) days of approval, provide a copy of the following to the Bureau of Gambling Control:*
Fictitious Name Statement;
Business License; and,
Chart of Accounts.

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3. *The temporary initial license takes effect on the date that the Commission approves the request and expires November 30, 2014. If more time is needed to complete the background process, then the temporary state gambling license can be extended for an appropriate amount of time after consultation with the Bureau.*
4. *Issuance of a temporary license does not obligate the Commission to grant a permanent license. Issuance of a temporary license does not create a vested right in the holder to either extension of the temporary license or to a regular license.*
5. *Issuance of this temporary license does not in any way change the legal requirement that the applicant bears the burden of establishing that he/she is suitable pursuant to Business and Professions (B&P) Code section 19856(a) for a regular license.*
6. *Issuance of this temporary license does not change the license qualification requirements of the Gambling Control Act, including but not limited to B&P Code sections 19856, 19857, 19858, and 19859.*
7. *The applicant has pending applications for regular state gambling licenses. A regular license may or may not be issued, depending upon the results of the complete background investigation and upon the conduct of the applicant and its employees during the term of the temporary license.*
8. *If, during the term of the temporary license, the Executive Director determines that any particular applicant is disqualified for any of the reasons set forth in B&P Code section 19859, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting. The applicant may request an evidentiary hearing either in writing not less than five days prior to the meeting or at the meeting itself.*
9. *If, during the term of the temporary license, the Executive Director determines that any particular applicant may have violated one or more of the conditions under which the temporary license was issued, the Executive Director shall prepare an order to show cause why that applicant's temporary license should not be cancelled, which shall be*

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considered at the first available noticed Commission meeting. The applicant may address the Commission by way of an oral statement at the noticed Commission meeting and/or may submit documents in support of the temporary licensure not less than five days prior to the meeting. Either in writing not less than five days prior to the meeting or at the meeting itself, the applicant may request an evidentiary hearing.

10. *Pursuant to section 19853(a)(2) Mather Brothers Inc. and its officers and shareholders (to include Troy Mather and Thomas Mather, Jr.) are ordered to apply for a gambling license. Pursuant to section 19855 Mather Brothers Inc. and its officers and shareholders shall apply for a gambling license by submitting applications to the Bureau of Gambling Control, within 45 calendar days.*

The following condition to be removed from Todd Mather's temporary State Gambling License:

10. *Pursuant to section 19853(a)(2) Mather Brothers Inc. and its officers and shareholders (to include Troy Mather and Thomas Mather, Jr.) are ordered to apply for a gambling license. Pursuant to section 19855 Mather Brothers Inc. and its officers and shareholders shall apply for a gambling license by submitting applications to the Bureau of Gambling Control, within 45 calendar days.*

By Commissioner's concurrence, the following agenda items 6A and 6B were considered simultaneously:

6. Applications for Approval of Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854; CCR Title 4, section 12350):
A. Jared Horstman
B. Linda Insisienmay

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 initial key employee license applications valid through the periods listed on the reports.

7. Application for Approval of Initial Work Permit (Pursuant to Business and Professions Code section 19912):
Empire Sportsmen's Association: Lippine Nop

Comments Received From:

Elijah Zuniga
Stacey Luna Baxter, Bureau of Gambling Control

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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 referred the Initial Work Permit application to an evidentiary hearing.

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; CCR, Title 4, sections 12218 and 12233):

A. CB Certified Banker, Inc.:

Players: Pepsi Saelee Lany Wong

B. Pacific Gaming Services, LLC:

Player: Kolean Vang

C. PT Gaming, LLC:

Player: Romik Barseghian

By Commissioner's concurrence, the following agenda items 8A and 8C were considered simultaneously.

Action:

Upon motion of Chairman Lopes, 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 conversion applications valid through the periods listed in the reports.

8B. Kolean Vang

Action:

Upon motion of Chairman Lopes, 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 Third Party Conversion application to an evidentiary hearing. Ms. Vang can continue to work with a temporary registration. No new badge will be issued after the temporary license expires.

9. Request for Approval to Withdraw Application to Convert Third Party Proposition Supervisor Registration to a License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12218.5):

Pacific Gaming Services, LLC:

Supervisor: Basim Elias

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 request to withdraw the conversion application, **without prejudice**.

10. Application 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):

Avalon Gaming Inc.: Randy Beard, President, Vice President,
Corporate Secretary, Treasurer, Director, and
Shareholder

Comments Received From:
Randy Beard, via telephone

Action:

Upon motion of Chairman Lopes, 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 renewal Finding of Suitability application for Avalon Gaming, Inc. and its principal, for the licensure period through May 31, 2016.

11. Deliberation and Consideration of All Public Comments, and Final Adoption of Regulations Concerning Remote Caller Bingo – Commission Authorization of Eligible Organizations. (Amend Title 4, California Code of Regulations, Section 12505.)

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 adopted and approved for filing with the Office of Administrative Law (OAL) the regulations previously noticed January 24, 2014, which will create a more efficient process for the review of authorized organization's annual statements of eligibility by requiring the Commission approval only if there is a change in the status of the organization.

Public Comment:

Reverend James Butler

CONSENT CALENDAR ITEMS:

12. Applications for Approval of Renewal Key Employee Portable Personal License (Pursuant to Business and Professions Code sections 19854 and 19876; CCR Title 4, section 12351):

A. Terry Farmer	E. Yu Yu Li
B. Jason Giannini	F. Alfred Perez
C. Thamir Hanna	G. Wil Sako
D. Kevin Janas	

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

A. Oceana Cardroom:	Anthony Burk	
B. The 101 Casino:	Alexander Day	Sherry Duong

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14. Applications for Approval of Renewal Work Permit (Pursuant to Business and Professions Code section 19912):
- A. Club San Rafael: Maryann Poznekoff
 - B. Empire Sportsmen's Association: Mary Abrahamson Tom Diep Justin Haller
Rathkaya Koy Andrea Mangiapane
 - C. Napa Valley Casino: Duyen Ta Yi Yuen Teh
 - D. Poker Flats Casino: Cheng Xiong
 - E. Sundowner Cardroom: Sarnphou Saephan
 - F. The 101 Casino: Anthony Caldwell Duangrudee Pflueger
15. Applications for Approval of Renewal of Third Party Providers of Proposition Player Services/Gambling Business Supervisor/Player Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12218.8 and 12238):
- A. PT Gaming, LLC:
 - Supervisor: David Shindle
 - Players: Zenas Balbuena Ka Ngai Lo Saetern
 - B. Qualified Player Services, LLC:
 - Player: Aby Sivixay
16. 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. Chukchansi Gold Resort and Casino - Picayune Rancheria of Chukchansi Indians:
 - Amanda Bavery Elizabeth Hoffman
 - B. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:
 - Trevor Nott
17. 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. Augustine Casino - Augustine Band of Cahuilla Indians:
 - Jessica Basa Eleida Bolanos Ricardo Castillo
 - Frances Elenes Alejandro Felix Elsa Sandoval
 - B. Barona Resort and Casino - Barona Group of Capitan Grande Band of Mission Indians:
 - Carl Leath II John Robinson
 - C. Bear River Casino Hotel - Bear River Band of the Rohnerville Rancheria:
 - Sarah Edgar
 - D. Black Oak Casino - Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
 - Kelly Bester John Wilson Jr.
 - E. Cache Creek Casino Resort - Yocha Dehe Wintun Nation:
 - Michael Chau
 - F. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:
 - David Keng Teresa Olivo Angelica Rojas-Magallon
 - G. Chicken Ranch Casino - Chicken Ranch Rancheria of Me-Wuk Indians:
 - Cody Ainslie Zachary Goehring

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- H. Chukchansi Gold Resort and Casino - Picayune Rancheria of Chukchansi Indians:
Monique Ayers Jessica Leung
- I. Chumash Casino Resort - Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Lori Broder Ervin Cruz John Vinluan
- J. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:
Thomas Brandon Kristopher Howard
- K. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:
Steven Lowblad
- L. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:
Stanley Santos
- M. Havasu Landing Resort & Casino - Chemehuevi Indian Tribe of the Chemehuevi Reservation:
Richard Anthony
- N. Jackson Rancheria Casino & Hotel - Jackson Rancheria of Me-Wuk Indians:
Aaron Christian Sharon Conner Sheryl Mettler
Lisa Peat David Rivera James Whitmore
Lawrence Yettner Jr.
- O. Mono Wind Casino - Big Sandy Rancheria Band of Western Mono Indians:
Antonio Gomez
- P. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Sarah Adams Sarah Escarrega
- Q. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:
Betty Bailey Eddie Ho Gulfield Jones
Rosemary Mitchell
- R. Pechanga Resort & Casino - Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Maria Christina Cheek Cindy Courtney April Covarrubias
Lovell Lim
- S. Pit River Casino - Pit River Tribe:
Michael Avelar Lamont Maldonado
- T. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:
Ashley Kumle Michael Machen Dennis Owen
- U. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:
Joshua Mitchell Dustin Pacleb-Grundy
- V. Rolling Hills Casino - Paskenta Band of Nomlaki Indians:
Arthur Felix Mary Fox Mary Rosas
- W. Soboba Casino - Soboba Band of Luiseno Indians:
Madelyn Figueroa Jerrod Jones Jill Tucker
- X. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Lam Phan
- Y. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:
John Baines Darrin Bishop Enrique Conchas
Jorge Guerrero Jr. Tammi Hays Roberto Jardiniano

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- | | | |
|--|------------------|-------------------|
| Jennifer Ng | Lela Sandoval | Noelle Tehrani |
| Daniel Tse | | |
| Z. Table Mountain Casino - Table Mountain Rancheria: | | |
| Brian Rankin | Jose Rodriguez | Hector Valladares |
| Tria Vang | Roger Yang | |
| AA. Tachi Palace Hotel and Casino - Santa Rosa Indian Community: | | |
| Noe Noyola | Daniel Vue | |
| BB. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria: | | |
| Bon Kang | Mouang Saefong | Flordeliza Santos |
| Tu-Kenny Tran | Cedric Valdemoro | |
| CC. Twin Pine Casino & Hotel - Middletown Rancheria of Pomo Indians: | | |
| Kyle Taber | | |
| DD. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation: | | |
| Dale Frantz | | |

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 approved Consent Calendar items 12 through 17.

CLOSED SESSION DISCLOSURE:

Prior to holding closed session, Chief Counsel disclosed that Closed Session items I D and II B would be addressed by the Commission in closed session.

CLOSED SESSION: 11:03 AM

- 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. Iipay 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

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District, Division One (D0645271), San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).

- II. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
- A. In the Matter of the Application for Initial Work Permit for Stephen Sottero, (CGCC Case No. 2009-09-09)
 - B. In the Matter of the Application for Initial Key Employee Portable Personal License for Adam Soules, (CGCC Case No. 2010-05-27)
 - C. In the Matter of the Application for Approval of Conversion of Third-Party Provider of Proposition Player Services/Gambling Business Player Registration to License for Meng Chea, (CGCC Case No. 2013-1121-10C-1)

RECONVENE TO OPEN SESSION:11:10 AM

Item I D Yavapai Apache Nation v. Iipay Nation of Santa Ysabel, the State of California, and the California Gambling Control Commission, Sacramento. Chairman Lopes reported that the Commissioners were briefed and updated on this item.

Item II B In the Matter of the Application for Initial Key Employee Portable Personal License for Adam Soules, (CGCC Case No. 2010-05-27). Chairman Lopes reported that a decision was made and that a written decision will be sent out and parties will be notified.

PUBLIC COMMENT:

Commissioner Richard Schuetz

ADJOURNMENT:

Chairman Lopes adjourned the Commission Meeting at 11:11 AM.