

California Gambling Control Commission

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**MINUTES OF JUNE 12, 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:
May 8, 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 May 8, 2014 Commission Meeting.

4. Request for Approval of A) Purchase Agreement and B) Applications for Approval of Initial State Gambling License (Pursuant to Business and Professions Code sections 19824(c), 19851, 19852, and 19904; CCR, Title 4 section 12342):

A. Commerce Casino:	California Commerce Club, Inc. Revocable Living Trust of Richard J. Ibosh and Lucia J. Ibosh (Seller) Joseph Federico (Buyer)
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Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin 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 Purchase Agreement between Richard Ibosh, Lucia Ibosh and Joseph

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Federico for California Commerce Club, Inc. dba Commerce Casino with the conditions noted below:

1. *The Buyer shall provide to the Commission, with a copy to the Bureau, within 15 days after the transfer that the certificate evidencing the stock transferred is legended in accordance with the provisions of Business and Professions Code section 19882, subdivision (c).*
2. *The Buyer shall provide to the Commission, with a copy to the Bureau, within 15 days after the closing that the certificates evidencing the Stock include the following legend:*

THIS CERTIFICATE REPRESENTS SHARES OF STOCK ISSUED BY A CORPORATION THAT HOLDS A GAMBLING LICENSE PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA. THE STOCK MAY NOT BE TRANSFERRED, ASSIGNED, SOLD, PLEDGED, HYPOTHECATED, OR DISPOSED OF WITHOUT THE PRIOR APPROVAL OF THE CALIFORNIA GAMBLING CONTROL COMMISSION OR ITS SUCCESSOR.

3. *The Buyer shall provide to the Commission, with a copy to the Bureau, within 15 days after the closing, written confirmation that he signed, and Commerce accepted, a Shareholders Agreement signature page.*
4. *The Buyer shall provide to the Commission, with a copy to the Bureau, within 15 days after each transfer that the parties made no material changes to the transactions and the transactions were substantially the same as approved by the Commission.*

B. Commerce Casino: California Commerce Club, Inc.
Joseph D. Federico, Shareholder
Eileen A. Federico, Community Property
Interest Holder

Comments Received From:

Aisha Martin-Walton, DOJ III, Bureau of Gambling Control

Action:

Upon motion of Chairman Lopes, seconded by Commissioner Conklin 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 Initial State Gambling License applications for Joseph and Eileen Federico valid through March 31, 2015.

5. Application for Approval of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876; CCR, Title 4 section 12345):
Jalisco Pool Room: Rafael Quiroga, Sole Proprietor

Comments Received From:
Rafael Quiroga, 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 State Gambling License application through June 30, 2016; continuing with the existing conditions noted below:

1. *The licensee may not open or offer controlled games until all required local approvals have been obtained and shall inform the Bureau of Gambling Control upon receipt of such approvals.*
2. *The licensee may not open or offer controlled games until the Bureau of Gambling Control has inspected the cardroom and determined that the cardroom is in compliance with all pertinent regulatory standards.*

By Commissioner's concurrence, the following agenda items 6.A. through 6.C. 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. Melanie Coelho
 - B. Kade Walters
 - C. Pearl Yu

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 License applications valid through the periods listed in the reports.

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

7. Request to Extend Work Permits (Pursuant to Business and Professions Code section 19824 and 19912):
- A. Empire Sportsmen's Association: Uoth Ou
 - B. Lake Bowl Cardroom: Charles Fujii
 - C. Merced Poker Room: Eddie Vargas

D. Napa Valley Casino:

Jasmine Soriano

Comments Received From:

Frances Asuncion, DOJA II, Bureau of Gambling Control

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 a 60-day extension of the Renewal Work Permit License applications through August 31, 2014 to allow the Bureau of Gambling Control additional time to complete their renewal investigation reports.

8. Consideration of Petition to Terminate Proposition Player Contract (Pursuant to Business and Professions Code section 19984 CCR, Title 4, Section 12200.7(f))
 - A. Garden City , Inc. DBA, Casino M8trix and Team View Player Services, LLC
 - B. Hollywood Park Casino Company, Inc., and Team View Player Services, LLC

By Commissioner's concurrence, no action was taken on these items. As such, the items will be continued to the June 26, 2014 agenda as to allow the Commissioner's more time to review the material and consider the items.

By Commissioner's concurrence, the following agenda items 9.A. through 9.B. excluding 9. B. Kevin Hong, were considered simultaneously:

9. 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. Certified Players, Inc.:
Player: Vannak Em
 - B. PT Gaming, LLC:
Players: Santeago Pascual Brown Sarena Creggett William Gallagher
Kevin Hong Jessica Jackson Kevin Saephan

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 conversion applications valid through the periods listed in the reports.

9B. Kevin Hong

Comments Received From:

Kevin Hong, via telephone

Yolanda Morrow, DOJA II, Bureau of Gambling Control

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 conversion application valid through June 30, 2016 with the conditions noted below:

1. *Beginning July 1, 2014 and every 180 days thereafter, Mr. Hong must submit to the Bureau of Gambling Control a written update and proof of payment concerning his three (3) outstanding Failure to Pay and one (1) outstanding Failure to Appear fines.*
2. *Beginning July 1, 2014, and every 180-days thereafter, Mr. Hong shall provide to the Bureau of Gambling Control proof of use of transportation, to and from his employment, other than his driving on a suspended license.*

10. 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):

PT Gaming, LLC:

Supervisor: Sony Kim

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**.

By Commissioner's concurrence, the following agenda items 11.A. and 11.B. were considered simultaneously:

11. Applications 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):

A. VCAT, LLC:

Lloyd Donald Speer II, Chairman of the Board
William Shay, President, Chief Executive Officer and Manager
Kevin McIntosh, Chief Operating Officer, Chief Financial Officer and Manager

B. VSR Industries, Inc.:

Leo Wright, Chairman of the Board, Director, and Shareholder
Charles DeGregorio, President, Chief Executive Officer, Director and Shareholder
Colton Vollmann, Vice President, Secretary, Treasurer, Director and Shareholder

Comments Received From:

Frank Miller, Attorney for VCAT, LLC

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 Renewal Finding of Suitability applications for 11.A. VCAT LLC and its principals, and 11.B. VSR Industries and its principals for the licensure period through June 30, 2016.

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

Harrah's Rincon Casino & Resort - Rincon Band of Luiseno Mission Indians of the Rincon Reservation:

Holly Henke

Comments Received From:

Holly Henke, via telephone

Aisha Martin-Walton, DOJA III, Bureau of Gambling Control

Action:

Upon motion of Commissioner Schuetz, 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 Initial Finding of Suitability application valid through August 14, 2014.

13. Graton Mitigation Fund Final Report for Distribution to County of Sonoma and City of Rohnert Park – Quarter Ending March 31, 2014 (Pursuant to Government Code section 12012.56 & Tribal-State Compact section 4.5.1):

Federated Indians of Graton Rancheria

Comments Received From:

Bryce Atkins, City of Rohnert Park

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 distribution. The distribution is from the Graton Mitigation Fund for Q1 2014 in the amount of \$1,143,465 to the County of Sonoma and \$2,011,000 to the City of Rohnert Park. The Q1 2014 distribution was made **without prejudice** as to the method used to determine future distributions from the Revenue Sharing Trust Fund to the County and City.

This item was also discussed in Closed Session.

14. Consideration of Approval of Distribution from RSTF to the Yavapai Apache Nation Pursuant to Court Order in *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) (Pursuant to Compact Section 4.3.2.1; Government Code section 12012.75)

Commissioner Hammond made a motion then, withdrew her motion. The item was discussed in Closed Session. The decision will also be addressed under the Closed Session item I.D.

Action after Closed Session:

Action:

Upon motion of Commissioner Schuetz, 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 staff's recommendation to approve the distribution from the Revenue Sharing Trust Fund to the Yavapai Apache Nation in the amount of \$550,102.03. This amount represents Revenue Sharing Trust Funds previously allocated to the Iipay Nation of Santa Ysabel, but withheld from distribution and the accumulated interest on the withheld funds.

Public Comment:

Huggy Price, Iipay Nation of Santa Ysabel, via telephone

Removed From Consent Calendar:

By concurrence of the Commissioners, Consent Calendar Item 19.A. Agua Caliente Casino Resort Spa - C.J. Graham and Item 19.F. Chukchansi Gold Resort and Casino - Larry King Jr. were removed from the Consent Calendar and heard in Open Session following item 14.

19. 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:
C.J. Graham

Comments Received From:

C.J. Graham, 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 Finding of Suitability application valid through September 30, 2014.

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

Comments Received From:

Larry King Jr., via telephone
Aisha Martin-Walton, DOJA III, Bureau of Gambling Control

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 Finding of Suitability application valid through April 18, 2015.

CONSENT CALENDAR ITEMS:

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

- | | |
|----------------------|----------------------|
| A. Chad Asay | I. Georgia Raftery |
| B. Glenn Dionne | J. Samantha Sengthit |
| C. Christopher Huang | K. David Seward |
| D. Jonathan Hy | L. Michael Sullivan |
| E. Robert Kleiber | M. Randolph Torres |
| F. Charles Lewis | N. James Vonasek |
| G. Brian McCandless | O. Joe Willson |
| H. Jeff Morena | |

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

- | | | |
|------------------------------------|-----------------------|--------|
| A. Empire Sportsmen's Association: | Merryarna Choeun | |
| B. The 101 Casino: | Ruby Christie Ramirez | Bo Sun |
| C. Towers Casino: | Breann Lientz | |

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

- | | | |
|------------------------|----------------|-----------------|
| A. Club San Rafael: | Thomas Rawlins | |
| B. Napa Valley Casino: | Arnel Dionisio | Milton Talisman |
| C. The 101 Casino: | Chinda Chan | |

18. 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:

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Player: Ka Ngai
B. Qualified Player Services, LLC:
Players: Daniel Deveau Joy Santibouth

19. 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:
C.J. Graham – **Moved to Open Session**
 - B. Augustine Casino - Augustine Band of Cahuilla Indians:
Laurie Paluszczak Philip Fleming
 - C. Barona Resort and Casino - Barona Group of Capitan Grande Band of Mission Indians:
Collin Mills
 - D. Bear River Casino Hotel - Bear River Band of the Rohnerville Rancheria:
Jason DeKeyser Matthew Sagaser
 - E. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:
Michael Carruthers Eugenio Ocegueda Jr.
 - F. Chukchansi Gold Resort and Casino - Picayune Rancheria of Chukchansi Indians:
Julie Gonzalez Larry King Jr. - **Moved to Open Session**
Kevan Kolander Ruben Pineda
 - G. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:
Luis Orozco
 - H. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:
Yu Cha Maria Cordova
 - I. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:
Jonathan Henry
 - J. Graton Resort & Casino - Federated Indians of Graton Rancheria:
Edgar Agapay Jr. Daniel Barkoff Yin Chen
Alex Fincher Randy Lauron Renita Ramos
Ricky Saechao Robin Waters
 - K. Harrah's Rincon Casino & Resort - Rincon Band of Luiseno Mission Indians of the Rincon Reservation:
Norberto Dominix Holly Henke – **Moved to Open Session**
Justin Laughner
 - L. Jackson Rancheria Casino & Hotel - Jackson Rancheria of Me-Wuk Indians:
Ricky Shearer Jr.
 - M. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Xiang Cai John Murphy
 - N. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:
Valerie Hunt
 - O. Pechanga Resort & Casino - Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Justin Fagaly Keishawnda Green Mary Magee
Erica Prado

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P. Quechan Casino Resort/Paradise Casino California - Quechan Tribe of the Fort Yuma Indian Reservation:

Jose Encarnacion Rios Sr.

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

Jessica Orozco Guerrero Stephanie Santiago

R. Running Creek Casino - Habematolel Pomo of Upper Lake:

Bernard Reicks

S. Soboba Casino - Soboba Band of Luiseno Indians:

Will Aufranc

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

Elijio Garcia

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

Ernesto Garcia

V. Table Mountain Casino - Table Mountain Rancheria:

Baxter Black IV Richard Royce

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

Gloria DeLeon

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

Kyle Fisher

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

Arthur Prudhomme

20. 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:

Janette Kelley Justin Newborn Christopher Seiple

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

Daniel Padilla

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

Cora Antofie Lance Brown Zachary Fairhurst
Andrew Guardado

D. Jackson Rancheria Casino & Hotel - Jackson Rancheria of Me-Wuk Indians:

Dion Carney Paula Ditty Paula Jones
Kia Lykins Michael Turngren

E. Konocti Vista Casino - Big Valley Band of Pomo Indians of the Big Valley Rancheria:

Jeffrey Crawford

F. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:

Manuel Canary Jacqueline Esquer

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

Koy Saechao

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

Alan Duong Joe Lui Alan Marrandino
Kristofferson Ruiria Kao Saelee Joseph Saenz
Khae Saetern Chiew Saeteurn Nai Saeteurn

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Philip Sweeney

- I. Win-River Casino - Redding Rancheria:
Christopher DeCamp

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 Consent Calendar items 15 through 20.

CLOSED SESSION DISCLOSURE:

Prior to holding Closed Session, Chief Counsel, Todd Vlaanderen disclosed that Closed Session items I. A., 1.D., II. A., II.B. and III. would be addressed by the Commission in Closed Session.

Chairman Lopes recused himself from items II.A. and II.B. and appointed Commissioner Conklin in charge of the two items.

CLOSED SESSION: 10:58 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 District, Division One (D0645271), San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).
- II. Deliberation on Decisions Pursuant to Government Code Section 11126(c)(3):
 - A. Decision and Order: In the Matter of the Statement of Issues Against Haig Kelegian, Jr., Partner, Ocean's Eleven Casino, (OAH No. 2012040331)
 - B. Decision and Order: In the Matter of the Statement of Issues Against Haig Kelegian, Jr., Shareholder, Crystal Casino & Hotel, (OAH No. 201204332)
 - C. In the Matter of the Application for Renewal of State Gambling License for: La Primavera Pool Hall and Café, Candelario Salas, Sole Proprietor, CGCC Case No. 2009-12-03-02

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- III. Consideration of Confidential Information regarding Graton Mitigation Fund Final Report for Distribution to County of Sonoma and City of Rohnert Park – Quarter Ending March 31, 2014 (Pursuant to Government Code sections 12012.56 & 11126.4 & Tribal-State Compact section 4.5.1 and 8.4):
Federated Indians of Graton Rancheria

RECONVENE TO OPEN SESSION: 11:17 AM

Item I.A. Pauma Band of Luiseno Mission Indians v. Gambling Control Commission; and Arnold Schwarzenegger, U.S. Dist Court S. D. California, Item I. D. Yavapai Apache Nation v. Lipay Nation of Santa Ysabel, the State of California, and the California and Gambling Control Commission, and Sacramento and Item III. Federated Indians of Graton Rancheria.

Chairman Lopes reported that the Commissioners were briefed and updated on these three items.

The Commissioners went back to item 14 (Item I.D.) and approved staff's recommendation.

Item II A. and II.B. A. Decision and Order: In the Matter of the Statement of Issues Against Haig Kelegian Jr., Partner, Ocean's Eleven Casino, (OAH No. 2012040331)
B. Decision and Order: In the Matter of the Statement of Issues Against Haig Kelegian Jr., Shareholder, Crystal Casino & Hotel, (OAH No. 201204332)

Commissioner Conklin reported that a decision was made and that a written decision will be mailed to all parties.

PUBLIC COMMENT:

None.

ADJOURNMENT:

Chairman Lopes adjourned the Commission Meeting at 11:20 AM.