

California Gambling Control Commission
2399 GATEWAY OAKS DRIVE, SUITE 220
SACRAMENTO, CA 95833
(916) 263-0700 FAX (916) 263-0499
www.cgcc.ca.gov

**MINUTES OF MARCH 26, 2015
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:
 - A. February 24, 2015 – GCA Hearing
 - B. February 25, 2015

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 February 24, 2015 GCA Hearing, and the February 25, 2015 Commission Meeting.

4. Application for Consideration of Initial State Gambling License (Pursuant to Business and Professions Code sections 19850 and 19851, CCR, Title 4 section 12342):
Oasis Card Room: Todd Mather, Sole Proprietor

Comments Received From:

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

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 Initial Application was referred to an evidentiary hearing. The hearing will be conducted as a GCA hearing.

Commission Meeting Minutes of March 26, 2015

5. Consideration to Extend Temporary State Gambling License (Pursuant to Business and Professions Code section 19824(f)):

Oasis Card Room:

Todd Mather, Sole Proprietor

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 an extension on the Temporary License through March 31, 2016, continued with the existing conditions and amended condition #3 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.*
3. *The temporary initial license takes effect on the date that the Commission approves the request and expires March 31, 2016. 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*

Commission Meeting Minutes of March 26, 2015

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 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.*

6. Consideration of Temporary State Gambling License (Pursuant to Business and Professions Code section 19824(f)):

The Bicycle Casino:

The Bicycle Casino, L.P.
Pamela Ayres, Limited Partner

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 request for a Temporary License through March 31, 2016, with the conditions noted below:

1. *The temporary initial license takes effect on the date that the Commission approves the request and expires March 31, 2016.*
2. *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.*
3. *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.*
4. *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.*

Commission Meeting Minutes of March 26, 2015

5. *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.*
 6. *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.*
 7. *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 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.*
7. Applications for Consideration of Renewal of State Gambling License (Pursuant to Business and Professions Code sections 19852 and 19876; CCR, Title 4 section 12345):
- A. Commerce Casino: California Commerce Club, Inc.

Comments Received From:

Andrew Schneider, Designated Agent

Stacey Luna-Baxter, Assistant Bureau Chief, 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 Renewal Application through March 31, 2017.

Commission Meeting Minutes of March 26, 2015

B. Diamond Jim's Casino:

Wizard Gaming, Inc.

Comments Received From:

Elijah Zuniga, Designated Agent

Stacey Luna-Baxter, Assistant Bureau Chief, 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 Renewal Application through March 31, 2017 and removed the existing condition noted below:

Removed Condition:

Wizard Gaming, Inc. shall provide the Bureau of Gambling Control with a written report every 120 days regarding its efforts to resolve all outstanding disputes among the licensees and demonstrates demonstrating a plan of action to operate Diamond Jim's in a manner which complies with the Gambling Control Act.

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

A. Scott Ciboch

Comments Received From:

Scott Ciboch

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 the Initial Key Employee License through April 30, 2015, with the condition noted below:

Within 90 days, Mr. Scott Ciboch must provide to the Bureau of Gambling Control proof of a payment plan to satisfy the debt to the Michigan Department of the Treasury, Office of Collections.

B. Sandra Zook

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 Key Employee License through July 31, 2015.

Commission Meeting Minutes of March 26, 2015

9. Application for Consideration of Conversion of Third-Party Provider of Proposition Player Services Player Registration to License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12218):

PT Gaming, LLC:

Player: Jacqueline Benjamin

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 Application through March 31, 2017.

10. Application for Consideration of Renewal of Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.5):

Tony de Leon and Associates, Inc. dba
Playersoft Technologies:

Anthony de Leon, President,
Secretary, Treasurer, Director, and
Sole Shareholder

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 Application through March 31, 2017.

CONSENT CALENDAR ITEMS:

11. Applications for Consideration of Initial Work Permit (Pursuant to Business and Professions Code section 19912; CCR Title 4, section 12104):

A. Empire Sportsmen's Association: Salin Sath
B. Napa Valley Casino: William Forbess II
C. The 101 Casino: Marie Shadrick

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

Jeffrey Harris

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

A. Bear River Casino Hotel - Bear River Band of the Rohnerville Rancheria:
Marcela Sada
B. Blue Lake Casino and Hotel - Blue Lake Rancheria:
Angela Bennett David Hicks

Commission Meeting Minutes of March 26, 2015

- C. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:
Lisa Cartwright Laura Gomez
- D. Chumash Casino Resort - Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Milton Beard II William Peters Jr. Misty Powers
Jesse Quinionez Dominic Sanders
- E. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:
Darrel Harrison
- F. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:
Joshua Sanchez Adan Sanchez Jr.
- G. Konocti Vista Casino - Big Valley Band of Pomo Indians of the Big Valley Rancheria:
Jeremy Pinter
- H. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Christopher Amis Terrance Duarte Romulos Enriquez
Christopher Naud David Ramirez
- I. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:
Tuyet Cao Ryan Slaughter
- J. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:
Scott Bloom Jose Encarnacion Sr.
- K. Soboba Casino - Soboba Band of Luiseno Indians:
Christopher Cadena Frank Cruz Jr. Mindy Gates
- L. Spa Resort Casino - Agua Caliente Band of Cahuilla Indians:
Maria Cobos
- M. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Merritt Hamilton Marco Machuca Albert Martinez
Richard Montigny Rodolfo Rodriguez Gabriel Saenz
Rena Salgado Tom Sedlock Lazarus Smith
Tomas Zavala
- N. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:
Leeandra Dupree Somnang Nauk
- O. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
Jonathan Baetz Edwin Espino Tim Luong
Anthony Pham
- P. Tortoise Rock Casino - Twenty-Nine Palms Band of Mission Indians:
Gordon Howe Charles Whittaker
- Q. Twin Pine Casino & Hotel - Middletown Rancheria of Pomo Indians:
Robin Looper Erik Meyer Gina Sims

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 11 through 13.

PUBLIC COMMENT:

None.

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. *Robert Saucier, et al. v. California Gambling Control Commission*, Sacramento County Superior Court (34-2013-80001594)
 - E. *Stand Up For California, et al. v. State of California, et al.*, Madera County Superior Court (MCV062850)
 - F. *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. 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)

ADJOURNMENT:

Chairman Lopes adjourned the Commission Meeting at 10:48 a.m.