

California Gambling Control Commission
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**MINUTES OF OCTOBER 22, 2015
COMMISSION MEETING**

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Evans 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 Jim Evans and Commissioners Tiffany Conklin, Lauren Hammond, and Trang To present. Commissioner Roger Dunstan was absent from this meeting.

Chairman Evans announced that Stacey Luna Baxter, Assistant Bureau Chief of the Bureau of Gambling Control will be joining the Commission as the new Executive Director on November 2, 2015. Chairman Evans thanked Deputy Director Anna Carr and Chief Counsel Todd Vlaanderen for doing a great job as the Interim Executive Directors.

Chairman Evans then announced that Staff Counsel Paras Modha will be leaving the Commission and going to work for the Indian and Gaming Law Section at the Department of Justice. Chairman Evans went on to say that Mr. Modha will be a great asset to the Department of Justice. On behalf of the Commission, Chairman Evans stated that Mr. Modha's independent thinking and spirit will be missed.

Stacey Luna Baxter provided a statement where she stated that she looks forward to joining the Commission and beginning a new chapter of her career. Effective October 13, 2015, Ms. Luna Baxter recused herself from all Bureau of Gambling Control authority. She stated that she will be working with the Commission's Legal staff to formulate guidelines that will ensure her separation at the Commission on any matters that she was involved in at the Bureau. Ms. Luna Baxter said that it has been a great honor working with the Department of Justice. Ms. Luna Baxter thanked many people from her staff and indicated that she was leaving the meeting in the capable hands of her Senior Managers.

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3. Approval of Commission Meeting Minutes for:
 - A. September 10, 2015
 - B. September 24, 2015
 - C. September 25, 2015 – GCA Hearing

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and carried in a vote by roll call with Chairman Evans and Commissioners Conklin and Hammond voting yes, and Commissioner To abstaining; the Commission approved the minutes for the September 10, 2015, Commission Meeting, the September 24, 2015, Commission Meeting, and the September 25, 2015, GCA Hearing.

By concurrence of the Commissioners, agenda item 6. was considered as first order of business before Item 4. and Item 5.

4. Consideration of Assignment of Partial Interest in a Loan (Pursuant to Business and Professions Code sections 19824 and 19901):
Club One Casino, Inc. dba Club One Casino
 KMGI, Inc. (Assignor)
 Kyle Kirkland (Assignee)
 Dana Messina (Assignee)

Comments Received From:

John Maloney, Attorney
Kyle Kirkland, Owner and Designated Agent
Bill Torngren, Deputy Attorney General, Department of Justice
Frances Asuncion, DOJA II, Bureau of Gambling Control

Commissioner Conklin recused herself from item 4. and left the Hearing Room.

This item was Tabled until the December 10, 2015 Commission Meeting to give the Bureau of Gambling Control time to do an analysis on what the interplay was with the recent filing of Chapter 11 and the Financial Transactions that have already happened. Chairman Evans stated that he would like the Bureau's Compliance Unit to do an analysis as well.

Public Comment:

Jim Betts
Mr. Betts represents Elaine Long, one of the senior debtors of the bankrupt entities for Club One.

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

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Comments Received From:

Vicente Lopez

Frances Asuncion, DOJA II, Bureau of Gambling Control

Action:

Upon motion of Chairman Evans, seconded by Commissioner Conklin and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond, and To voting yes; the Commission referred the matter to a GCA evidentiary hearing.

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

Empire Sportsmen's Association: Leang Kem

Comments Received From:

Elijah Zuniga, Designated Agent, via telephone

Frances Asuncion, DOJA II, Bureau of Gambling Control

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner To and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond, and To voting yes; the Commission approved the Initial Application through July 31, 2016, with the Conditions noted below:

1. *Ms. Leang Kem must be present in person or on the phone when the renewal of her Work Permit is being considered at a regular Commission meeting.*
2. *Ms. Leang Kem must submit to the Bureau of Gambling Control a written testimonial from a previous supervisor in regards to her suitability for licensure.*

7. Application for Consideration of Renewal of Third Party Providers of Proposition Player Services Player Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12218.8):

Pacific Gaming Services, LLC:

Player: Joseph Capps

Action:

Upon motion of Commissioner To, seconded by Chairman Evans and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, and To voting yes; Commissioner Hammond voting no; the Commission approved a 30-day extension through November 30, 2015.

Commissioner Hammond withdrew her no vote and another vote was taken.

Action:

Upon motion of Commissioner To, seconded by Chairman Evans and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond and To voting yes; the Commission approved a 30-day extension through November 30, 2015.

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

S.E.D., Incorporated of South Carolina: Jack Gardner, President, Chief Executive Officer, Chief Financial Officer, Secretary, Director, Sole Shareholder

Comments Received From:

Chris Gardner, Administrator of the Estate of Jack Gardner, via telephone
Lisa Wardall, DOJA II, Bureau of Gambling Control

Action:

Upon motion of Commissioner Conklin, seconded by Chairman Evans and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond and To voting yes; the Commission approved to extend this item through January 31, 2016, and removed the following condition and continued with the existing condition noted below:

Removed the following condition:

Mr. Tom Neuenhaus and Mr. Chris Gardner must submit applications for Findings of Suitability as principals of S.E.D. Incorporated of South Carolina within 30 days of the Commission's approval of the extension of S.E.D. Incorporated of South Carolina's Finding of Suitability.

Continued with the following existing condition:

Beginning July 1, 2015, and every 90 days thereafter, Mr. ~~Jack Gardner~~ Tom Neuenhaus must submit to the Bureau of Gambling Control a written update concerning the status of the appeal of the outstanding Alabama Tax Lien.

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

Graton Resort and Casino – Federated Indians of Graton Rancheria:
Wei Zu

Comments Received From:

Wei Zu, via telephone

Action:

Upon motion of Chairman Evans, seconded by Commissioner Conklin and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond and Commissioner To voting yes; the Commission referred the matter to a GCA evidentiary hearing.

10. Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending September 30, 2015, Quarterly License Revenue Received and Shortfall (Pursuant to Government Code section 12012.75)

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Chief Council Todd Vlaanderen provided an update regarding Alturas Indian Rancheria. The distribution for Alturas has been withheld for the last quarter due to a dispute within the Tribal government. Mr. Vlaanderen stated he received a telephone call from Les Marston, attorney for a faction of Alturas Indian Rancheria. Mr. Marston stated that there has been an appeal and a copy of the appeal would be sent to the Commission. At the time of the meeting, the Commission had not received a copy of the appeal. This matter did not change the recommendation given for the distribution.

Action:

Upon motion of Commissioner Hammond, seconded by Commissioner Conklin and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond and To voting yes; the Commission approved the distribution payments as listed in their reports.

CONSENT CALENDAR ITEMS:

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

Parkwest Casino Sonoma: Brian Lubiszewski

12. Applications for Consideration of Conversion of Third-Party Providers of Proposition Player Services Player Registrations to Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12218):

A. Arise, LLC:

Players: Ma Rochelle Bosi Alex Nazaroff James Tomasetti

B. Gaming Fund Group, LLC:

Player: Tiffany Dinh

C. PT Gaming, LLC:

Players: Erica Gandia Brandon Hicks Danielle Roddy
Yu Yang

13. Consideration to Withdraw Applications to Convert Third Party Proposition Supervisor Registration to a License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12015):

A. Aces High Gaming, LLC:

Supervisor: Caleb Stephenson

B. Global Player Services, Inc.:

Supervisor: Justin Dimalanta

14. Applications for Consideration of Initial Tribal-State Compact Key Employee Finding 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:

Michael Dunn Craig Stodolka

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

Jeffrey Johnston Marie Komorowski Benjamin Steltzer

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- C. Black Oak Casino - Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
Richard Hidalgo Darren Lockwood
- D. Cache Creek Casino Resort - Yocha Dehe Wintun Nation:
Shelley Saetern
- E. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:
Diana Rico
- F. Elk Valley Casino - Elk Valley Rancheria:
Donald Jennings
- G. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:
Wilfredo Legaspi
- H. Graton Resort & Casino - Federated Indians of Graton Rancheria:
Tyler Miramontez John Moxie Ricky Tallariti
Daline Tha John Young-Ahuna
- I. Harrah's Resort Southern California - Rincon Band of Luiseno Mission Indians of the Rincon Reservation:
Wilven Addenbrooke Patrick Brownlow
- J. Jackson Rancheria Casino & Hotel - Jackson Rancheria of Me-Wuk Indians:
Gina Wittmayer
- K. Konocti Vista Casino - Big Valley Band of Pomo Indians of the Big Valley Rancheria:
Jose Barba-Contreras
- L. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Gabrielle Gaydos Alla Shut
- M. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:
Joseph Argerich Jorge Maldonado Charmaine Tadrousse
- N. Pechanga Resort & Casino - Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Tamara Montoya Lenora Morales
- O. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:
Eduardo Quinones
- P. Red Earth Casino - Torres Martinez Desert Cahuilla Indians:
Stephen Elliott
- Q. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:
Eric Johnson Yuddy
- R. San Manuel Indian Bingo and Casino - San Manuel Band of Mission Indians:
William DeSilva
- S. Soboba Casino - Soboba Band of Luiseno Indians:
Reza Shokouhi
- T. Spa Resort Casino - Agua Caliente Band of Cahuilla Indians:
Jeannie Thompson
- U. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:
Marilou Tonnaer
- V. Table Mountain Casino - Table Mountain Rancheria:
Jessica Acevedo Stephanie Botello Bauj Fang

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- Samnang Long Derrick Richards Pa Vang
Bryan Xiong
- W. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
John Comeau George Cvek Jr. Szeyeung Tse
- X. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:
Steven Byrne Monica Logan

15. 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. Augustine Casino - Augustine Band of Cahuilla Indians:
Alex Cano John Derby Jr. Aaron Strickland
Jaime Uribe Jr.
- B. Barona Resort and Casino - Barona Group of Capitan Grande Band of Mission Indians:
Richard Aramburo Zoila Hernandez Salvador Lira
- C. Black Oak Casino - Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
Clint Chapel James Davis Sandra Hornback
- D. Coyote Valley Casino - Coyote Valley Band of Pomo Indians:
Randal Gamble
- E. Graton Resort & Casino - Federated Indians of Graton Rancheria:
Harold Advincula Anna Arnold Heriberto Arreguin Perez
Mary Ann Banayat Purna Baniya Gerald Bloom III
Anh Tuyet Bui Norma Calderon Bruce Chang
Yin Chen Kaung Cho Randall Da Costa
De Dang Kelly Dzip Donna B Egger
Alex Fincher Randall Fink Vincenzo Gabriele
Sergio Garcia Justin Gartner Miguel Gonzalez
Brian Green Reyma Hahn William Hale
Kevin Hao Joseph Hasson Alvin Hoffman
Kevin Iazard Tierra Jauregui Steven Jonas
Biraj Karki Vanda Kingsbury Alex Klado
Kal'el Knightingale Pete Lakamsan Tha Lam
Randy Lauron Xe Lor Jonathan Lu
Thuy Luong Fernando Mariano Jr. Raquel Mariano
Eva McCurry Kirhon McKinley Joshua Mentzer
Kevin Nelson Buoi Nguyen Kord Nichols
Jennifer Ogston Theresa Pereira-Oliver Mary Phoong
Renato Pineda Renita Ramos Brian Rogers
Thomas Romero Jonathon Runyan Nicholas Sable
Ricky Saechao Sherry Saetern Scott Sanchez
Kittisak Sangmanee Jimin Tan Matthew Tedeschi
Dao Vue Robin Waters James Whitson
Lisa Wright-James Soua Xiong Christine Zhou
Wei Zu **REMOVED FROM CONSENT**

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- F. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:
Stephanie Alcorn Kevin Hampton Ronald Jones
Michael Llewellyn Paula Murphy
- G. Pala Casino Spa Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:
Juan Esparza Mark Feldthusen James Gillam Jr.
Gabriel Saballa Jennifer Silva Erich Strafelas
Emerito Tomaneng Dennis Zamora
- H. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:
Sara Neal Stephen Taylor
- I. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:
Norman Bineau Jr.
- J. San Manuel Indian Bingo and Casino - San Manuel Band of Mission Indians:
Christopher Fowler Tara Magee Christy Martin
- K. Soboba Casino - Soboba Band of Luiseno Indians:
Adrian Ramirez
- L. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
Jay Foreman IV David Hemingway Vanessa Hernandez
Ventura Lopez Guillermo Luna Sharon Marshall
Charles Martin Protacio Medina Emanuel Montes
Matthew Singleton
- M. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:
Monte Carson Erik Carter Rodney Lindgren
Alfred Romero Virginia Sanchez Noelle Tehrani
Maria Texler-Hassin
- N. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:
Jorge Aguilar Zenaida Bautista Annette Miller
Jeffrey Underwood
- O. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
Jennifer Black-Shatara Elias Cazares Sean Hegstrom
Hue Le Troy Lerner Guilian Luo
Georgianna Riendeau Michelle Roeber
- P. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:
Richie Wallace James Wild

Action:

Upon motion of Commissioner To seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Hammond, and To voting yes; the Commission approved Consent Calendar items 11 through 15, excluding 15. E., Wei Zu.

PUBLIC COMMENT:

None.

CLOSED SESSION DISCLOSURE:

Prior to holding Closed Session, Chief Counsel Vlaanderen disclosed that the Commissioners would meet in Closed Session on item I.B. No further information was provided.

CLOSED SESSION: 11:25 A.M.

- 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. California Gambling Control Commission et al.*; US District Court, Southern District California (15 CV 0622 AJB JLB)

- II. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
 - A. In the Matter of the Application for Approval of Initial Key Employee Portable Personal License for Steph Staporukul, (CGCC-2014-0626-8E)
 - B. In the Matter of the Application for Renewal of Third Party Proposition Player Services License for Remar Moscardon, (CGCC-2013-0627-9B)
 - C. In the Matter of the Application for Approval of Initial Work Permit for Andre Owens, (CGCC Case No. 2014-1211-13)
 - D. In the Matter of the Application for Approval of Initial Work Permit for Farm Saetern, (CGCC-2013-0516-1)
 - E. In the Matter of the Application for Approval of Conversion of Third-Party Provider of Proposition Player Services Supervisor License for Stephen Evans, (CGCC-2014-1023-11)

- III. Personnel Matters (Government Code section 11126(a)(1): Business and Professions Code section 19816(a))

ADJOURNMENT:

Chairman Evans adjourned the Commission Meeting at 11:25 AM