

California Gambling Control Commission
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**MINUTES OF MAY 26, 2016
COMMISSION MEETING**

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Evans called the meeting to order at 10:20 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, Roger Dunstan, Lauren Hammond, and Trang To present.

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control welcomed newly hired Senior Manager over Tribal Licensing and Intake, Mysty Trejo. Ms. Morrow further stated that Ms. Trejo has been with the Bureau for ten years. Prior to her promotion, Ms. Trejo had been working with the Game Approval Unit.

3. Approval of Commission Meeting Minutes for:
 - A. April 26, 2016 – GCA Hearing
 - B. May 3, 2016 – GCA Hearing

Action:

Upon motion of Commissioner Hammond seconded by Commissioner Dunstan and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved the April 26, 2016 GCA Hearing and the May 3, 2016 GCA Hearing.

4. Applications for Consideration of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code sections 19850, 19852, and 19876; CCR, Title 4, section 12345):

California Club Casino:	Lamar Wilkinson, Sole Proprietor Elizabeth Wilkinson, Financial Interest Holder
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Commissioner Conklin commented that after reviewing the correspondence from the attorney of the City of San Ramon and the gaming ordinance for the cardroom, the cardroom owners need to look at the hours of operation. She further stated that there are a couple of issues in the ordinance that are outdated and off base.

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Commissioner Conklin then identified that California Club Casino is not a new cardroom and after looking over the gaming ordinance she noted it was prior to the Commission and Bureau regulating the cardrooms. Ms. Conklin concluded by reminding the owners that it is an existing cardroom and that the ordinance needs to be looked over so there are not any surprises before opening.

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control stated that the issue has been brought forward and the owners will be working with the city on updating the ordinance prior to opening.

For the record, David Fried, Attorney for California Club Casino, agreed with all comments.

Comments received From:

David Fried, Attorney

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Commissioner Conklin seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved the Renewal Application through May 31, 2018, continuing with the existing conditions listed 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.*

5. Consideration of Request for Extension of Interim State Gambling Licenses (Pursuant to CCR, Title 4, Section 12349):

Marina Club:

The Betty L. Burks Living Trust
Jacquie DePetris, Trustee
Deon Calamia, Beneficiary
Frank Calamia, Beneficiary
Guy A. Calamia, Beneficiary

Comments received From:

Keith Sharp, Designated Agent

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

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Action:

Upon motion of Commissioner Dunstan seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved an extension through February 28, 2017, continuing with the existing modified conditions and adding a condition noted below:

Continuing with the Following Existing Modified Conditions:

1. *Beginning June 1, ~~2013~~ 2016, and every 60 days thereafter, Mr. Frank Calamia must provide to the Bureau of a Gambling Control and to the California Gambling Control Commission a written notification on the status of the Cesar Alfafara/General Motors judgment.*
2. *The interim gambling license takes effect on the date that the Commission approves the request and expires ~~May 31, 2016~~ February 28, 2017.*
3. *Issuance of an interim gambling license does not prejudice or obligate the Commission to grant a regular gambling license. Issuance of a regular gambling license is subject to the results of a complete background investigation by the Bureau, the conduct of the applicant during the term of the interim gambling license, and final approval of the Commission pursuant to Sections 12342 and 12346.*
4. *Issuance of this interim gambling 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.*
5. *Issuance of this interim gambling 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.*
6. *The holder of an interim gambling license shall provide the Bureau with the name of any newly-appointed key employee within 30 days following the appointment of that key employee. Within 30 days of its occurrence, the holder of an interim gambling license shall also provide the Bureau with the name of any person who provides any service or property to the gambling enterprise under any arrangement whereby the person receives payment based on the earnings, profits or receipts of the gambling enterprise.*
7. *The holder of an interim gambling license shall pay all applicable annual fees associated with a regular gambling license.*
8. *The holder of an interim gambling license shall comply with the provisions of the Act, this division and Title 11, Division 3, of the California Code of Regulations.*

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9. *During the term of an interim gambling license, any proceeds derived from the operation of the gambling enterprise that would otherwise be payable to a new owner shall be held in an escrow account and not disbursed until the disposition of ownership interest has been resolved and received Commission approval and all owners of the gambling enterprise have been approved by the Commission for a regular gambling license pursuant to Section 12342. This paragraph shall not prevent the payment of any taxes, operating expenses, preexisting obligations, preexisting dependent support or any other distribution of proceeds that is approved by the Commission.*

10. *If, during the term of the interim gambling license, the Executive Director determines that any particular applicant is disqualified for any of the reasons set forth in B&P Code section 19859, or may have violated one or more of the conditions under which the interim gambling license was issued, the Executive Director shall prepare and serve on the license holder an order to show cause as to why the interim gambling license should not be cancelled. The holder of the interim gambling license shall be given 30 days to respond in writing. After receipt of the license holder's response, or if the license holder fails to respond within the specified time, the matter shall be set for consideration at a noticed Commission meeting. The interim license holder may address the Commission by way of an oral or written statement, or both, at the Commission meeting. If the Commission acts to cancel the interim gambling license, the license holder may request an evidentiary hearing, in writing, either at that meeting or within 10 calendar days following that meeting.*

Adding the Following Condition:

11. *Upon issuance or denial of a regular gambling license, any related interim gambling license shall become invalid.*

6. Applications for Consideration of Initial Portable Personal Key Employee Licenses (Pursuant to Business and Professions Code section 19854; CCR, Title 4, section 12350):
 - A. Kyle Burbank
 - B. Marijana Kovacic
 - C. Agnes Tandoc

By concurrence of the Commissioners, items 6.A. and 6.B. were considered as a group.

Action:

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

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C. Agnes Tandoc

Action:

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

7. 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: Lippine Nop

Comments Received From:

Elijah Zuniga, Designated Agent

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Chairman Evans seconded by Commissioner To and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, and To voting yes, and Commissioner Hammond voting no; the Commission referred the matter to an evidentiary hearing to be conducted as a GCA hearing.

B. Merced Poker Room: Mai Xiong

Action:

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

C. Parkwest Casino Sonoma: Diana Guerrero

Action:

Upon motion of Chairman Evans seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved the Initial Application through February 28, 2018.

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

Viejas Casino and Resort – Viejas Band of Kumeyaay Indians:

Tauba Gonzales

Comments Received From:

Tauba Gonzales, via telephone

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Action:

Upon motion of Commissioner Dunstan seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved the Initial Application through April 30, 2017.

9. Graton Mitigation Fund Final Report for Distribution to County of Sonoma and City of Rohnert Park – Quarter Ending March 31, 2016 (Pursuant to Government Code section 12012.56 & Compact section 4.5.1):
Federated Indians of Graton Rancheria

Action:

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

10. Application for Approval of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876; CCR Title 4 section 12345):
Consideration of Stipulated Settlement; Decision and Order In the Matter of the Accusation Against Palomar Card Club (OAH No. 2015120633, BGC Case No. HQ2015-00005AC)

Comments Received From:

Keith Sharp, Designated Agent
Bill Torngren, Deputy Attorney General, Department of Justice

Item to be heard in Closed Session.

CONSENT CALENDAR ITEMS:

11. Consideration of Additional Permanent Authorized Tables (Pursuant to Business and Professions Code section 19841(p); CCR, Title 4, section 12359):
Marina Club: The Betty L. Burks Living Trust
12. Application for Consideration of Renewal Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, section 12351):
Alfred Perez
13. Applications for Consideration of Initial Work Permit (Pursuant to Business and Professions Code section 19912; CCR, Title 4, section 12104):
- | | | |
|----------------------------|-----------------|--------------------|
| A. Central Coast Casino: | Hannah Kim | Yu Yu Li |
| B. Outlaws Card Parlour: | Daniel McCallie | |
| C. Parkwest Casino Sonoma: | Jordan Kunkel | Christopher Mouton |

14. 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. Gaming Fund Group, Inc.:

Player: Robert Dempsey

B. PT Gaming, LLC:

Players:	Carmelo Chiong	Jason Chon	Alberto Cortez
	Geovannie Jimenez	Fisiipeau Langi	Sarah Leary
	Jonathan Lizarraga	Eyenisha Morgan	Erin Pulley
	John Sangalang	David Santini	Emily Selby
	Christina Tim	Eric Van Gorder	

C. Qualified Player Services, LLC:

Players: Amie Perales Daniel Roque

15. 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):

PT Gaming, LLC:

Supervisors: Ross Campo Elena Cervantes Seth Young

16. Request for Recognition of Eligibility to Conduct Remote Caller Bingo Games (Pursuant to Penal Code section 326.3 and CCR, Title 4, section 12504):

St. Patrick's Catholic School

17. 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:

Sherry Jones Josue Lopez Erika Martinez

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

Ryan Flynn Lizette Gonzalez Andonaegui

C. Bear River Casino Hotel - Bear River Band of the Rohnerville Rancheria:

Matthew Campbell

D. Black Oak Casino - Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:

Scott Puls II

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

Larry Garcia

F. Elk Valley Casino - Elk Valley Rancheria:

Rudy Garcia

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

Franklin Hollis III Jackuline Whitright

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

Rafael Acevedo Clifford Laney II Virgilio Lapena

Christopher Ng Margie Sahawneh Manuel Silva

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

Tanya Phelps

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- J. Sherwood Valley Rancheria Casino - Sherwood Valley Rancheria of Pomo Indians:
Mark Chandler
- K. Spa Resort Casino - Agua Caliente Band of Cahuilla Indians:
Marty Heathershaw Denise Macias
- L. Table Mountain Casino - Table Mountain Rancheria:
Shaheed Khan Isreal Martinez
- M. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:
Kinny Le
- N. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
Mark Maddox Kristel Vesely
- O. Tortoise Rock Casino - Twenty-Nine Palms Band of Mission Indians:
Lorraine Edgmond Karalee Hargrove
- P. Valley View Casino & Hotel - San Pasqual Band of Diegueno Mission Indians:
Michele Fernandez
- Q. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:
Michael Parker Wisam Shamo-G

18. 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. Barona Resort and Casino - Barona Group of Capitan Grande Band of Mission Indians:
Bruce Lowder Faruk Lushi
- B. Blue Lake Casino and Hotel - Blue Lake Rancheria:
Jacob Cox Enell Fromel Loch Geisen
Kristaen Starr
- C. Cache Creek Casino Resort - Yocha Dehe Wintun Nation:
Hyon Barrilleaux George Chadwick Phonsay Houangvilay
Jason Jang Pang Pfeiffer Cheng Saeteurn
- D. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:
William Frakes Jacob Hansen David Keng
- E. Chumash Casino Resort - Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Jeremy Barnett Cynthia Bloxham Desiree Hooper
Johnny Jimenez Sylvia Martini Marcella Ortiz
Roberto Rodriguez
- F. Desert Rose Casino - Alturas Indian Rancheria:
Sandra Hartman
- G. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:
Kao New Vang Isabel Vera
- H. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:
Sela Curry
- I. Lucky 7 Casino - Smith River Rancheria:
Marla Richards
- J. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:

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- Alexes De Asis Jr. Sarah Escarrega
- K. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:
Terry Dyer Kyle Vitale
- L. Running Creek Casino - Habematolel Pomo of Upper Lake:
Clarice Crawford
- M. Soboba Casino - Soboba Band of Luiseno Indians:
Todd Harrington
- N. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:
Paul Chant Jonathan Francis Erika Hoffard
Charmaine Johnson Aarie Ostern Daniel Tse
Danny Wong
- O. Table Mountain Casino - Table Mountain Rancheria:
Richard Acuna Ryan Dunn Banhdith Muangkhousa
Jose Rodriguez
- P. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:
Richard Davis Troy King
- Q. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
Tiara Brown Mae Cooley Donald Davis
Thomas Dean Brian Hughes Kim Maxey
Dan Nguyen Tung Nguyen Kim Saechao
Youngmi Seo
- R. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:
Martha Gawara
- S. Win-River Casino - Redding Rancheria:
Michael Pair

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Hammond and unanimously carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, Hammond, and To voting yes; the Commission approved the Consent Calendar items 11 through 18.

PUBLIC COMMENT:

Commissioner Lauren Hammond stated that she would be happy to work with the Bureau and the Commission on her request that the Bureau create a report; by race, gender and citizenship of those applicants who were referred to evidentiary hearing or denied licensure for the following license types: work permits, key employees or third party.

CLOSED SESSION DISCLOSURE:

Prior to holding Closed Session, Chief Counsel Vlaanderen disclosed that the Commissioners would meet in Closed Session on items II A., E., and J.

CLOSED SESSION: 11:18 AM

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- 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. *Robert Saucier, et al. v. California Gambling Control Commission*, Sacramento County Superior Court (34-2013-80001594)
 - C. *Stand Up For California, et al. v. State of California, et al.*, Madera County Superior Court (MCV062850)
 - D. *California Valley Miwok Tribe v. California Gambling Control Commission et al.*; US District Court, Southern District California (15 CV 0622 AJB JLB)
 - E. *California Valley Miwok Tribe v. California Gambling Control Commission et al.*; San Diego County Superior Court (37-2015-00031738-CU-CO-CTL)

- II. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
 - A. In the Matter of the Accusation Against Garden City Inc., Jeanine Lunardi, Peter Lunardi, III, The Lunardi Family Living Trust, and Eric G. Swallow, (OAH No. 2014060129)
 - B. In the Matter of the Application for Renewal of Key Employee License for Darren Furtado, (CGCC-2013-0523-2)
 - C. In the Matter of the Application for Tribal-State Compact Gaming Resource Supplier Finding of Suitability for Sharp Image Gaming, Inc., (CGCC-2010-02-03)
 - D. In the Matter of the Application for Approval of Tribal-State Compact Key Employee Finding of Suitability for Linh Dao, (CGCC-2015-0528-10B)
 - E. In the Matter of the Application for Approval of Initial State Gambling License for Oasis Card Room, Todd Mather, Sole Proprietor, (CGCC-2015-0326-4)
 - F. In the Matter of the Application for Approval for Approval of Initial Work Permit for William Karr, (GCADS-GEWP-002142)
 - G. In the Matter of the Application for Approval for Approval of Initial Key Employee License for Vincente Lopez, (CGCC-2015-1022-5)
 - H. In the Matter of the Application for Approval of Renewal of Key Employee License for Charles McCormick, Jr., (CGCC-2015-0924-7)
 - I. In the Matter of the Application for Renewal of State Gambling License for Oceana Cardroom, Mark Adam, Sole Proprietor, (CGCC-2015-0730-6E)
 - J. Consideration of Stipulated Settlement; Decision and Order In the Matter of the Accusation Against Palomar Card Club (OAH No. 2015120633, BGC Case No. HQ2015-00005AC)

RECONVENE TO OPEN SESSION: 11:48 AM

Closed session item II. J. Consideration of Stipulated Settlement; Decision and Order In the Matter of the Accusation Against Palomar Card Club (OAH No. 2015120633, BGC Case No. HQ2015-00005AC)

The Commission rejected the settlement because it provides for a stayed denial of the application. Pursuant to existing regulations, there would be no license during the stay period. The Commission would support a revised settlement with the same conditions and granting a license in the settlement. Bill Torngren and Keith Sharp commented that

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they would work with the Chief Counsel to clarify the Commissioner's concerns as they worked toward a revised stipulated settlement.

PUBLIC COMMENT:

Keith Sharp, Designated Agent

Bill Torngren, Deputy Attorney General, Department of Justice

Commissioner Tiffany Conklin recused herself from Closed Session item II.A and the Commissioners and Chief Counsel went back into Closed Session.

BACK TO CLOSED SESSION: 11.51 AM

RECONVENE TO OPEN SESSION: 12:10 PM

The Commission has adopted a Precedential Decision in Closed Session item II.A. In the Matter of the Accusation Against Garden City Inc., Jeanine Lunardi, Peter Lunardi, III, The Lunardi Family Living Trust, and Eric G. Swallow, (OAH No. 2014060129). The precedential decision will be posted on the Commission's website within one week of the Commission meeting.

No further information was given.

ADJOURNMENT:

Chairman Evans adjourned the Commission Meeting at 12:10 PM.