

California Gambling Control Commission
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**MINUTES OF MARCH 1, 2017
COMMISSION HEARING**

OPEN SESSION

1. Call to Order and Pledge of Allegiance.

Chairman Evans called the hearing to order on March 1, 2017, 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 Lauren Hammond, Paula LaBrie and Trang To present.

3. Hearing Pursuant to Business and Professions Code Sections 19870 and 19871 and CCR, Title 4, section 12060:
In the Matter of the Application for Approval of Key Employee License for Phoungune Borihahn, (CGCC-2016-0225-12A)

Presiding Officer: Jason Pope

For Applicant: Jarhett Blonien, Attorney

For Bureau of Gambling Control: Ronald Diedrich, Deputy Attorney General

Witnesses: Phoungune Borihahn
Algin Estagio
Kelly Schwab

The Commission met in open session to hear testimony concerning Phoungune Borihahn's suitability for licensure. Deputy Attorney General Ronald Diedrich offered exhibits 1-10 and Jarhett Blonien offered applicant's exhibit A. Both parties provided opening arguments. Phoungune Borihahn, Algin Estagio, and Kelly Schwab were sworn in and provided testimony. Both sides gave closing arguments. Entered into the record as Commission Exhibit 1 were copies of Phoungune Borihahn's initial application for a tribal key employee finding of suitability dated March 14, 2005, a renewal application received May 10, 2005, and the Bureau of Gambling Control's

background investigation report dated May 13, 2005. The record was closed and the case was submitted for decision.

PUBLIC COMMENT: None

CLOSED SESSION

1. 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)
 - F. *Eric G. Swallow v. California Gambling Control Commission*, Sacramento County Superior Court (34-2016-800002402)
 - G. *Garden City, Inc. v. Eric Swallow*, Sacramento County Superior Court (34-2016-00198132)
 - H. *Darren Furtado v. California Gambling Control Commission*, Sacramento County Superior Court (34-2016-800002425)

2. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
 - A. In the Matter of the Application for Approval of Initial Regular Work Permit for Lippine Nop, (CGCC-2016-0526-7A)
 - B. In the Matter of the Application for Approval of Initial Key Employee License for Mark Pickens, (CGCC-2016-0623-10B)
 - C. In the Matter of the Application for Approval of Tribal Key Employee Finding of Suitability for Greg Docherty, (CGCC-2016-0255-15)
 - D. In the Matter of the Application for Approval of Initial Work Permit for Grant Doiron, (GCADS-GEWP-002276)
 - E. In the Matter of the Application for Approval of Key Employee License for Phoungune Borihahn, (CGCC-2016-0707-8A)

The Commission adjourned to closed session at 12:34 p.m. to deliberate on their decision concerning closed session Items 2.B. and 2.E.

RECONVENE TO OPEN SESSION

The Commission did not reconvene to open session following closed session deliberations.