

**GAMING POLICY ADVISORY COMMITTEE**

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**MINUTES OF JANUARY 30, 2023  
GAMING POLICY ADVISORY COMMITTEE MEETING**

Pursuant to Government Code Section 11133, the meeting was held by tele/videoconference and there was no location open to the public.

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**OPEN SESSION**

1. Welcome and Call to Order

Executive Director Stacey Luna Baxter called the January 30, 2023 meeting of the Gaming Policy Advisory Committee (GPAC) to order at 1:30 p.m.

2. Roll Call of GPAC Members

Roll call of the Committee Members was taken. John Choo, David Fried, Linda Graves, Luis Jaramillo, Anita Johnson, Jieho Lee and Yolanda Morrow were present. Emmanuel Macalino was absent.

3. Review and Approval of October 5, 2022 Meeting Minutes.

John Choo moved to approve the November 29, 2022 meeting minutes. David Fried seconded the motion, which was unanimously approved by a roll call vote of the members present.

4. Vacant GPAC seats: Category D and Category E

A. Recruitment Process Update

Stacey announced the vacancy of Daniela Cicu and Art Van Loon in the category D and E seats, respectively, which are both cardroom representative seats. Stacey indicated that on January 10, 2023 the Commission released a recruitment flyer and sent notice to all website subscribers and posted notice on the Commission's website inviting all eligible and interested individuals to submit an application to the Commission no later than February 17, 2023.

B. Request for Interview Panel Members

Stacey asked for two GPAC members to volunteer to sit on the interview panel to be conducted on either February 24 or 27, 2023. Committee members Anita Johnson and Jieho Lee volunteered to sit on the interview panel. Jieho indicated that he was only available on February 27, 2023.

C. Member Notifications of Intent to Vacate GPAC Seat

Stacey stated that when a member accepts appointment to GPAC the intent is that member will carry out the full term of the appointment, however if a member must vacate their seat please provide notice to Stacey by email at the earliest point possible.

Stacey announced that Yolanda Morrow will also be leaving GPAC. She has recommended Assistant Director Lisa Wardall as her replacement and that recommendation along with the recommendations for category D and E seat replacements will have to go before the Commission for approval, hopefully in early March.

5. Update and Discussion of Current Projects:

A. Update on Key Employee Definition and Supervisory Capacity Project  
(Sub-Committee Members: Yolanda Morrow and Daniela Cicu)

Sub-Committee member Yolanda Morrow indicated that the purpose of this project is to attempt to define supervisory capacity and discretionary decisions as they are listed in the Business and Professions Code. David Fried provided an explanation of additional changes he was suggesting to the proposed language. Yolanda Morrow moved to approve the revised language to be presented to the Commission for regulatory changes. Jieho Lee seconded the motion which was unanimously approved by the members present. A copy of the approved language is included in the minutes at Attachment A. GPAC also decided to not formerly present this to the Commissioners and instead provide it to the Commission to include amongst its regulatory priorities.

B. Update on GPAC Outreach Project (Sub-Committee Member: Emmanuel Macalino)

Sub-Committee member Linda Graves reported that they have been doing some behind the scenes work to include using Zoom meetings for outreach.

C. Cashless and Chipless Gaming Project (Sub-Committee Members: David Fried and Art Van Loon)

Sub-Committee member David Fried stated that there were no updates to report on the project. Yolanda Morrow indicated that Penal Code section 337w limits the use of cashless wagering systems. Stacey mentioned that there would need to be

another component to this through regulation that establishes review by the Bureau for compliance. Stacey indicated that continued research by the sub-committee to bring information to GPAC would be useful. Stacey mentioned that she would be looking to recruit another sub-committee member to replace Art Van Loon, who is no longer a GPAC member, at the next GPAC meeting.

#### D. Invitation to Provide Alternative Annual Fee Calculation Methodology

Stacey indicated that Item D addresses any questions on the invitation to the public to provide alternative annual fee calculation methodologies, which was sent out on December 28, 2022. Stacey mentioned that the invitation and instructions for submitting alternative methodologies is located on the main page of the Commission's website.

#### 6. Discussion of New Agenda Items for Next Meeting

None.

#### 7. Next Meeting

Stacey indicated that she was considering scheduling the next GPAC meeting for March 27 or 28, 2023 and that staff will reach out to the GPAC members to coordinate.

#### 8. Public Comment

None.

### **ADJOURNMENT**

The meeting adjourned at 2:10 p.m.

California Code of Regulations Title 4, Division 18

Chapter 1. General Provisions.

Article 1. Definitions and General Procedures.

§ 12002. General Definitions.

Unless otherwise specified, the definitions in Business and Professions Code section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the Penal Code (commencing with section 330), govern the construction of this division. As used in this division:

**(NEW)** (az) Under section 19805(x) or any successor provision:

(1) "Supervisory capacity" means having the authority to, with regard to the operation of the gambling enterprise, in the interest of an employer, hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline employees, or responsibility to direct them, to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing the exercise of such authority requires the use of independent judgment.

(2) "Discretionary decisions" means a decision requiring the exercise of judgment that regulates the gambling operations regardless if the decision is made under the leadership of another employee. ~~The application of written game rules, policy or procedures by gambling establishment staff does not constitute discretionary decisions.~~

(3) In applying subsections (1) and (2) the determining factor is the employee's job duties rather than the employee's job title.

Chapter 2. Licenses and Work Permits.

Article 1. Definitions and General Provisions.

§ 12102. General Provisions.

**(NEW)** (h) Individuals who work in a supervisory capacity or make discretionary decisions must apply for a license as a key employee, except for persons who are not required to do so under the Act or regulations. Both elements do not need to be present in order for an individual to qualify as a key employee. ~~A natural person who is employed solely to supervise employees whose duties are solely to serve or prepare food or beverages if the supervisor and the employees perform their duties only in areas of the establishment in which gambling is not authorized does not have to apply for a key employee license. The application of written game rules, policy or procedures by gambling establishment staff does not constitute independent judgment or a discretionary decision. (SB 819)~~