

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 7, 2013
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:
February 7, 2013

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 meeting minutes for the February 7, 2013 Commission Meeting.

By concurrence of the Commissioners, Item 10.A., Augustine Band of Cahuilla Mission Indians -Esperanza Gallagher - was removed from the Agenda as she is no longer employed with the Casino. Consent Calendar Item No.16.C., Barona Resort and Casino - John Robinson - was moved to Open Session following Item 10.

4. California Problem Gambling Treatment Services Program, Overview & Update:
Presenters: Terri Sue Canale, Office of Problem Gambling
Jennie Hua, MFT, Treatment Provider

Terri Sue Canale was unable to attend. In place of Ms. Canale, Cindy Maivia spoke about recent accomplishments by the Office of Problem Gambling and Jennie Hua presented information regarding recent developments in the treatment of problem gambling. No action was taken on this item.

Commission Meeting Minutes of March 7, 2013

Public Comment:

Reverend James Butler
Keith Sharp

5. Request for Approval to Increase of Membership Interest (Pursuant to Business and Professions Code sections 19824(c) and 19892):

Casino 580: Casino 580, LLC
John Park, Member

Comments Received From:

Mike Vasey

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 Omnibus Amendment Number Two, in which Casino 580, LLC will issue an additional 5,133,333 of its Class B units to John Park, member.

6. Request for Approval to Transfer Ownership Interest (Pursuant to Business and Professions Code section 19824(c) and 19904):

Napa Valley Casino: BVK Gaming, Inc. (Buyer)
Brian Altizer, President, CFO, Shareholder
Von Altizer, Secretary, Shareholder
Keith Miller, Shareholder (Seller)

Comments Received From:

Keith Sharp
Keith Miller

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 purchase agreements for the sale of shares in BVK, Gaming, Inc. and sale of membership interest of NVC Land, LLC.

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

A. Joseph Beltran

Comments Received From:

Joseph Beltran
James Parker, Bureau of Gambling Control

Commission Meeting Minutes of March 7, 2013

No action was taken by the Commissioners with the understanding that the Bureau of Gambling Control will provide additional information to the Commission with respect to the circumstances associated with the employment history of Mr. Beltran.

B. Anthony Dawkins

Comments Received From:

Anthony Dawkins, via telephone

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 initial key employee application through February 28, 2014.

C. Justin Kracht

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 application through October 31, 2013.

D. Peter Schneider

Comments Received From:

Peter Schneider

Action:

Upon motion of Chairman Lopes, 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 application through October 31, 2013 with the following condition:

Beginning April 1, 2013, and every 90 days thereafter, Mr. Schneider must submit to the Bureau of Gambling Control a written update for the accounts with the Internal Revenue Service and the account in collections regarding Student Loans.

E. Victor Valtierra

Comments Received From:

Victor Valtierra

Commission Meeting Minutes of March 7, 2013

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 application through June 30, 2013.

8. Applications for Approval of Conversion of Third-Party Providers of Proposition Player Services /Gambling Business Supervisor/Player Registrations to Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12218 and 12233):

A. California Gaming Consultants:

Player: Alex Shepherd

B. Certified Players, Inc.:

Player: Luz Neira

C. PT Gaming, LLC:

Players: Soi Hau Leann Michel Ronald Williams

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 conversion applications for items 8.A through 8.C., valid through March 31, 2015.

9. Request for Approval to Withdraw Application to Convert Third Party Proposition Supervisor Registration to a License (Pursuant to Business and Professions Code section 19869 and CCR, Title 4, section 12218.5):

Certified Network M, Inc.:

Supervisor: Sam Wong

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 request to withdraw the conversion application for Sam Wong, **without prejudice**.

10. Applications for Approval of Initial Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

A. Augustine Band of Cahuilla Mission Indians:

Esperanza Gallagher

No action required as she is no longer employed.

Commission Meeting Minutes of March 7, 2013

B. Yocha Dehe Wintun Nation:
David Tran

Comments Received From:

Ray Patterson
Anthony Roberts
Bill Harland
David Tran
James Parker, Bureau of Gambling Control
Stacey Luna Baxter, Bureau of Gambling Control

Failed Motion:

Upon motion of Commissioner Schuetz, seconded by Chairman Lopes and carried in a vote by roll call with Chairman Lopes and Commissioner Schuetz voting yes, Commissioner Conklin not voting and Commissioner Hammond voting no, the motion to approve the initial finding of suitability application for David Tran failed.

Motion:

Upon motion of Chairman Lopes, seconded by Commissioner Schuetz and carried in a vote by roll call with Chairman Lopes and Commissioners Conklin and Schuetz voting yes, and Commissioner Hammond abstaining, the Commission approved the initial finding of suitability application for David Tran through August 1, 2013.

Moved From Consent to Open Session:

16. Applications for Approval of Initial Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

C. Barona Resort and Casino – Barona Band of Mission Indians:
John Robinson

Comments Received From:

John Robinson, via telephone

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 finding of suitability application for John Robinson through February 2, 2014 with the following condition:

Every 180 days, Licensee will provide to the Bureau of Gambling Control the same documentation that is provided to the Barona Gaming Commission as verification that he making payments to fulfill his obligations to the State of California.

11. Disciplinary Matter (Pursuant to Business and Professions Code section 19930; CCR, Title 4, section 12552):
Stipulation, Decision, and Order in the Matter of Accusation Against: Point Walker, Inc., Owner-Licensee of Lucky Derby Casino, and Kermit D. Schayltz, Shareholder (BGC Case No. SA2008-00036 & OAH No. 2011030453; DC No. 2021)

This item was heard in Closed Session.

CONSENT CALENDAR ITEMS:

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

A. Efren Antonio	M. Debora Millan
B. Richard Chaffino	N. David Mosikian
C. Daniela Cicu	O. Steven Romeyn
D. Jesse Contreras	P. Harold Sallee
E. Pattie Filippini	Q. Michael Sana
F. John Griffo	R. Jacob Silva
G. Eric Harris	S. Nenita Taburaza
H. Jeffrey Harris	T. Glenn Tracey
I. Mike Kusano	U. Travis Wakefield
J. Valerie Maldonado	V. Cynthia Winters
K. Charles McCormick	W. Alan Wong
L. Brian McGuire	

13. Applications for Approval of Initial Work Permit (Pursuant to Business and Professions Code section 19912):

A. Central Coast Casino, Grover Beach:	William Crowe
B. Napa Valley Casino:	Milton Talisman
C. The Deuce Lounge and Casino:	John Avedikian
D. The 101 Casino:	Anthony Caldwell Linda Tran
E. Towers Casino:	Michelle White

14. Applications for Approval of Renewal Work Permit (Pursuant to Business and Professions Code section 19912):

A. Empire Sportsmen's Association:	Davy Boon	Tem Mao
	Chanda Men	
B. Napa Valley Casino:	James Craig	Phanvanh Daraseng
	Cuong Hoang	
	Quynh Le	Paworawan Suebdee-Macias
C. The 101 Casino:	Sean Enberg	Tracy Lo Fen Fang Mei
	Monica Nowak	Noel Rafalo
	Aldrich Saplan	Savy Savang Lili Shan

15. Applications for Approval of Renewal of Third Party Providers of Proposition Player Services/Gambling Business Supervisor/Player Licenses (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12218.8 and 12238):

- A. Certified Network M, Inc.:
 - Supervisor: Manuel Moreno
 - Players: Tina Berry Kevin Bune
- B. Chips Gaming Services, Inc.:
 - Players: Makara Huot Menglong Sim
- C. Gaming Fund Group, Inc.:
 - Player: Michael Carr
- D. Pacific Gaming Services, LLC:
 - Supervisor: Thuc Phan
- E. PT Gaming, LLC:
 - Supervisors: Kamal Rahi Noel Salcedo Paul Zamacona
 - Player: Jessica Ng

16. Applications for Approval of Initial Tribal-State Compact Key Employee Findings 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:
 - Curtis Sebastian Patrick Somers
- B. Augustine Casino – Augustine Band of Cahuilla Mission Indians:
 - Joel Arista
- C. Barona Resort and Casino – Barona Band of Mission Indians:
 - Laura Provencio John Robinson - **Open**
- D. Blue Lake Casino and Hotel – Blue Lake Rancheria:
 - Melvin Brown James Nelson
- E. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:
 - Zachary Hayden
- F. Cahuilla Casino – Cahuilla Band of Mission Indians of the Cahuilla Reservation:
 - Heather Barrett
- G. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
 - Michael Aanerud
- H. Coyote Valley Casino – Coyote Valley Reservation:
 - Enrique Muniz
- I. Eagle Mountain Casino – Tule River Indian Tribe of the Tule River Reservation:
 - Jose Cruz Adrian Ramos
- J. Elk Valley Casino – Elk Valley Rancheria:
 - Boris Brown
- K. Gold Country Casino & Hotel – Berry Creek Rancheria of Maidu Indians of California:
 - Brenda Haase
- L. Harrah's Rincon Casino & Resort – Rincon Band of Luiseno Indians:
 - Wai Inmany Kenneth Johnson

Commission Meeting Minutes of March 7, 2013

- M. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:
Kevin Cummings
- N. Pala Casino Spa Resort – Pala Band of Mission Indians:
Lee Underwood
- O. Quechan Casino Resort – Quechan Tribe of the Fort Yuma Indian Reservation:
Scott Cox
- P. Red Hawk Casino – Shingle Springs Band of Miwok Indians:
Eugene Brunner Steven Johnson Denise Moore
Supaporn Pornrattanasoros Gorge Puebla Kao Saefong
- Q. Robinson Rancheria Resort & Casino – Robinson Rancheria Band of Pomo Indians:
Michael Sparrow
- R. Sho-Ka-Wah Casino – Hopland Band of Pomo Indians:
Philip Marsala
- S. Soboba Casino – Soboba Band of Luiseno Indians:
Edgar Magana
- T. Sycuan Casino & Resort – Sycuan Band of the Kumeyaay Nation:
Latoya Brown
- U. Table Mountain Casino – Table Mountain Rancheria:
James Lenz
- V. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:
Daniel Robertson
- W. Valley View Casino & Hotel – San Pasqual Band of Diegueno Mission Indians:
Cynthia Halperin Redentor Herrero Tatianna Kleine
Maylene Lojica Wayne Popeck Charles Smith
Survir Tantod

17. Applications for Approval of Renewal Tribal-State Compact Key Employee Findings 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 Cook Angela Marsteiner Jerry Park, Jr.
Victoria Romero Gilbert Taira-Diaz
- B. Barona Resort and Casino – Barona Band of Mission Indians:
Debra Bravo Delia Camarero Todd Crum
Kevin Dimdiman Manuel Garcia Lowell Halkowitz
Joshua Keyser Marie Madrigal
- C. Bear River Casino – Bear River Band of the Rohnerville Rancheria:
Paul Valles
- D. Black Oak Casino – Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria:
Duane Fillmore Richard Harris Genaro Martinez
Aaron Moss Annamari Rahn Karen Sessions
- E. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:
David Au Bruce Bertzyk Billie Brazil

Commission Meeting Minutes of March 7, 2013

Malaikham Chansombath		Simorn Chao
Khoeuth Khorn	Vinh Lao	Leslie Little
Francine Marsh	Peter Macleod	John McMinn
Chiew Saelee	John Saelee	Mong Saelee
Suzanne Vince		

- F. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:
Angelica Rojas-Magallon Alison Schulte
- G. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:
Dennis Ardenio Jennifer Figueroa Bill Robertson
- H. Coyote Valley Casino – Coyote Valley Reservation:
Peggi Mitchell Mary Clark
- I. Harrah's Rincon Casino & Resort – Rincon Band of Luiseno Indians:
Lisa Arellano Christie DeMarinis Andrew Duquette
- J. Lucky 7 Casino – Smith River Reservation:
Terry Westricic
- K. Mono Wind Casino – Big Sandy Rancheria of Western Mono Indians of California:
Charles Dandy Carolyn Silva
- L. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:
Steven Field Jennifer Goldammer Terry Leaverton
Christopher Naud Stephany Nguyen Roger Ray
- M. Paiute Palace Casino – Bishop Paiute Tribe:
Charles Chinn
- N. Pala Casino Spa Resort – Pala Band of Mission Indians:
Donald Buchholz Tuyet Cao Mario Ferro
Brandon Gaona Stephanie McQuade Joseph Popowich
Laurie Smith
- O. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
Richmon Deas III Leo Flasch Soda Heaps
Richard Jenkins Ceasar Legaspi William Maroney
Michael May Kevin Page
- P. Pit River Casino – Pit River Tribe:
Sheena Hawkins
- Q. Quechan Casino Resort – Quechan Tribe of the Fort Yuma Indian Reservation:
Mary Dugan Scott Johnson Michael McLaughlin
Linda Valenzuela
- R. Red Hawk Casino – Shingle Springs Band of Miwok Indians:
Hugh McKiernan Nai Saelee Jer Thao
Tou Thao
- S. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:
Della Barker Debra Pacheco David Santillan
Susan Smith

Commission Meeting Minutes of March 7, 2013

T. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:

Christopher Brown	Paul Butrakunha	Frank Catalano
William Courtney II	Taunya Dodson	Tanek Escatel
Larry Feild	Erwin Guevarra	Paul Hoffman
Stephanie Johnson	Shirley Knight	Samez Lim
Linda Malone	Shannon McKinley	Paul Muehter
Patricia Ramirez	Scott Robinett	Yong Sun

U. Santa Ysabel Casino – Santa Ysabel Band of Digueno Indians:

Charles Bauman	David Chelette	Shanena Valle
----------------	----------------	---------------

V. Soboba Casino – Soboba Band of Luiseno Indians:

Arnold Alagao	Carole Bennett	Jonine Dunson
Melissa Gates	Oscar Juarez	Maria Valdivia

W. Table Mountain Casino – Table Mountain Rancheria:

Choon Loy Chong	Anthony Hernandez	Outhay Insyarath
Arthur Negrete		

X. Tachi Palace Hotel and Casino – Santa Rosa Indian Community of the Santa Rosa Rancheria:

Demetrius Serna

Y. Thunder Valley Casino Resort – United Auburn Indian Community of the Auburn Rancheria:

Ryan Briw	Amanda Garcia	Huy Nguyen
Irvin Wong		

Z. Twin Pine Casino & Hotel – Middletown Rancheria Band of Pomo Indians:

Seana Boylan	Sherry Duque	Daniel Hamou
Kristen Trejo		

AA. Viejas Casino – Viejas Band of Kumeyaay Indians:

John Cuaresma	Alan Pace	Callaye Padiernos
---------------	-----------	-------------------

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 Consent Calendar items 12 through 17 with the exception of Item 16.C - John Robinson who was removed from Consent and heard in Open Session.

CLOSED SESSION: Convened at 12:50 PM

I. Litigation: (Government Code section 11126(e)):

A. *California Valley Miwok Tribe v. The California Gambling Control Commission*; San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).

B. *John Chiang, California State Controller, and California Gambling Control Commission v. Candace Cates*, Court of Appeal of the State of California, Fourth Appellate District, Division One (D060570)

C. *Pauma Band of Luiseno Mission Indians v. Gambling Control Commission*; and *Arnold Schwarzenegger*, U.S. Dist Court S. D. California (09 CV01955 LAB AJB)

Commission Meeting Minutes of March 7, 2013

- D. *Timothy Eugene Stroud v. California Gambling Control Commission*, Sacramento County Superior Court (34-2010-080000614)
- E. *San Pasqual Band of Mission Indians v. State of California, et al.*, Los Angeles County Superior Court (BC431469)
- F. *Bingo Innovations of California, Inc. v. California Gambling Control Commission*, Sacramento County Superior Court (34-2012-80001139)
- G. *Iipay Nation of Santa Ysabel v. California Gambling Control Commission*, U.S. Dist. Court, S.D. California (12CV1876BENRBB).
- H. *Richard Jonathan Scott v. California Gambling Control Commission*, Sacramento County Superior Court (34-2012-80001292)
- I. *Yavapai Apache Nation v. Iipay Nation of Santa Ysabel, the State of California, and the California Gambling Control Commission*, Sacramento County Superior Court (34-2012-001199727)

Prior to discussion of this item, Chairman Lopes recused himself from deliberations of this matter.

- II. Deliberation on Decision Regarding Disciplinary Matter (Government Code section 11126(c)(3)):
Stipulation, Decision, and Order in the Matter of Accusation against: Point Walker, Inc., Owner-Licensee of Lucky Derby Casino, and Kermit D. Schayltz, Shareholder (BGC Case No. SA2008-00036 & OAH No. 2011030453; DC No. 2021)

RECONVENE TO OPEN SESSION: 1:27 PM

Chief Counsel Dhillon reported that the Commissioners received an update on Closed Session Item I.A. No action was taken.

In addition, he also reported that the Commissioners discussed Closed Session Item II. and approved the Proposed Stipulated Settlement regarding Point Walker, Inc.

PUBLIC COMMENT:

Chairman Lopes recognized Julie Agcaoili, Bureau of Gambling Control as this was her last meeting and publicly thanked her for her tenure with the Bureau.

ADJOURNMENT:

Chairman Lopes adjourned the Commission Meeting at 1:28 PM.