

**California Gambling Control Commission**  
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**MINUTES OF JANUARY 21, 2016  
COMMISSION MEETING**

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**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, Roger Dunstan, Lauren Hammond, and Trang To present.

3. Consideration of A) Transfer of Interest; and, B) Application for Initial State Gambling License (Pursuant to Business and Professions Code section 19892; CCR, Title 4 section 12342):

A. The Bicycle Casino:	The Bicycle Casino, L.P. Katie DeChamplain (Transferor) The Bicycle Casino Trust U/D/T 2007 (Transferee)
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Comments Received From:  
Joy Harn, Designated Agent

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 Transfer of Interest prospectively from the estate of Katie DeChamplain to the Bicycle Casino Trust U/T/D 2007.

B. The Bicycle Casino:	The Bicycle Casino, L.P. The Bicycle Casino U/D/T 2007, Limited Partner Shirley Kunisaki, Trustee
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Action:

Upon motion of Commissioner Hammond, 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 April 30, 2017.

By concurrence of the Commissioners, Items 4.C., 4.E. and 4.F. were considered simultaneously as they are recusal items for Executive Director Stacey Luna Baxter, who left the dais for these items.

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

A. Cameo Club: Lewis & Lewis, Inc.

Comments Received From:

Robert McCaullay, Secretary

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 January 31, 2018, removing a condition, continuing with an existing condition and adding a new condition noted below:

Removing the Following Condition:

- 4. Within sixty (60) days of this approval, Jeri Ross and Robert McCaullay must submit an initial state gambling license application to the Bureau of Gambling Control.*

Continuing with Following Existing Condition:

- 2. 1. No person(s) may receive shares of stock in the Natalie J. Lewis Survivor's Trust until that person(s) has received a state gambling license by the Commission.*

Adding the Following Condition:

- 2. Owners of the Cameo Club must submit to the Bureau of Gambling Control with copies to the Commission, copies of all current stock certificates for the David and Margaret Lewis 1999 Family Trust and the Natalie J. Lewis Survivor's Trust within 30 days of approval.*

B. Casino 99:

Angela Harris, Sole Proprietor

Gary Harris, Community Property Interest Holder

Comments Received From:

Stan Seiff, Designated Agent and General Manager

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Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Commissioner Dunstan, 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 Renewal Application through January 31, 2018, and removed the condition noted below:

Condition to be Removed:

*Within 90 days Casino 99 will provide the Bureau of Gambling Control (Bureau) a written agreement outlining the roles of proposition players to the Bureau's satisfaction.*

The Chairman and Commissioners expressed concerns that Proposition Players (PP) in the cardroom were not “contract employees” and that they signed an agreement that they use their own money to gamble and that they would absorb their wins and losses. They do not play with house money. Commissioner Dunstan opined if it was legal under federal minimum wage laws to have these signed agreements. Stan Seiff, General Manager Casino 99, explained that he had always used agreements for his PP and that many cardrooms use PP. Chairman Evans and Commissioner Dunstan suggested that Mr. Seiff research the labor laws regarding payment of PP in order to avoid any possible violations. Commissioner Conklin suggested that maybe Mr. Seiff discuss this issue with the Cardroom Association since other cardrooms use PP.

Chief Counsel Todd Vlaanderen cited section 2802 of the labor code that requires an employer to reimburse their employees for necessary and reasonable expenses that the employee incurs upon the employer direction of employment.

C. Club Caribe Casino:

Pocket 3's Gaming, Inc.  
Brian Altizer, President, Secretary,  
Treasurer, Director, Shareholder

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 Renewal Application through April 30, 2017, and continuing with conditions 1 and 2 and removing condition 3 noted below:

Continuing Conditions:

1. *Pocket 3's Gaming, Inc. shall not operate Club Caribe until the following:*
  - a) *Proof of a business license has been submitted to the Bureau of Gambling Control*
  - b) *Game Source, LLC and its members submit Applications for State Gambling License to the Bureau of Gambling Control.*

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2. *Within 60 days of beginning operation, Pocket 3's Gaming, Inc. shall provide to the Bureau of Gambling Control the following:*
  - a) *Patron Security and Safety Plan*
  - b) *Emergency Preparedness and Evacuation Plan*
  - c) *Chart of Accounts*
  - d) *Amended Articles of Incorporation filed with the Secretary of State*

Removing Condition:

3. *Brian Altizer shall provide a written update every 30 days to the Bureau of Gambling Control the status of the matter of The People of the State of California vs. Brian Isaac Altizer No. CR168291.*

D. Golden West Casino: Kern County Associates, L.P.

Comments Received From:

Jarhett Blonien, Designated Agent

Action:

Upon motion of Commissioner Conklin, seconded by Commissioner Dunstan and carried in a vote by roll call with Chairman Evans and Commissioners Conklin, Dunstan, and To voting yes, and Commissioner Hammond abstaining; the Commission approved the Renewal Application through January 31, 2018, and continued with the existing modified condition and adding a condition noted below:

Continued Condition:

1. *Barbara Daniels may not receive shares from John B. and Margaret F. Antonino Living Trust of 1981's percentage of interest from JLJ2D, Inc., until she has been licensed by the Commission as a Trustee/Beneficiary.*

Adding Condition:

2. *Within 90 days of the Commission meeting, Kern County Associates must submit to the Bureau of Gambling Control a written version of the agreement with Schmit Consulting/Cheryl Schmit.*

E. Mortimer's Card Room: Mortimer's, Inc.

Comments Received From:

Willis Hanna, Chief Financial Officer, Secretary, Treasurer, Shareholder, via telephone  
Hugo Gerstl, Attorney, via telephone

Action:

Upon motion of Commissioner Hammond, 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 denied the Renewal Application and referred the matter to an Administrative Procedure Act evidentiary hearing and issued an Interim Renewal License through January 31, 2018, continuing with the existing modified condition and removing the condition noted below:

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Continuing with the existing modified Condition:

1. *Beginning ~~August 1, 2015~~ February 1, 2016, and continuing thereafter, the designated agent of Mortimer's Inc. shall provide the Bureau with a written report on the progress of the settlement of the Estate of Edward L. Williamson every ~~60~~ 90 days, and notwithstanding the above, the designated agent shall provide the Bureau, with a copy to the Commission, with a written Notice of all Probate Court actions or orders relating to the estate within 10 days of the receipt of the notice of such action or order.*

Removing the following Condition:

2. *Willis Hanna must submit all requested documentation regarding the transfer of shares in Mortimer's, Inc. from Marylee Sakas to himself to the Bureau of Gambling Control within 30 days of the Commission's approval of the extension of Mortimer's Card Room's State Gambling License.*

F. North Coast Casino: T&T Gaming, LLC  
Estate of Thomas Bruner, Member  
Robert Thomson Jr., Member

Comments Received From:

Anne Nash, Designated Agent, via telephone  
David Rapport, Attorney Representing Blue Lake Rancheria, via telephone  
Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

Action:

Upon motion of Chairman Evans, 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 Renewal Application through May 31, 2017, with the new condition noted below:

New Condition:

T & T Gaming, LLC dba North Coast Casino shall not operate until gaining Commission approval.

G. Palace Poker Casino, LLC: Palace Poker Casino, LLC  
Catherine Aganon, Member  
Pamela Roberts, Member

Comments Received From:

Chris Ray, Designated Agent

Action:

Upon motion of Commissioner Hammond, 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 Renewal Application through January 31, 2018.

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5. Applications for Consideration of Initial Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, section 12350):
  - A. Michael Hong
  - B. Tuan Nguyen
  - C. Lo Saechao
  - D. Michael Singleton

By concurrence of the Commissioners, Items 5.A. through 5.D. were considered simultaneously.

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 Initial Key Employee Licenses through the periods listed in the reports.

- E. Jong Son

Comments Received From:

Jong Son, via telephone

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 Key Employee License through April 30, 2016.

6. Consideration to Withdraw Application for Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19869; Title 4, section 12015):  
Rhea Motley

Comments Received From:

Rhea Motley

Yolanda Morrow, Assistant Bureau Chief, Bureau of Gambling Control

Frances Asuncion, DOJA II, Bureau of Gambling Control

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 denied the Withdrawal Request in order to allow the Bureau to complete its background investigation.

7. Application for Consideration of Conversion of Third-Party Providers of Proposition Player Services Supervisor Registration to License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, section 12218):  
PT Gaming, LLC:

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Supervisor: Juan Hidalgo

Action:

Upon motion of Commissioner Hammond, 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 Conversion Application through January 31, 2018.

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

A. American Gaming and Electronics, Inc.

Action:

Upon motion of Commissioner To, 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 Renewal Application through January 31, 2018.

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

Deputy Director Katherine Ellis advised the Commissioners that the Bureau of Gambling Control had not received the applications pursuant to the last extension request. Therefore, staff recommends the Commissioners allow the Finding of Suitability to expire by operation of law.

No Action was taken by the Commissioners.

9. Hearing Pursuant to Business and Professions Code sections 19870 and 19871 and CCR, Title 4, section 12060:

A. Default Decision and Order In the Matter of the Application for Approval of Third Party Proposition Player Services License for Richard Ponte, (GCADS-TPPL-012552)

Comments Received From:

Jennifer Henderson, Deputy Attorney General, Department of Justice

Jason Pope, Hearing Officer, stated Richard Ponte waived his right to an evidentiary hearing for an Initial Third Party Proposition Player Application. Mr. Ponte did not attend the default hearing, and did not submit any information or evidence in favor of granting his application. Jason Pope further stated that Mr. Ponte had submitted a Notice of Defense requesting a hearing, then sought abandonment which was denied. Mr. Ponte then withdrew his request for a hearing. Jennifer Henderson, who was representing the Department of Justice, provided Mr. Pope with additional documents to submit to the Commission.

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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 Default Decision and a signature page was provided and signed by the Chairman and Commissioners.

Executive Director Stacey Luna Baxter stated for the record that item 9 was a Recusal Item. Further, she stated that there was no discussion with any staff or Commissioners on this item.

10. Revenue Sharing Trust Fund Final Report for Distribution to Eligible Recipient Indian Tribes for Quarter Ending December 31, 2015 - Quarterly License Revenue Received and Shortfall (Pursuant to Government Code section 12012.75)

Comments Received From:

Rachelle Ryan, Associate Management Auditor, California Gambling Control Commission

Action:

Upon motion of Commissioner Hammond, 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 distribution payments as listed in the reports.

**CONSENT CALENDAR ITEMS:**

*(Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be discussed, in which case it will be discussed separately at a later point in the meeting.)*

11. Consideration of Additional Permanent Authorized Tables (Pursuant to Business and Professions Code section 19841(p); CCR, Title 4, section 12359):

Napa Valley Casino: BVK Gaming, Inc.

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

A. Club San Rafael:	Caitlin Douglas	
B. Napa Valley Casino:	Yuehua Huang	Hsin Lee
	Anastasia Qiu	Brittney Speed
	Mai Chor Vue	Maison-Mrell Wong
C. Oceana Cardroom:	Tiana Hall	Jere Ibarra
	Ferdinand Lucas	
	Joseph Morris	Randall Watkins
	Zhen Zhang	
D. Poker Flats Casino:	Sao Her	
E. Towers Casino:	Eric Cannon	Christopher Linger



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

A. Arise, LLC:

Player: Alan Chantharath

B. PT Gaming, LLC:

Supervisor: Maria Razon

Players: Henry Ayala Loren Caballero  
Raymond Roberto Caubang  
Xue Herr Matthew Ramirez Molly Talbot  
Melissa Torres

14. Consideration to Withdraw Application 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:

Supervisor: Philip Deyro

15. 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:

Cecilia Eyer

B. Augustine Casino - Augustine Band of Cahuilla Indians:

Elizabeth Wilberts

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

Cristian Hernandez

D. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:

Italia Diaz Leonilo Udan

E. Eagle Mountain Casino - Tule River Indian Tribe of the Tule River Reservation:

Amanda Guerra Brian Norrod

F. Elk Valley Casino - Elk Valley Rancheria:

Grayson Bivens

G. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:

Monica Hernandez HeeJung Lee

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

Cody Packard-Rokosz

I. Mono Wind Casino - Big Sandy Rancheria Band of Western Mono Indians:

Jose Flores Fedencio Gonzalez Jr.

J. Paiute Palace Casino - Bishop Paiute Tribe:

Pascual Talavera

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

Jamal Shaw

L. Red Earth Casino - Torres Martinez Desert Cahuilla Indians:

Mary Touchton

M. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:

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- Kenneth Averill III                      Antonio Esquivel                      Timothy Yang
- N. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:  
Julie Phillips
- O. Running Creek Casino - Habematolel Pomo of Upper Lake:  
Norma Pena
- P. San Manuel Indian Bingo and Casino - San Manuel Band of Mission Indians:  
Mycelia Castaneda
- Q. Soboba Casino - Soboba Band of Luiseno Indians:  
Ruben De Los Santos
- R. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:  
Rosalia Cepeda                      Engelbert Leano                      Oralia Meza
- S. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:  
Jonathan Papin
- T. Table Mountain Casino - Table Mountain Rancheria:  
Ruby Gomez Madrigal                      Kalaket Her                      La Ree Holt  
Malinda Sea                      Phanat Van                      Jeff Wei  
Robert Yang
- U. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:  
James Alves
- V. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:  
Abraham Chang
- W. Tortoise Rock Casino - Twenty-Nine Palms Band of Mission Indians:  
Rabecca Hill-Barton
- X. Twin Pine Casino & Hotel - Middletown Rancheria of Pomo Indians:  
Emily Gordon                      Alexander Miranda
- Y. Valley View Casino & Hotel - San Pasqual Band of Diegueno Mission Indians:  
Donald Haig Jr.                      Cindy Hua                      James Kesaris  
Shauntay LeFlore
- Z. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:  
Robert Reidy                      Maryanne Scanio
16. 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:  
Winona Creed                      William Edwards Jr.                      Eric Gardiola  
Pearl Mugisha                      David Pearce                      Justin Ta  
Mark Wanser                      Kevin Ward
- B. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:  
Doyle Smotherman Jr.                      Lonnie Webb Jr.
- C. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:  
Shirley Abreu                      Anel Angon                      Soledad Arguilez  
Miguel Beltran                      Alexandria Bridgeford                      Donald Casper  
Myklen Cotton                      Jacqueline Delector                      Jesse Diaz  
Corrina Espinosa                      Joseph Evington                      Hall-La-Rae Gallagher

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Christina Heiny	Eileen Hernandez	Josue Hernandez
Dan Htwe	Heriberto Hurtado	Joel Jensen
Donald Lindsey	Javier Lopez	Maria Malone
Linda Moody Clark	Joel Nevarez	Francisco Olmeda
Alejandro Puga	Lucero Rios	Richard Rogers
Maria Sandoval	Michael Stemmeler	Regina Trujillo
Carlos Valdez	Raul Varela	Christopher Windham
Theresa Winters	Kimber Young	

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

Alma Delgado Gamino	Raoul Natividad Diez	Jason Iadavaia
Chelsea Lawrence	Kenneth Minor Jr.	Ismael Orovio
Todd Patterson	Sarah Phal	Sara Sawyer
Jordan Seager	Ted Tolson II	Kenneth White

E. Harrah's Resort Southern California - Rincon Band of Luiseno Mission Indians of the Rincon Reservation:

Patrick Brownlow	Ryan Cameron	Lisa Dualan
Judy Smith	Harry Welker	

F. Jackson Rancheria Casino & Hotel - Jackson Rancheria of Me-Wuk Indians:

Robert Ashton	Kristen Mendes	William Thornton
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G. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:

Antonio Angulo	Samuel Bonner	David Centman
James Freeman		

H. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:

Visavakone Rasavong

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 16.

**PUBLIC COMMENT:**

None.

**CLOSED SESSION:**

None.

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. *Robert Saucier, et al. v. California Gambling Control Commission*, Sacramento County Superior Court (34-2013-80001594)
- D. *Stand Up For California, et al. v. State of California, et al.*, Madera County Superior Court (MCV062850)

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- E. *California Valley Miwok Tribe v. California Gambling Control Commission et al.*;  
US District Court, Southern District California (15 CV 0622 AJB JLB)
  - F. *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. Default Decision and Order In the Matter of the Application for Approval of Third Party Proposition Player Services License for Richard Ponte, (GCADS-TPPL-012552)
  - B. In the Matter of the Application for Approval of Tribal-State Compact Key Employee Finding of Suitability for Thomas Miller, (CGCC-2013-1212-18D)
  - C. In the Matter of the Application for Renewal of State Gambling License for: La Primavera Pool Hall & Café, Candelario Salas, Sole Proprietor, (CGCC Case No. 2009-12-03-02)
  - D. In the Matter of the Application for Approval of Initial Work Permit for Gerry Yang, (CGCC-2015-0514-9)

**ADJOURNMENT:**

Chairman Evans adjourned the Commission Meeting at 11:45 A.M.