

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA
BEFORE THE NEVADA GAMING CONTROL BOARD

In the Matter of Nonrestricted
Agenda Item
N15-0234

DEWING GAMING MANAGEMENT, LLC, dba
DELTA SALOON
18 S C ST
VIRGINIA CITY, NV 89440

and

DEWING GAMING MANAGEMENT, LLC, dba
BONANZA SALOON
27 N C ST
VIRGINIA CITY NV 89440

BRUCE EDWARD DEWING 100%
(Transferor)
VIRGINIA CITY GAMING, LLC 100%
(Transferee)
Sole Member

VINCENT MICHAEL MALFITANTO
Manager

APPLICATION FOR TRANSFER OF INTEREST

**APPLICATION FOR LICENSURE AS SOLE
MEMBER**

**APPLICATION FOR LICENSURE AS MANAGER
OF DEWING GAMING MANAGEMENT, LLC**

VIRGINIA CITY GAMING, LLC
3950 LONE TREE WAY
ANTIOCH, CA 94509

VINCENT MICHAEL MALFITANO 100%
Member/Manager

**APPLICATION FOR REGISTRATION AS A
HOLDING COMPANY**

**APPLICATION FOR FINDING OF SUITABILITY
AS SOLE MEMBER AND MANAGER**

ORDER

1 **APPLICATION OF PLEDGE EQUITY**
2 **SECURITIES OF DELTA SALOON, INC. TO**
3 **ANGELO PETRINI, IN CONJUNCTION WITH THE**
4 **SECOND DEED OF TRUST DATED**
5 **SEPTEMBER 20, 2014**

6 *Or, in the alternative:*

7 VIRGINIA CITY GAMING, LLC
8 3950 LONE TREE WAY
9 ANTIOCH, CA 94509

10 VINCENT MICHAEL MALFITANO 100%
11 Member/Manager

12 **APPLICATION FOR FINDING OF SUITABILITY**
13 **AS A LANDLORD OF BONANZA SALOON**

14 **APPLICATION FOR FINDING OF SUITABILITY**
15 **AS A SOLE MEMBER AND MANAGER**

16 **APPLICATION FOR FINDING OF SUITABILITY**
17 **AS A LENDER FOR DEWING GAMING**
18 **MANAGEMENT, LLC**

19 **APPLICATION FOR REGISTRATION AS A**
20 **HOLDING COMPANY OF DELTA SALOON, INC.**

21 DELTA SALOON, INC.
22 (Virginia City Gaming, LLC – 100%)
23 18 S C ST
24 VIRGINIA CITY, NV 89440

25 VINCENT MICHAEL MALFITANO
26 President/Secretary/Treasurer/Director

27 **APPLICATION FOR FINDING OF SUITABILITY**
28 **AS A LANDLORD OF DELTA SALOON**

APPLICATION FOR FINDING OF SUITABILITY
AS AN OFFICER AND DIRECTOR

APPLICATION FOR FINDING OF SUITABILITY
AS A LENDER FOR DEWING GAMING
MANAGEMENT, LLC

THIS MATTER having come before the NEVADA GAMING CONTROL BOARD (BOARD) during its hearing on August 5, 2015, in Carson City, Nevada, upon the applications for transfer of interest in DEWING GAMING MANAGEMENT, LLC, dba DELTA SALOON and dba BONANZA SALOON (DEWING) to VIRGINIA CITY GAMING, LLC (VIRGINIA CITY

1 GAMING); the application to license VIRGINIA CITY GAMING as the sole member of
2 DEWING; the application of VINCENT MICHAEL MALFITANO (MALFITANO) for licensure as
3 the manager of DEWING; the application of VIRGINIA CITY GAMING to be registered as a
4 holding company; the application of MALFITANO to be found suitable as the sole member and
5 manager of VIRGINIA CITY GAMING; and the application of VIRGINIA CITY GAMING to
6 pledge the equity securities of DEWING dba DELTA SALOON (collectively "licensing
7 applications"); AND, IN THE ALTERNATIVE, the application of VIRGINIA CITY GAMING to
8 be found suitable as the landlord of DEWING dba BONANZA SALOON; the application of
9 MALFITANO to be found suitable as the sole member and manager of VIRGINIA CITY
10 GAMING, the application of VIRGINIA CITY GAMING to be found suitable as a lender to
11 DEWING; the application of VIRGINIA CITY GAMING to be registered as a holding company
12 of DELTA SALOON, INC. (DELTA); the application of DELTA to be found suitable as the
13 landlord of DEWING dba DELTA SALOON; the application of MALFITANO to be found
14 suitable as an officer and director of DELTA; and the application of DELTA to be found
15 suitable as a lender to DEWING (collectively "landlord applications"); AND

16 WHEREAS THE BOARD, having received and reviewed all information relative thereto;
17 and having determined that VIRGINIA CITY GAMING, MALFITANO, and DELTA failed to
18 satisfy their burden of proving their qualifications to be licensed, registered, and/or found
19 suitable as required by NRS 463.170 and Nevada Gaming Commission Regulation 3.090;
20 AND

21 Specifically, the BOARD having found that VIRGINIA CITY GAMING, MALFITANO,
22 and DELTA failed to meet the requirements of NRS 463.170(3)(a) with regard to the licensing
23 applications by failing to prove themselves to have adequate business probity; Nevada
24 Gaming Commission Regulation 3.090(1)(c) with regard to the licensing applications and the
25 landlord applications by failing to prove themselves to have adequate business competence;
26 and, with regard to the licensing applications and the landlord applications, failing to disclose a
27 significant number of important items to the BOARD. AND SPECIFICALLY HAVING FOUND:

28

1 VIRGINIA CITY GAMING, MALFITANO, and DELTA filed applications with the BOARD
2 and failed to disclose numerous, recent, and financially significant items including, but not
3 limited to lawsuits, foreclosures, business interests, delinquent tax payments, tax liens, and
4 default notices. These are reasonable causes for denial of both the licensing applications and
5 the landlord applications.

6 VIRGINIA CITY GAMING, MALFITANO, and DELTA failed to carry their burdens to
7 demonstrate adequate business probity. This is demonstrated through nondisclosure of
8 business related issues to the BOARD, significant disclosed and nondisclosed litigation,
9 significant employment related issues from MALFITANO's assisted living business and his
10 prior dental practice, significant citations and actions by other regulatory agencies concerning
11 MALFITANO's assisted living business and his prior dental practice, the existence of
12 numerous prior tax liens, and the appearance of significant cash flow problems. These are
13 reasonable causes for denial of the licensing applications.

14 VIRGINIA CITY GAMING, MALFITANO, and DELTA failed to carry their burdens to
15 demonstrate adequate business competence. For the licensing applications, this is
16 demonstrated through nondisclosure of business related issues to the BOARD, significant
17 disclosed and nondisclosed litigation, significant employment related issues from
18 MALFITANO's assisted living business and his prior dental practice, significant citations and
19 actions by other regulatory agencies concerning MALFITANO's assisted living business and
20 his prior dental practice, the existence of numerous prior tax liens, and the appearance of
21 significant cash flow problems. For the landlord applications, this is demonstrated by
22 significant issues concerning foreclosures, delinquent tax payments, tax liens, and default
23 notices concerning the real property of MALFITANO or businesses owned by MALFITANO
24 which indicate MALFITANO is not suitable to be the landlord of a gaming establishment.
25 These are reasonable causes for denial of the licensing applications and the landlord
26 applications.

27 NRS 463.200 requires an applicant to file an application with complete details
28 concerning, at a minimum, his criminal history, antecedents, habits, character, business

1 activities, financial affairs, and business associates. Nevada Gaming Commission Regulation
2 4.040(2) sets out it is grounds for denying an application if an applicant willfully omits any
3 material fact on his application. NRS 463.170(3)(a) requires applicants to demonstrate
4 adequate business probity. Nevada Gaming Commission Regulation 3.090 requires
5 applicants to demonstrate adequate business competence for the role or position for which
6 the application is made. NRS 463.1405(3) sets out that the Board may recommend the denial
7 of any application to the Commission for any cause deemed reasonable by the BOARD.
8 Based on the significant nondisclosures and the failure to demonstrate adequate business
9 probity and/or business competence of VIRGINIA CITY GAMING, MALFITANO, and DELTA;
10 AND

11 Consequently, good cause appearing:

12 IT IS HEREBY ORDERED, upon unanimous vote, that a recommendation of the denial
13 of the licensing applications and the landlord applications of VIRGINIA CITY GAMING,
14 MALFITANO, and DELTA, be and hereby are issued to the Nevada Gaming Commission
15 pursuant to NRS 463.1405(3) and 463.210(3), said recommendations being based upon

16
17
18
19
20
21
22
23
24
25
26
27
28

1 NRS 463.0129, NRS 463.170, NRS 463.200, Nevada Gaming Commission Regulation 4.040,
2 and Nevada Gaming Commission Regulation 3.090.

3 DATED this 26th day of August, 2015.

4 NEVADA GAMING CONTROL BOARD

5
6 
A.G. BURNETT, Chairman

7
8 
SHAWN R. REID, Member

9
10 
TERRY JOHNSON, Member

11
12 Submitted by:

13 ADAM PAUL LAXALT
14 Attorney General

15 By: 

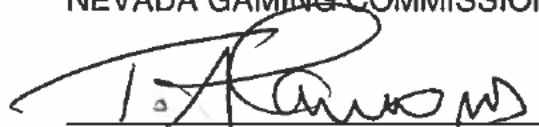
16 JOHN S. MICHELA
17 Senior Deputy Attorney General
18 Gaming Division
19 Attorneys for Nevada Gaming Control Board

20 **ORDER**

21 IT IS SO ORDERED in Agenda Item # N01-08-15, N15-0234.

22 DATED this 17 day of ^{Sept} ~~August~~ 2015.

23 NEVADA GAMING COMMISSION

24 
25 TONY ALAMO, M.D., Chairman
26
27
28