

JAMES E. SHANER, MEMBER



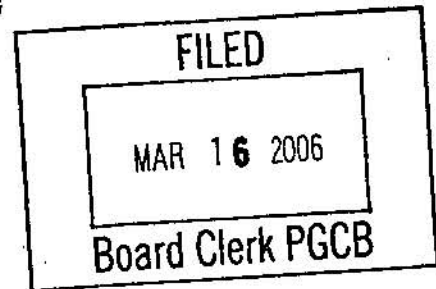
COMMITTEES

EDUCATION
FINANCE
GAME AND FISHERIES
POLICY
TOURISM & RECREATIONAL DEVELOPMENT

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

March 14, 2006

The Honorable Tad Decker, Chairman
Pennsylvania Gaming Control Board
P.O. Box 69060
Harrisburg, PA 17106-9060



Dear Chairman Decker:

I am pleased to convey my enthusiastic support for the Category 3 license application submitted to PGCB by Woodlands Fayette, LLC.

As you may know, Nemaocolin Woodlands Resort and Spa in the Laurel Highlands has a storied past. In the 1700s, George Washington's first command was served in this region of Southwestern Pennsylvania. Today the resort is often described as "a place unlike any other," a development that took root in 1987. That was the year founder and owner, Joseph A. Hardy, III, purchased the property at auction. Nineteen years later, the resort is poised to build on its reputation as one of the world's preeminent destination resorts. The advent of Nemaocolin Woodlands Casino will enable this critical new chapter to begin, and I am proud to lend this worthwhile cause my wholehearted support.

Joe Hardy, a longtime friend and professional acquaintance of mine, is a University of Pittsburgh graduate and the founder of 84 Lumber, which has 450 stores in 38 states and is the largest privately-owned building materials supplier to professional contractors. Mr. Hardy also serves as Vice Chairman of the Board of Commissioners of Fayette County, where he lives and where Nemaocolin Woodlands is located. For the past several years, the resort has played host to the 84 Lumber Classic, a PGA Tour event scheduled every September that raises funds for a variety of children's charities. The inaugural tourney alone raised over \$500,000 for Children's Hospital of Pittsburgh.

In 2004, Mr. Hardy received two Philanthropist of the Year awards. The first award came from the Association of Fundraising Professionals for his outstanding community leadership and monetary contribution, through personal funds, to the restoration of Uniontown, PA. The second award came from the Washington County Community Foundation for his charitable donations, which include: California University of PA, Children's Hospital, The Washington Hospital, the

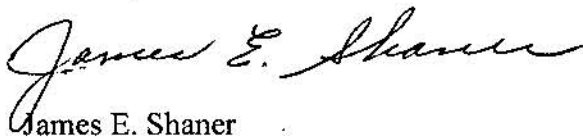
United Ways in Southwestern PA, Washington & Jefferson College, 84 Baseball/Softball, and the Washington County Food Bank.

I have examined the Local Impact Report submitted in conjunction with Nemacolin Woodlands Category 3 license application. Based on the information I reviewed, the advent of such a casino would likely yield many significant and positive consequences for the local economy. Conversely, the venture would pose virtually no logistical problems for the state and local governments and would actually aid certain intersections in terms of safety and traffic flow.

It is with this and much more in mind that I respectfully request the board's favorable consideration when evaluating the Category 3 license application submitted by Woodlands Fayette, LLC. I am confident that with Joe Hardy's superior entrepreneurial leadership, Nemacolin Woodlands Casino will become the benchmark for all such enterprises in the future.

Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "James E. Shaner".

James E. Shaner
State Representative
52nd Legislative District

PENNSYLVANIA GAMING CONTROL BOARD TESTIMONY

Holiday Inn, Uniontown, PA

May 2, 2006

On behalf of

NEMACOLIN WOODLANDS RESORT AND SPA

by

State Rep. Larry Roberts

I'm State Representative Larry Roberts.

I represent the 51st Legislative District which encompasses all of Nemaquin Woodlands.

In addition, I live only about a five iron away from the resort.

Thank you for welcoming me here today to speak to you on behalf of Nemaocolin Woodlands Resort and Spa in Farmington.

The Hardy family has shown their generosity and loyalty to our area time and time again, so it is only fitting that I come here in support of their application for a gaming permit.

As you may know, the Hardy family not only own Nemaocolin Woodlands, they are also owners and operators of 84 Lumber that is well known nationwide. Nemaocolin Woodlands is known worldwide and has built a reputation of being one of our finest resorts.

In addition, Nemaocolin has a rich and vibrant history as one of the Commonwealth's most scenic, prestigious and professional resort facilities.

Set on 2,800 beautiful acres in this southwest region of Pennsylvania, Nemaocolin offers golfing, swimming, hiking, snow boarding and other popular activities. As you can see Nemaocolin offers visitors something for all ages in every season. In addition to the resort's outdoor activities it also boasts the Woodlands Spa, and over 31,000 square feet in banquet and meeting space.

I believe establishing Nemaocolin Woodlands as a gaming venue would only enhance the resort's appeal and attract more out-of-state visitors.

Nemaocolin is already recognized for its professionalism and top-rate amenities, there is no reason to think gaming would not have the same level of exceptional service.

Beyond the obvious benefits for the resort itself, introducing a gaming facility in Fayette County would add to local economies by driving tourism and creating hundreds of seasonal and year-round jobs.

The proposed Casino project includes renovation and expansion of the existing 48,000 square foot Woodlands World structure to develop a 53,200 square foot casino on twenty acres of land in Wharton Township. The project is located on the north side of SR 40, our historic National Pike, at the junction with Smith School Road, approximately one mile east of the main entrance into Nemaocolin Woodlands Resort and Spa on property owned by Nemaocolin. Nemaocolin anticipates weekday daily customers of 650 individuals and weekend daily customers of 1000 individuals. Nemaocolin plans to install 500 slot machines at the proposed Casino site.

Nemaocolin also hopes to hire several hundred new employees. In addition, benefits to local government include: (1) 2 percent of net gaming proceeds would be distributed to Wharton Township subject to

budgetary restrictions and (2) 2 percent to a fund established in the Department of Community and Economic Development to be used exclusively for Grants to the County.

Gaming is the primary revenue-generator for Pennsylvania's property tax reform and is a major component of the plans circulating the in General Assembly at present. By awarding venues like Nemaquin a gaming license, the gaming industry could capitalize from the success of an already popular tourist location.

While I will continue to strive for the elimination of property tax, we cannot overlook or take lightly any reduction in property taxes that will come about through gaming revenue. Too much revenue is being lost to our neighboring states and it is imperative that we take the steps necessary to keep that revenue at home.

Most importantly, Nemaquin's owners and management are committed to maintaining a world class resort and providing an inviting atmosphere; gaming would be just one more amenity at this renowned resort facility. By getting a gaming venue up and running in an established and award winning location, the Commonwealth could begin to reap the rewards of its investment promptly.

Pennsylvania is relying heavily on gaming profits to fund substantial property tax relief, and I feel the southwest region would gain twice as much by being home to a gaming venue.

Nemacolin has undergone extensive renovations and construction in the past, and is always up to improve the facility to better serve their guests. I am excited about the prospect of the further development that housing a gaming site would promote.

I think Nemacolin Woodlands would be an excellent facility to establish a gaming venue. I think if the state is serious about using gaming revenue as a foundation of property tax reform than it is in homeowners' best interest to place gaming at facilities that have already proven their success. I think it is vital to get the ball rolling on this project at Nemacolin Woodlands as soon as possible.

**I ASK THAT YOU APPROVE NEMACOLIN WOODLANDS
APPLICATION AS SOON AS POSSIBLE AND WITHOUT DELAY.**

Thanks again for giving me the opportunity to testify.



Pennsylvania Gaming Control Board



WRITTEN COMMENT TO BE INCLUDED IN THE EVIDENTIARY RECORD OF THE PUBLIC INPUT HEARINGS.

I request that the following comments be made part of the public input hearing record and considered by the Pennsylvania Gaming Control Board prior to awarding licenses for slots operators:

Name: PATRICK A. WICK

Address

Telepho

Organization, if any

Employer: WICKTEK INC.

COMMENTS: (Please use reverse side if more space is required)

PLEASE SEE OTHER SIDE

Comments: Page 2 (continued)

First I would like to thank the Board for this opportunity to set forth my views about the Woodlands Fayette gaming proposal.

I am a resident of Farmington, Pennsylvania and my property is adjacent to Nemaocolin Woodlands.

I am in favor of a gaming license being granted to Woodlands Fayette because it will promote economic development in Fayette County. It will do this in two ways: First, Woodlands Fayette will need to hire additional employees to service the gaming operation and those employees will buy goods and services in the local area. In addition, those employees will contribute to the tax base of Fayette County. Second, the customers of the newly created gaming operation will also stimulate economic growth through their purchases of goods and services while they are staying in this area.

While I am in favor of granting the gaming license, I also recognize that there is a major problem with it being located in Farmington. That problem is the lack of infrastructure to support the gaming operation without disruption to neighbors. Specifically, those inadequate infrastructure items are: proper roads and lack of a major public water supply.

Let's face it, with the exception of a few miles of 3 or 4 lane sections, Route 40 is still a two lane road, essentially no bigger than it was when it came through the area in 1818. If we are to promote economic development along Route 40, we need a 4 lane limited access highway parallel to Route 40 to avoid massive traffic jams. We should all urge the state of Pennsylvania to immediately embark on such a road building program which would link Route 119 South in Uniontown with Interstate 68 just past Markleysburg.

Second, we need a reliable public water source to provide not only the gaming operations with water but also the two golf courses and other activities that occur at Nemaocolin Woodlands. Thanks to the efforts of Dick Dennis, a resident of Markleysburg, there is a small water authority in the mountain area; but it is not capable of handling the water needs of Nemaocolin Woodlands or those needs of the residents of the greater mountain area. Nemaocolin's continuous search for water has been a contentious issue for the past decade. Sometimes in their efforts to seek out water, Nemaocolin has dried up adjacent water bearing zones thus leaving their neighbors with little or no water. We need a public water supply now so that the newly created gaming operation does not further restrict local water availability.

I, PATRICK A. WICK verify that the information contained in this written comment is true and correct to the best of my knowledge and belief.

Patrick A. Wick 5/2/06

FILED

MAY 31 2006



**Pennsylvania
Gaming Control Board**



Board Clerk PGCB

**WRITTEN COMMENT TO BE INCLUDED IN THE
EVIDENTIARY RECORD OF THE PUBLIC INPUT HEARINGS**

I request that the following comments be made part of the public input hearing record and considered by the Pennsylvania Gaming Control Board prior to awarding licenses for slot operators:

Name: State Senator Richard A. Kasunic

Address: _____

Telephone: _____

Organization, if any: _____

Employer: _____

COMMENTS: (Please use second page if more space is required)

Chairman Decker and distinguished Gaming Board members, I want to take this opportunity to express my support of Woodlands Fayette application for licensure as a Category 3 slot machine operator. Woodlands Fayette, through Nemaquin Woodlands resort, has proven to be an integral part of the Fayette County economy. The resort caters to over 300,000 guests annually and is one of the larger employers in the county. The approval of a Category 3 license for Woodlands Fayette will only serve to further advance the economy of Fayette County.

It is anticipated that the approval of a Category 3 license for Woodlands Fayette would provide over 340 new jobs at the Nemaquin Resort. Additionally, renovation and construction of the existing facility will generate 190 new construction jobs. These additional jobs would help tremendously in this county, where in March of 2006 the unemployment rate was 7.6% that is 3% greater than the statewide unemployment rate.

Furthermore, it is estimated that a Category 3 license would result in a spin-off of over \$8 million for goods and services, which will be spread throughout the region. Wharton Township would receive approximately \$500,000 annually. Woodlands Fayette will also pay approximately \$500,000 annually to the Department of Community and Economic Development to be used exclusively for grants to Fayette County. This will help spread the economic benefit of the Category 3 license throughout the county, and hopefully spur other development.

Comments: Page 2 (continued)

Finally, the local impact report concluded that Nemacolin Woodlands resort is essentially self-sufficient and relies very little on the local community for utilities and services. Thus, local residents will experience little or no impact from a Category 3 license being awarded to Woodlands Fayette.

I appreciate the work of the Chairman and the Board in moving the licensing process forward and again reiterate my wholehearted support of Woodlands Fayette application for licensure as a Category 3 slot machine operator.

I, Richard A. Kasunic verify that the information contained in this written comment is true and correct to the best of my knowledge and belief.

Richard A. Kasunic

Office of the Clerk
Pennsylvania Gaming Control Board
PO Box 69060
Harrisburg, PA 17106

June 1, 2006

**Re: Comments Concerning Slots License Application by Woodlands
Fayette, LLC**

I live in Farmington, Pennsylvania, where my family has owned property for more than 50 years. I am opposed to the granting of this license, for the following reasons:

(1) Traffic congestion

Route 40 is a two-lane road designated as a Historic Byway. It passes within a hundred yards of Fort Necessity National Battlefield. This road became quite congested during earlier 84 Lumber Classic golf tournaments, before satellite parking was implemented. I can only imagine what it will be like with 980,000 additional visitors annually, as predicted by the Applicant for the casino's third year of operation. Such a volume of traffic will unalterably affect the rural character of this historic area. It is already difficult to safely enter Route 40 from Route 381 S or Route 381 N. Common sense dictates that with the increased traffic volume from a casino, signal lights will need to be installed at this disjointed intersection.

(2) Noise

As far as I can tell, the McMillen Engineering reports do not address the issue of noise pollution, and yet this is an important issue to local residents. Nemaocolin Woodlands already generates noise from the aircraft landing strip, sewage treatment plant, electronic Westminster chimes (and bi-hourly songs) every 15 minutes that are audible miles away; Hummer vehicles, construction, snow making, Shooting Academy, fireworks, concerts, and public address systems during golf tournaments and special events. The noise from cars and buses carrying 980,000 more visitors to the area along Route 40 will just add to the din.

(3) Water

What happens if National Pike Water Authority is unable to supply the increased water demands of the casino?

(4) Sections 1512 and 1513

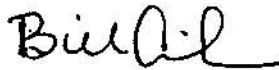
I don't know who officially owns Nemaocolin Woodlands or Woodlands Fayette, LLC, but it seems to me there are issues with Joe Hardy holding office as Fayette County Commissioner, and Section 1512 of the enabling statute that prohibits any public official from having any direct or indirect financial interest in any licensed facility.

(5) Qualify of life

I fear a casino will destroy what is left of the rural quality of life in Farmington, due to increased traffic and noise.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bill Aiken".

Bill Aiken

May 25, 2006

Michael P. Edmiston, Esq.
Director of Hearings and Appeals
Pennsylvania Gaming Control Board
PO Box 69060
Harrisburg, PA 17106

VIA REGISTERED MAIL

**Re: Written Comments Concerning Slots License Application by
Woodlands Fayette, LLC.**

Dear Mr. Edmiston,

I had signed-up to speak at the Hearing in Uniontown on May 2, 2006 but by the time I arrived at the designated site of the Hearing, it had already been adjourned.

This letter and attachments now follow, and are timely filed.

I am opposed to the granting of this license, for reasons cited in the attached documents, including adverse environmental impacts, and because the Application does not square with various aspects of the Enabling Legislation, House Bill 2230, as amended and adopted, especially Section(s) 1512, prohibiting "public official financial interest," and 1513 regarding "political influence."

I hope you and the members of the GCB will carefully consider my input. Thank you for your courtesy and consideration.

Yours truly,


Paul R. Wick

attachments:



Pennsylvania Gaming Control Board



WRITTEN COMMENT TO BE INCLUDED IN THE EVIDENTIARY RECORD OF THE PUBLIC INPUT HEARINGS

I request that the following comments be made part of the public input hearing record and considered by the Pennsylvania Gaming Control Board prior to awarding licenses for slots operators:

Name: Paul R. Wick

Address: _____

Telephone: _____

Organization, if any none

Employer: retired

COMMENTS: (Please use reverse side if more space is required)

See attached "Written Public Input Comments."

Comments: Page 2 (continued)



Pennsylvania
Gaming Control Board



THE COMMONWEALTH OF PENNSYLVANIA
GAMING CONTROL BOARD
HARRISBURG, PENNSYLVANIA

I, Paul R. Wick, hereby certify that the information contained in this written comment is true and correct to the best of my knowledge and belief.

I, Paul R. Wick verify that the information contained in this written comment is true and correct to the best of my knowledge and belief.

Paul R. Wick

Written Public Input Comments

My name is Paul Wick, and I am a resident of Farmington, Pennsylvania.

I am not opposed to casino gaming of any type. However, I am opposed to locating a slots parlor on Route 40 in Farmington, Pennsylvania, operated by Woodlands Fayette LLC (NWL).

Route 40 does not have adequate traffic capacity to support such a facility. Route 40 is a rural two-lane road, which is designated as both a Scenic and Historic Byway. There are currently no traffic signals between Hopwood PA and Grantsville, MD, a distance of 40 miles.

Section 1325 (C)(1) of the enabling legislation (copy attached), stimulates that the GCB may take into account, "The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and centrality to market service area."

The Applicant has estimated that their facility will attract 820,000 guests annually. Since they only have a few hundred guest rooms, most of the patrons will be traveling to the Slots Parlor as a destination. While the applicant claims that "guests" will have to spend at least \$25 at their resort before being allowed to enter the slots facility, it is noteworthy that their proposed "parking plan" calls for extensive bus parking.

Placing a slots parlor at the proposed location will alter the fundamental character of Route 40, and denigrate the quality of life in Farmington. Those of us who live in Farmington know what a traffic nightmare the 84 Lumber Classic golf tournament has been, but at least we knew it would be over in a week. The proposed slots parlor will be like having the golf tournament 365 days a year. Aesthetically, the last thing we need is a slots parlor with a "wild west" theme within one mile of sedate and historic Fort Necessity.

Farmington does not have adequate water or sewer capacity to support the facility. We also lack adequate ambulance and emergency service capacity to handle this massive, year-round influx of visitors.

The proposed location of the facility **goes against the basic concepts of rational land use planning and growth management.**

Most troubling about this Application are the basic conflicts which exist with **Sections 1512 and 1513** of the enabling statute, dealing with **"Public Official Financial Interest,"** and **"Political Influence."** (Copy attached)

Section 1512 prohibits any public official from having any direct or indirect financial interest in any licensed facility; this prohibition extends to immediate family members. Joe Hardy is a Fayette County Commissioner. Mr Hardy stands to benefit, both directly and indirectly, by any license granted to a group headed by his daughter, Maggie Hardy Magerko. In fact, no one believes that anyone other than Mr. Hardy himself is the prime mover behind this application.

The GCB has stated that they want the license issuance process to be transparent, and that there be no irregularities, nor even the appearance of same, in the granting of licenses.

I can attest to the fact that this issue has been a hot topic among my friends and neighbors, but as one local attorney cautioned me, "You're wasting your time fighting this, Joe Hardy's gaming license was 'bought and paid for,' back when he had the statute modified to allow gaming licenses for resorts." It's also convenient that the statute requires that applicant resorts must have "at least 275 rooms." This number seems tailor-made for Mr. Hardy's resort.

Section 1513 of the statute prohibits any gaming license applicant from making political contributions "to any candidate for any public office." The Hardy family has made numerous political contributions to candidates for local and statewide office, has hired lobbyists in Harrisburg, and has generally engaged in political strong-arm tactics, attempting to obtain this license.

Further, both Nemaocolin Woodlands Resort and 84 Lumber are privately held entities. Although Maggie Hardy Magerko is nominally in charge of both entities, no one knows for sure what level of political contributions are made by her or the companies.

In her presentation to the GCB, Maggie Hardy Magerko directly alluded to her father's involvement, telling the panel, "I'm committed and my dad's committed to Fayette County." (See attached news article; page 2)

-3-

Maggie Hardy Magerko was also quoted as telling the GCB panel, that if granted a license, "We won't let you down." Odd, that's precisely what she told the PGA, when getting the date for their golf tournament moved from September, to a more desirable date in June. As is well known, only a few weeks after getting approval of the date change, they pulled the plug on the golf tournament. So much for the Hardys honoring their word.

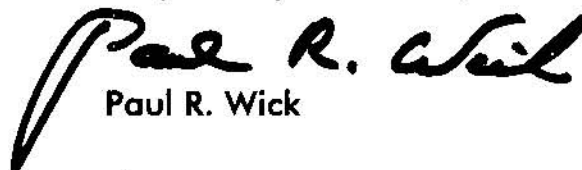
If the statute governing gaming in Pennsylvania is to have any meaning whatsoever, I cannot fathom how a license can be granted to Woodlands Fayette LLC. This applicant has violated both the spirit and intent of Section(s) 1512 and 1513.

I recognize that the GCB is itself a political entity, and the pressures may be brought to bear, from many quarters, during the licensing process. Where we are today is a long way from the original intent of coming to the aid of the horse racing industry.

Still, I hope that the GCB will stand-up to political pressure, and demonstrate that the advent of gaming in Pennsylvania will be totally transparent and above-board. I urge the GCB to enforce the gaming statute, especially Section(s) 1512 and 1513, and deny the application submitted by Woodlands Fayette, LLC, until Joe Hardy has been out of public office for the length of time specified in the statute, and until the Hardy family has ceased making political contributions to candidates in Pennsylvania, as required by law.

Thank you for your courtesy and consideration.

Respectfully submitted,


Paul R. Wick

1 IMPLEMENTATION AND OPERATION WITH THE CENTRAL CONTROL COMPUTER.
2 NOTWITHSTANDING THE FOREGOING, THE DEPARTMENT MAY EXPEDITE
3 CHANGES IN THE PROTOCOL AS MAY BE NEEDED TO ENSURE THE INTEGRITY
4 AND STABILITY OF THE ENTIRE SYSTEM.

5 ~~§ 1325. LICENSE OR PERMIT ISSUANCE.~~

6 (A) ISSUANCE.--IN ADDITION TO ANY OTHER CRITERIA PROVIDED
7 UNDER THIS PART, ANY LICENSED GAMING ENTITY, SUPPLIER,
8 MANUFACTURER, GAMING EMPLOYEE OR OTHER PERSON THAT THE BOARD
9 APPROVES AS QUALIFIED TO RECEIVE A LICENSE OR A PERMIT UNDER
10 THIS PART SHALL BE ISSUED A LICENSE OR PERMIT UPON THE PAYMENT
11 OF ANY FEE REQUIRED AND UPON THE FULFILLMENT OF ANY CONDITIONS
12 REQUIRED BY THE BOARD OR PROVIDED FOR IN THIS PART. NOTHING
13 CONTAINED IN THIS PART IS INTENDED OR SHALL BE CONSTRUED TO
14 CREATE AN ENTITLEMENT TO A LICENSE OR PERMIT BY ANY PERSON. THE
15 BOARD SHALL, IN ITS SOLE DISCRETION, ISSUE, RENEW, CONDITION OR
16 DENY A SLOT MACHINE LICENSE BASED UPON THE REQUIREMENTS OF THIS
17 PART, WHETHER THE ISSUANCE OF A LICENSE WILL ENHANCE TOURISM,
18 ECONOMIC DEVELOPMENT OR JOB CREATION, IS IN THE BEST INTERESTS
19 OF THE COMMONWEALTH AND ADVANCES THE PURPOSES OF THIS PART.

20 ~~(B) ELIGIBILITY.--A LICENSE OR PERMIT SHALL NOT BE GRANTED~~
21 ~~OR RENEWED UNLESS THE BOARD FINDS THAT THE APPLICANT SATISFIES~~
22 ~~ALL OF THE FOLLOWING CRITERIA:~~

23 (1) THE APPLICANT HAS DEVELOPED AND IMPLEMENTED OR
24 AGREED TO DEVELOP AND IMPLEMENT A DIVERSITY PLAN TO ASSURE
25 THAT ALL PERSONS ARE ACCORDED EQUALITY OF OPPORTUNITY IN
26 EMPLOYMENT AND CONTRACTING BY THE APPLICANT, ITS CONTRACTORS,
27 SUBCONTRACTORS, ASSIGNEES, LESSEES, AGENTS, VENDORS AND
28 SUPPLIERS.

29 (2) THE APPLICANT IN ALL OTHER RESPECTS IS FOUND
30 SUITABLE CONSISTENT WITH THE LAWS OF THIS COMMONWEALTH AND IS

1 OTHERWISE QUALIFIED TO BE ISSUED A LICENSE OR PERMIT.

2 (C) ADDITIONAL REQUIREMENTS.--IN ADDITION TO THE ELIGIBILITY
3 REQUIREMENTS OTHERWISE PROVIDED IN THIS PART, THE BOARD MAY ALSO
4 TAKE INTO ACCOUNT THE FOLLOWING FACTORS WHEN CONSIDERING AN
5 APPLICATION FOR A SLOT MACHINE LICENSE:

6 ~~(1) THE LOCATION AND QUALITY OF THE PROPOSED FACILITY,~~
7 ~~INCLUDING, BUT NOT LIMITED TO, ROAD AND TRANSIT ACCESS,~~
8 ~~PARKING AND CENTRALITY TO MARKET SERVICE AREA.~~

9 (2) THE POTENTIAL FOR NEW JOB CREATION AND ECONOMIC
10 DEVELOPMENT WHICH WILL RESULT FROM GRANTING A LICENSE TO AN
11 APPLICANT.

12 (3) THE APPLICANT'S GOOD FAITH PLAN TO RECRUIT, TRAIN
13 AND UPGRADE DIVERSITY IN ALL EMPLOYMENT CLASSIFICATIONS IN
14 THE FACILITY.

15 (4) THE APPLICANT'S GOOD FAITH PLAN FOR ENHANCING THE
16 REPRESENTATION OF DIVERSE GROUPS IN THE OPERATION OF ITS
17 FACILITY THROUGH THE OWNERSHIP AND OPERATION OF BUSINESS
18 ENTERPRISES ASSOCIATED WITH OR UTILIZED BY ITS FACILITY OR
19 THROUGH THE PROVISION OF GOODS OR SERVICES UTILIZED BY ITS
20 FACILITY AND THROUGH THE PARTICIPATION IN THE OWNERSHIP OF
21 THE APPLICANT.

22 (5) THE APPLICANT'S GOOD FAITH EFFORT TO ASSURE THAT ALL
23 PERSONS ARE ACCORDED EQUALITY OF OPPORTUNITY IN EMPLOYMENT
24 AND CONTRACTING BY IT AND ANY CONTRACTORS, SUBCONTRACTORS,
25 ASSIGNEES, LESSEES, AGENTS, VENDORS AND SUPPLIERS IT MAY
26 EMPLOY DIRECTLY OR INDIRECTLY.

27 (6) THE HISTORY AND SUCCESS OF THE APPLICANT IN
28 DEVELOPING TOURISM FACILITIES ANCILLARY TO GAMING
29 DEVELOPMENT, IF APPLICABLE TO THE APPLICANT.

30 (7) THE DEGREE TO WHICH THE APPLICANT PRESENTS A PLAN

1 LICENSED FACILITY UNDER THIS SECTION. NO CURRENT EMPLOYEE
2 COVERED BY THIS SECTION SHALL SUFFER A REDUCTION OF SALARY,
3 BENEFITS OR STATUS AS A RESULT OF AN ACCEPTANCE OF NEW
4 EMPLOYMENT IN THE NEW FACILITY.

5 § 1511. DECLARATION OF EXEMPTION FROM FEDERAL LAWS PROHIBITING
6 SLOT MACHINES.

7 (A) DECLARATION.--PURSUANT TO THE GAMBLING DEVICES
8 TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. § 1171 ET SEQ.),
9 THE COMMONWEALTH DECLARES THAT IT IS EXEMPT FROM SECTION 2 OF
10 THAT ACT.

11 (B) LEGAL SHIPMENTS.--ALL SHIPMENTS OF SLOT MACHINES INTO
12 THIS COMMONWEALTH, THE REGISTERING, RECORDING AND LABELING OF
13 WHICH HAS BEEN EFFECTED BY THE MANUFACTURER AND SUPPLIER OF
14 THOSE DEVICES, IN ACCORDANCE WITH SECTIONS 5 AND 7 OF THE
15 GAMBLING DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. §§
16 1175 AND 1177), SHALL BE DEEMED LEGAL SHIPMENTS OF SLOT MACHINES
17 INTO THIS COMMONWEALTH.

18 § 1512. PUBLIC OFFICIAL FINANCIAL INTEREST.

19 (A) GENERAL RULE.--EXCEPT AS MAY BE PROVIDED BY RULE OR
20 ORDER OF THE PENNSYLVANIA SUPREME COURT, NO EXECUTIVE-LEVEL
21 STATE EMPLOYEE, PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE
22 FAMILY MEMBER THEREOF SHALL HAVE, AT OR FOLLOWING THE EFFECTIVE
23 DATE OF THIS PART, A FINANCIAL INTEREST IN OR BE EMPLOYED,
24 DIRECTLY OR INDIRECTLY, BY ANY LICENSED RACING ENTITY OR
25 LICENSED GAMING ENTITY, OR ANY HOLDING, AFFILIATE, INTERMEDIARY
26 OR SUBSIDIARY COMPANY, THEREOF, OR ANY SUCH APPLICANT, NOR
27 SOLICIT OR ACCEPT, DIRECTLY OR INDIRECTLY, ANY COMPLIMENTARY
28 SERVICE OR DISCOUNT FROM ANY LICENSED RACING ENTITY OR LICENSED
29 GAMING ENTITY WHICH HE KNOWS OR HAS REASON TO KNOW IS OTHER THAN
30 A SERVICE OR DISCOUNT THAT IS OFFERED TO MEMBERS OF THE GENERAL

1 PUBLIC IN LIKE CIRCUMSTANCES DURING HIS OR HERS STATUS AS AN
2 EXECUTIVE-LEVEL STATE EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER
3 AND FOR ONE YEAR FOLLOWING TERMINATION OF THE PERSON'S STATUS AS
4 AN EXECUTIVE-LEVEL STATE EMPLOYEE, PUBLIC OFFICIAL OR PARTY
5 OFFICER.

6 ~~“(B)”—~~DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
7 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
8 SUBSECTION:

9 "EXECUTIVE-LEVEL STATE EMPLOYEE." THE GOVERNOR, LIEUTENANT
10 GOVERNOR, CABINET MEMBERS, DEPUTY SECRETARIES, THE GOVERNOR'S
11 OFFICE EXECUTIVE STAFF, ANY STATE EMPLOYEE WITH DISCRETIONARY
12 POWERS WHICH MAY AFFECT THE OUTCOME OF A STATE AGENCY'S DECISION
13 IN RELATION TO A PRIVATE CORPORATION OR BUSINESS, WITH RESPECT
14 TO ANY MATTER COVERED BY THIS PART OR ANY EXECUTIVE EMPLOYEE WHO
15 BY VIRTUE OF HIS JOB FUNCTION COULD INFLUENCE THE OUTCOME OF
16 SUCH A DECISION.

17 "FINANCIAL INTEREST." OWNING OR HOLDING SECURITIES EXCEEDING
18 1% OF THE EQUITY OR FAIR MARKET VALUE OF THE LICENSED RACING
19 ENTITY OR LICENSED GAMING ENTITY, ITS HOLDING COMPANY,
20 AFFILIATE, INTERMEDIARY OR SUBSIDIARY BUSINESS. A FINANCIAL
21 INTEREST SHALL NOT INCLUDE ANY SUCH STOCK THAT IS HELD IN A
22 BLIND TRUST OVER WHICH THE EXECUTIVE-LEVEL STATE EMPLOYEE,
23 PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE FAMILY MEMBER
24 THEREOF MAY NOT EXERCISE ANY MANAGERIAL CONTROL OR RECEIVE
25 INCOME DURING THE TENURE OF OFFICE AND THE PERIOD UNDER
26 SUBSECTION (A).

27 "IMMEDIATE FAMILY." A PARENT, SPOUSE, MINOR OR UNEMANCIPATED
28 CHILD, BROTHER OR SISTER.

29 "PARTY OFFICER." A MEMBER OF A NATIONAL COMMITTEE; A
30 CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A

1 STATE COMMITTEE OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE
2 COMMITTEE; A COUNTY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY
3 OR TREASURER OF A COUNTY COMMITTEE; OR A CITY CHAIRMAN, VICE
4 CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A CITY COMMITTEE.

5 "PUBLIC OFFICIAL." ANY PERSON ELECTED BY THE PUBLIC OR
6 ELECTED OR APPOINTED BY A GOVERNMENTAL BODY OR AN APPOINTED
7 OFFICIAL IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OF
8 THIS COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF, PROVIDED
9 THAT IT SHALL NOT INCLUDE MEMBERS OF ADVISORY BOARDS THAT HAVE
10 NO AUTHORITY TO EXPEND PUBLIC FUNDS OTHER THAN REIMBURSEMENT FOR
11 PERSONAL EXPENSE OR TO OTHERWISE EXERCISE THE POWER OF THE
12 COMMONWEALTH OR ANY POLITICAL SUBDIVISION OR COMMISSIONER OF ANY
13 AUTHORITY OR JOINT-STATE COMMISSION.

14 ~~§ 1513: POLITICAL INFLUENCE.~~

15 (A) CONTRIBUTION RESTRICTION:--AN APPLICANT FOR A SLOT,
16 MACHINE LICENSE, MANUFACTURER LICENSE OR SUPPLIER LICENSE,
17 LICENSED RACING ENTITY, LICENSED MANUFACTURER, LICENSED SUPPLIER
18 OR LICENSED GAMING ENTITY, OR A PERSON THAT HOLDS A SIMILAR
19 GAMING LICENSE OR PERMIT OR A CONTROLLING INTEREST IN A GAMING
20 LICENSE OR PERMIT IN ANOTHER JURISDICTION, OR ANY HOLDING,
21 AFFILIATE, INTERMEDIARY OR SUBSIDIARY COMPANY THEREOF, OR ANY
22 OFFICER, DIRECTOR, OR KEY EMPLOYEE OF SUCH APPLICANT, LICENSED
23 MANUFACTURER OR LICENSED SUPPLIER, LICENSED RACING ENTITY OR
24 LICENSED GAMING ENTITY OR ANY HOLDING, AFFILIATE, INTERMEDIARY
25 OR SUBSIDIARY COMPANY THEREOF, SHALL BE PROHIBITED FROM
26 CONTRIBUTING ANY MONEY OR IN-KIND CONTRIBUTION TO A CANDIDATE
27 FOR NOMINATION OR ELECTION TO ANY PUBLIC OFFICE IN THIS
28 COMMONWEALTH; OR TO ANY POLITICAL COMMITTEE OR STATE PARTY IN
29 THIS COMMONWEALTH; OR TO ANY GROUP, COMMITTEE OR ASSOCIATION
30 ORGANIZED IN SUPPORT OF ANY SUCH CANDIDATE, POLITICAL COMMITTEE

1 OR STATE PARTY.

2 (B) ANNUAL CERTIFICATION.--THE CHIEF EXECUTIVE OFFICER, OR
3 OTHER APPROPRIATE INDIVIDUAL, OF EACH APPLICANT FOR A SLOT
4 MACHINE LICENSE, MANUFACTURER LICENSE OR SUPPLIER LICENSE,
5 LICENSED RACING ENTITY, LICENSED SUPPLIER, LICENSED MANUFACTURER
6 OR LICENSED GAMING ENTITY SHALL ANNUALLY CERTIFY, UNDER OATH, TO
7 THE BOARD AND THE DEPARTMENT OF STATE THAT SUCH APPLICANT OR
8 LICENSED RACING ENTITY, LICENSED SUPPLIER, LICENSED MANUFACTURER
9 OR LICENSED GAMING ENTITY HAS DEVELOPED AND IMPLEMENTED INTERNAL
10 SAFEGUARDS AND POLICIES INTENDED TO PREVENT A VIOLATION OF THIS
11 PROVISION AND THAT SUCH APPLICANT OR LICENSED RACING ENTITY OR
12 LICENSED GAMING ENTITY HAS CONDUCTED A GOOD FAITH INVESTIGATION
13 THAT HAS NOT REVEALED ANY VIOLATION OF THIS PROVISION DURING THE
14 PAST YEAR.

15 (C) PENALTIES.--THE FIRST VIOLATION OF THIS SECTION BY A
16 LICENSED GAMING ENTITY OR ANY PERSON THAT HOLDS A CONTROLLING
17 INTEREST IN SUCH GAMING ENTITY, OR A SUBSIDIARY COMPANY THEREOF,
18 AND ANY OFFICER, DIRECTOR OR MANAGEMENT-LEVEL EMPLOYEE OF SUCH
19 LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN AN
20 AVERAGE SINGLE DAY'S GROSS TERMINAL REVENUE OF THE LICENSED
21 GAMING ENTITY DERIVED FROM THE OPERATION OF SLOT MACHINES IN
22 THIS COMMONWEALTH; A SECOND VIOLATION OF THIS SECTION, WITHIN
23 FIVE YEARS OF THE FIRST VIOLATION, SHALL BE PUNISHABLE BY AT
24 LEAST A ONE-DAY SUSPENSION OF THE LICENSE HELD BY THE LICENSED
25 GAMING ENTITY AND A FINE NOT LESS THAN AN AVERAGE TWO DAYS'
26 GROSS REVENUE OF THE LICENSED GAMING ENTITY; A THIRD VIOLATION
27 OF THIS SECTION WITHIN FIVE YEARS OF THE SECOND VIOLATION SHALL
28 BE PUNISHABLE BY THE IMMEDIATE REVOCATION OF THE LICENSE HELD BY
29 THE LICENSED GAMING ENTITY. THE FIRST VIOLATION OF THIS SECTION
30 BY A MANUFACTURER OR SUPPLIER LICENSED PURSUANT TO THIS PART OR

LOCAL

INSIDE Monessen arsonist gets five-10 years in prison B4 • PUZZLES D

Nemacolin may go Wild

Vision for a \$41 million slots parlor at resort unveiled at

Its backers tout the \$65 million annually and 340 jobs the casino is expected to attract.

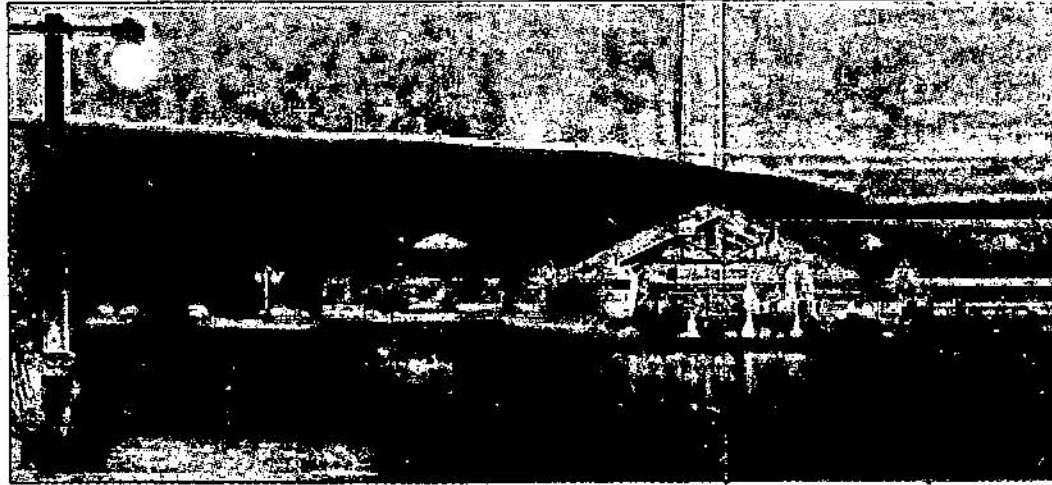
BY RICH CHOLODOFSKY
TRIBUNE-REVIEW

Nemacolin Woodlands Resort announced Tuesday a \$41 million plan to build a Wild West-themed slot machine parlor in a former sporting goods store located there.

Details of the casino plan were unveiled yesterday during a public hearing held in Uniontown by the Pennsylvania Gaming Control Board, which is considering the Nemacolin proposal for one of two resort licenses that could be awarded in December.

The other applicant, Seven Springs Mountain Resort, will make its case to the gaming board this morning. Seven Springs plans to build a \$5.4 million casino addition to its ski lodge. The public hearing is scheduled for 8:30 a.m. at Quality Inn & Conference Center in Somerset.

Nemacolin officials said its slots project will generate more than \$30 million annually in rev-



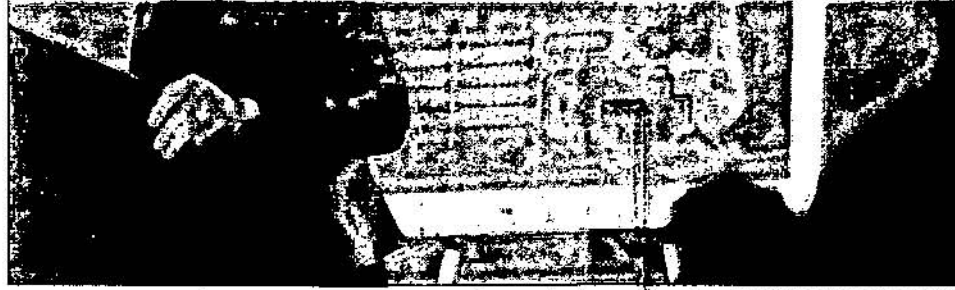
erset.

Nemacolin officials said its slots project will generate more than \$30 million annually in revenue, create 344 jobs and attract about 820,000 guests to the Fayette County resort each year.

"We're real excited," said Nemacolin President Maggie Hardy Magerko. "This is about tourism, and service and growth. I think the area is excited. I'm committed and my dad's committed to Fayette County."

Her father, billionaire businessman Joe Hardy, developed the Wharton Township resort and transferred ownership to his daughter in 2001. Joe Hardy currently serves as a Fayette County commissioner.

Resort officials yesterday touted the estimated financial benefit of the slots parlor, saying it is expected to infuse about \$65 million a year into the local economy.



SEAN STIPP/TRIBUNE-REVIEW

A portion of the slots revenue by law must be turned over to the local government. Wharton Township could see a payment of about \$600,000 a year, which is almost half of the township's current budget of \$1.3 million.

In addition, annual contributions of \$900,000 from slots revenue would be administered by the state Department of Community and Economic Development and doled out as grants to Fayette County organizations and municipalities.

The project could generate about \$13 million a year toward property tax relief in Pennsylvania as well as raise about \$9 million in new tax revenues, officials suggested.

The Nemacolin project differs greatly from the billion-dollar proposals for slots parlors in Pittsburgh. The resort license allows for a maximum of 500 slot machines. The slots casino in Pittsburgh eventually could house as many as 5,000 machines.

Also, the resorts are prohib-

ited from accepting slots patrons who are not guests. State gaming regulations require that slots patrons first must spend \$100 at the resort before they may gamble in the casino.

"We're not marketing slots gaming. We're marketing a resort that has slots," said John Nobers, vice president of corporate communications for Nemacolin Woodlands.

Nobers said the casino could be open as early as March, about three months after t-

Defendant sketchy on details of bar-hopping

A trooper testifies that the Fayette woman gave varying accounts about the night of the slaying.

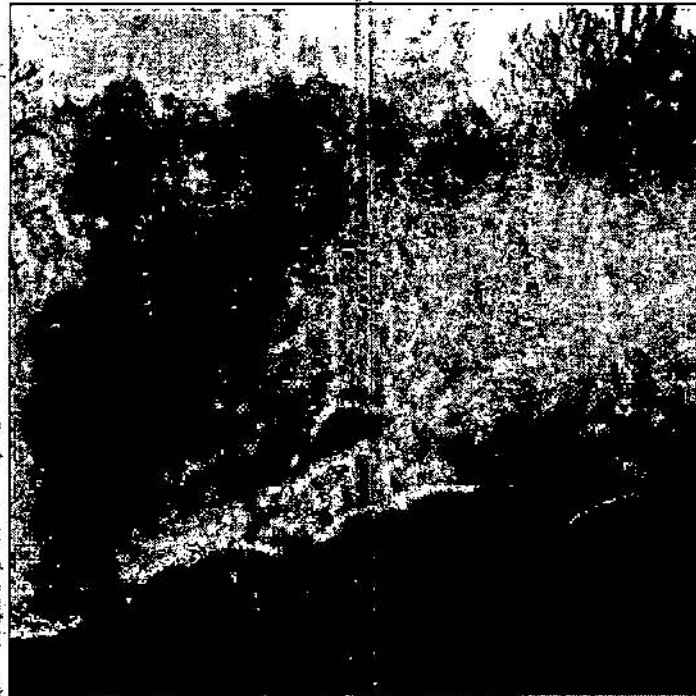
BY CHRIS FOREMAN
TRIBUNE-REVIEW

The details of Catherine M. Hamborsky's bar-hopping in the hours before a Fayette County bartender's body burned in a restaurant fire were learned over the course of three interviews with state police, according to a trooper's testimony.

Hamborsky returned alone to the VFW Post about 11 p.m. and to J.J.'s before 2 a.m. on Jan. 4.

State police at Uniontown allege that Hamborsky killed Lesniak after the last customers left J.J.'s, then lit a fire on the eastern, outer wall of the one-story business about 9 a.m.

When Marchewka and Cpl. Beverly Ashton met with Hamborsky on Jan. 4, Hamborsky said she and her husband left J.J.'s after running up a \$58 tab. The Hamborskys were drinking and playing a video poker machine there, she told the investi-



Hitting the hay

pard revealed he was wanted in Westminster on charges of attempted first-degree murder, first-degree assault and deadly weapon with intent to injure.

Sheppard was taken into custody and arraigned before District Judge Charles M. Christner Jr., of West Newton. Bail was set at \$1 million.

School announces pain research center

The University of Pittsburgh School of Medicine announced Tuesday it has established the Pittsburgh Center for Pain Research and recruited pain researcher Gerald Gebhart to direct the new center.

Gebhart is president-elect of the International Association for the Study of Pain and comes to Pitt from the University of Iowa.

He is one of the world's foremost specialists on visceral pain — the pain people feel when their internal organs are damaged by trauma or disease.

The Pittsburgh Center for Pain Research is in the process of recruiting at least four additional pain researchers. The focus of their work will be on common clinical pain syndromes, such as lower back pain. For more information, visit the Web site www.pain.pitt.edu.

Route 88 work begins Thursday

Route 88 in Finleyville, Washington County, will be limited to a single lane indefinitely starting Thursday, PennDOT announced.

Officials plan to have a temporary traffic signal direct motorists through the work area near the intersection of Route 88 and Finley-Elrama Road.

Also, Finley-Elrama Road is



An artist's rendering shows the interior of the proposed \$41 million slot machine parlor at Nemacolin.

Nemacolin may go W

NEMACOLIN • FROM B1

Nobers said.

Facades evoking old Western-style saloons, hotels and banks line the perimeter of the casino. Renderings presented yesterday show banks of slot machines as if located in the middle of a western town.

The presentation opened a 2½-hour public hearing in which two of the five gaming control board members heard testimony from 16 speakers. The Holiday Inn ballroom, the hearing site,

was packed with more than 100 Nemacolin employees who wore yellow T-shirts supporting the resort.

Speakers included elected officials and nearby business owners, many of whom have worked for the resort.

"Tourism is the future for Fayette County. We don't have an anchor now. A casino operation would provide an anchor on a yearly basis," said Sonny Her-ring, owner of Woodlands Zoo in nearby Farmington.

Mike Krajovic, president and CEO of the Fayette County Economic Development Council, said the slots plan as a means of bringing jobs into the most rural county in Pennsylvania.

"The jobs that were missing are desperately needed to bring industrial parks to mountain areas of Fayette County," Krajovic said.

The lone opponent of the project was Mark A. Kovach, president of Brownsville First, a neighborhood group that has opposed

Disorderly conduct charges dropped

Two women were accused of feuding with state police in Perryopolis.

BY CHRIS FOREMAN
TRIBUNE-REVIEW

Fayette County prosecutors on Tuesday dropped disorderly conduct charges against two women

home along Route 51. Andersonkovitch and Chuboy also came to the residence after receiving a frantic call from Caroline Labuda, who is Andersonkovitch's sister.

At a January preliminary hearing, Trooper Anthony Vito said his investigation of the alleged assault was delayed by efforts by the Labudas' relatives to get into the home.

The Chuboy men had accused police of using excessive force on them and letting them go free for five days before arresting him.

Staffen initially was charged with two counts each of aggravated assault and simple assault. However, prosecutors dropped all but one simple assault charge in February, according to court records.

Bruderhof Communities in PA, Inc.

February 28, 2006

Pennsylvania Gaming Control Board
PO Box 69060
Harrisburg, PA 17106-9060

RE: Opposition to Category 3 Slot-Machine License at Nemacolin Woodlands Resort (Applicant: Woodlands Fayette, LLC)

To Whom It May Concern:

Over fifty years ago, the small Village of Farmington (Wharton Township), Pennsylvania became home to a Christian community known as the New Meadow Run Bruderhof. Today over six hundred people, including children and elderly, reside in two Bruderhof Communities known as New Meadow Run and Spring Valley. Both communities are immediate neighbors to Nemacolin Woodlands Resort where legalized gambling has been proposed through the application for a Category 3 Slot-Machine License by Woodlands Fayette, LLC.

On behalf of all at New Meadow Run and Spring Valley, I am writing to voice our concern about this development. The quality of life at and surrounding our communities is of great importance to us as the daily life, work, education, play, and worship of members and their children occur on location.

The social ills and economic fallacy of gambling are well documented and it is not my intent to replicate that debate here. Our straightforward request is that the Commonwealth of Pennsylvania and its Gaming Commission give proper consideration to the harmful impacts of gambling on our unique communal setting and the neighborhood surrounding Nemacolin Woodlands. Unlike self-contained entertainment venues such as racetracks, the Nemacolin site will pose risks to our children and jeopardize neighborhood welfare.

Our chief concerns include traffic congestion (forcing Route 40 to be widened), noise, nightlife, drunk driving, and general moral decay. Furthermore, the proposed gambling facility will not be setback and self-contained like the family-oriented Nemacolin Resort Hotel compound. It will be in an outlying roadside building suited to transient customers whose negative impacts will not be subject to the self-policing incentives of the resort and its wealthier overnight guests.

In our opinion, upon proper consideration of the facts and balancing of the competing interests, no license should be granted to Woodlands Fayette, LLC. However, in the regrettable event that the Gaming Commission does not identify other less invasive locations for its proposed gambling sites, any license granted to Woodlands Fayette, LLC must be strictly limited to prevent future expansion and encroachment on our religious communities and the surrounding neighborhood. We are concerned about assignment of any license to a larger gaming operator, and request that any future assignment be subject to public review and appropriate approvals.

Pennsylvania Gaming Control Board
February 28, 2006
Page 2 of 2

We have expressed our concerns directly to the Hardy family with whom we have enjoyed a relationship of mutual cooperation and open communication. It has always been our resolve to live inoffensively and quietly, respecting the rights of others. Our plea is that we be allowed unhindered to continue to live out our calling without infringement by state sanctioned activity.

Safeguarding the quality of life for our children and preserving our religious values was a foremost concern of our communities when we settled in the area and it remains so today.

Respectfully,

A handwritten signature in cursive script that reads "Paul Button".

Paul Button
Minister

