



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board April 8, 2009 Minutes

A meeting of the Pennsylvania Gaming Control Board was held on April 8, 2009 in the State Museum Auditorium, Harrisburg, PA. The meeting began at 9:30 a.m.

Members in attendance were:

Mary DiGiacomo Colins, Chairman
Raymond S. Angeli
Jeffrey W. Coy
James B. Ginty
Kenneth T. McCabe
Sanford Rivers (*via teleconference*)
Gary A. Sojka

Ex-officio Members in attendance:

David Barasch representing Honorable Stephen Stetler, Secretary of Revenue

Individuals who appeared officially before the Board:

Frank Donaghue – opening remarks
Claire Yantis – personnel matters
David Rhen – agency financial report
Doug Sherman – petitions, employee withdrawals
Steve Cook – report and recommendations, suspensions
Susan Hensel – licensing matters
Cyrus Pitre – revocations and suspensions
Melissa Powers – revocations and suspensions
Adrian King – Ballard Sphar, Valley Forge Convention Center Partners, LLC
Application
Jim Talerico – BIE Financial Investigations Unit
Gary Brandeis – F/B Capital Partners, LP
Marie Jones – Bushkill Group, Cat 3
Steven Reedy – Bushkill Group, Cat 3
John Donnelly – HSP Gaming LP, Cat 2
Neil Blume – HSP Gaming LP, Cat 2
Ian Kope – Kope Architects, HSP Gaming LP
Terry McKenna, Keating Group, HSP Gaming LP

Public Comment:

Leroy Zimmerman, Brian Ford, Joseph Colbet, Li Harchong, Reverend Washington, Helen Jim, John Chin, Harry Long, Debbie King and Robin Hynika

A quorum of the Board being present, Chairman Colins called the meeting to order.

ANNOUNCEMENTS

Chairman Colins announced that the Board held an Executive session on April 7, 2009 to discuss personnel issues, to conduct quasi-judicial deliberations relating to matters pending before the Board and to consult with counsel regarding privileged and confidential agency business.

EXECUTIVE DIRECTOR'S REPORT

Acting Executive Director Frank Donaghue stated that there have been recent reports of structural issues with the parking garages at both The Rivers Casino construction site and the Sands Casino construction site.

With regard to The Rivers, reports indicated that 4 column bays within the garage are out of alignment. Mr. Donaghue stated that he sent a letter to The Rivers requiring an update on these issues and to put The Rivers on notice that certification from a structural engineer as to the soundness of the garage would be required prior to the opening of the facility.

In response, The Rivers reports:

- ✓ There are no major structural or engineering issues remaining at the site.
- ✓ A procedure implemented by the project's general contractor to re-align the structure is proceeding successfully.
- ✓ In February, the Pittsburgh Area Office of the Occupational Safety and Health Administration [OSHA] determined that the garage was safe and structurally sound.
- ✓ The Rivers anticipates opening the facility in accordance with the current projected opening date.

With regard to the Sands, reports indicated that grout installed at the garage's baseplates was out of compliance with the project's design parameters. Mr. Donaghue stated that he also sent a letter to the Sands asking for an update and to put them on the same notice as he had done with The Rivers.

In response, the Sands reports:

- ✓ The non-complying grout is currently being removed and replaced in a manner approved by the project's structural engineer.
- ✓ There is not now, nor was there ever any known non-compliance with federal, state or local building codes or regulations.
- ✓ The Sands anticipates opening the facility in accordance with the current projected opening date.

CHIEF FINANCIAL OFFICER

PGCB MOTION NO. 2009-90 HR – Employment

Motion Made: Board Member Coy
Seconded: Board Member Angeli

New Hires:
Gloria Williams, Casino Compliance Representative, Sands Bethworks

Diana Colon, Casino Compliance Representative, Sands Bethworks
Thomas Wascura, Jr., Casino Compliance Representative, Sands Bethworks
Edward Dempsey, Casino Compliance Representative, Sands Bethworks

Resolved, the Board hereby approves the hiring of the above candidates for employment.

Board Decision: Passed by unanimous vote

OFFICE OF CHIEF COUNSEL

PGCB MOTION NO. 2009-91 OCC – Sands Bethworks Petition for Waiver of Fixed Seating

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Petition by Sands Bethworks for Waiver of Fixed Seating, OHA Docket No. 43289.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-92 OCC – Downs Racing Petition for Waiver of Fixed Seating

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Petition by Downs Racing for Waiver of Fixed Seating, OHA Docket No. 43131.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-93 OCC – Chester Downs Petition for Transfer of Interest

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approves the Petition by Chester Downs to Transfer Interest from Joe Lashinger Company, LLC to Harrah's Chester Downs Investment Company, LLC, Docket No. 43299.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-94 OCC – Withdrawal or Surrender of Application, Licenses, Vendor Registrations or Certifications

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby issues Orders approving the Withdrawal or Surrender of Principal and Key Employee Applications, or Licenses, as well as Vendor Registrations or Certifications, without prejudice, as follows:

Dorene Day	Licensing No. 26515	PGCB Doc No. 43230
Shuji Kido	Licensing No. 25011;	PGCB Doc No. 43215
PITG Option Holdco, LLC	Licensing No. 30079;	PGCB Doc No. 43268
Tim Pugh	Licensing No. 3344;	PGCB Doc No. 43206
Timothy Stanley	Licensing No. 1977;	PGCB Doc No. 43207
Mark John Wiedemer	Licensing No. 8411;	PGCB Doc No. 43214
Tina C. Stehle	Licensing No. 20022;	PGCB Doc No. 42955
Stewart M. Applebaum	Licensing No. 20024;	PGCB Doc No. 42956
Jennifer J. Cardinal	Licensing No. 20023;	PGCB Doc No. 42957
4901 Grays Avenue Corp d/b/a Crescent Iron Works	Licensing No. 4933;	PGCB Doc No. 42807

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-95 OCC – Bencardino Excavating Vendor Certification

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby issues an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to approve the Vendor Certification of Bencardino Excavating, OHA Docket No. 43224.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-96 OCC – Nicholas Rodite Exceptions

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby issues an Order to deny Nicholas Rodites exceptions to the Report and Recommendations of the Office of Hearings and Appeals.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-97 OCC – Key Employee Application

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby adopts the Report and Recommendation of the Office of Hearings and Appeals to deny the Key Employee Application of Nicholas Rodites, OHA Docket No. 43282.

Board Decision: Passed by unanimous vote

BUREAU OF LICENSING

PGCB MOTION NO. 2009-98 LIC – Supplier License Renewal

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approves the Order renewing the supplier license for TDN Money Systems.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-99 LIC –Key Employee Licenses

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby approves the Order issuing the Key Employee Licenses as follows:

Chester Downs and Marina, LLC

Bryan Raymond Scruggs, IT Support Specialist III
Maria Petranella Refsnider, Slot Shift Manager

Greenwood Gaming and Entertainment, Inc.

Felicia Odom, Player Services Shift Manager
Christopher Joseph Smylie, Cage Shift Supervisor
Allen Strauss, Director of Purchasing
Bette Strauss, Director of Cashiering Operations
Arthur John Dixon, Vice President of Technology
Wendy Hamilton, General Manager
Francis Edward McDonnell, Assistant General Counsel
David Norcutt, Sr., Director of Surveillance

Mountainview Thoroughbred Racing Association

Jeffrey Achey, Senior Security Supervisor
Harry Friedlander Cohen, Purchasing Manager
Josh Ryan, Senior Surveillance Agent
Josue' Molina-Diaz, Count Team Supervisor
John Charles Newman, Sr., Vice President of Slot Operations

Presque Isle Downs, Inc.

Duane Krakowiak, Cage Shift Manager
Scott Stoller, Revenue Audit Manager

Washington Trotting

Kery Lee Chase, Surveillance Shift Manager
Amanda Mae Monticue, Cage Shift Supervisor
Adrian Ashmore, Lead Floor Attendant
Kevin Thomas Woodson, Surveillance Supervisor

Nicole E. Scholz, Cage Shift Supervisor
Michael James Jankoviak, Slot Director

Mount Airy #1, LLC

Thomas Trice, Countroom Supervisor

Modern Gaming Pennsylvania, LLC

Brian Hartman, Sales Representative

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-100 LIC – Delegation of Authority

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby issues an Order approving the Delegation of Authority to the Director, Bureau of Licensing, to approve the routine withdrawal of Key Employee License Applications.

Board Decision: Passed by unanimous vote

OFFICE OF ENFORCEMENT COUNSEL

PGCB MOTION NO. 2009-101 OEC – Revocation of Gaming Employee Permit for Justin Birch

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby revokes the Gaming Employee Permit for Justin Birch, OHA Docket No. 43138.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-102 OEC – Revocation of Non-Gaming Employee Registration for Heather Hoffmaster

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Heather Hoffmaster, OHA Docket No. 43114.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-103 OEC – Revocation of Non-Gaming Employee Registration for Susan Rhines

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Susan Rhines, OHA Docket No. 43149.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-104 OEC – Revocation of Non-Gaming Employee Registration for Dorothy Roseboom

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Dorothy Roseboom, OHA Docket No. 43177.

Board Decision: Passed by unanimous vote

BUREAU OF LICENSING / OFFICE OF CHIEF COUNSEL

PGCB MOTION NO. 2009-105 LIC – Valley Forge Convention Center Partners Category 3 License

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby awards a Category 3 Slot Machine License to Valley Forge Convention Center Partners pursuant to terms and conditions to be issued by the Board's Bureau of Licensing.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-106 LIC – Bushkill Group, Inc Category 3 License

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approves the continued consideration of the Category 3 Slot Machine License Application of the Bushkill Group, Inc

PGCB MOTION NO. 2009-107 LIC – Re-Opening of the Category 3 Slot Machine License Application

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves the re-opening of the Category 3 Slot Machine License Application for a period of 90 days to allow any interested applicant, other than the Bushkill Group, Inc., to make application for a Category 3 License.

ADJOURNMENT

There being no further business before the Board, Chairman Colins adjourned the meeting.