



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board October 7, 2009 Minutes

A meeting of the Pennsylvania Gaming Control Board was held on October 7, 2009 in the State Museum Auditorium, Harrisburg, PA. The meeting began at 10:00 a.m.

Members in attendance were:

Gregory C. Fajt, Chairman
Raymond S. Angeli
Jeffrey W. Coy
James B. Ginty
Kenneth T. McCabe
Sanford Rivers
Gary A. Sojka

Ex-officio Members in attendance:

Frank Jurbala representing Honorable Dennis Wolff, Secretary of Agriculture
David Barasch representing Honorable Stephen Stetler, Secretary of Revenue

Individuals who appeared officially before the Board:

Kevin O'Toole – Executive Director Report
Claire Yantis – personnel issues
Doug Sherman – petitions
Steve Cook – withdrawals, report and recommendations
Susan Hensel – licensing matters
Cyrus Pitre – enforcement actions
Dustin Miller – enforcement actions

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

ANNOUNCEMENTS

Chairman Fajt announced that the Board held an Executive session on October 6, 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.

MINUTES AND TRANSCRIPTS

On a motion by Board Member Sojka, seconded by Board Member Rivers, the minutes and transcript of the August 28, 2009 meeting were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Kevin O'Toole, Executive Director, reported that slot machine revenue in the Commonwealth of Pennsylvania rose almost 30 percent for the month of September 2009 over the previous year's figures for the same month. The increase in large part is due to the opening of two new casinos in the past year. Mr. O'Toole stated that overall revenue growth is occurring within the casinos that have been open more than a year. He reported that the amount of gross terminal revenue at the seven casinos that were open in both September 2008 and 2009, there was an increase of 4.3 percent in revenue. He further reported that when reviewing these revenues in dollars and cents, September saw an average of \$3.1 million in tax revenue per day and more than \$95 million returned to Commonwealth citizens.

Mr. O'Toole reported that there has been a tremendous amount of activity in the legislature over the last couple of weeks dealing with legalization of table games in Pennsylvania. He assured the board members that he and the staff of the gaming control board have been closely monitoring the debate, have provided the legislature with some important background on this issue, and is confident that PGCB staff is up to the task of regulating table games should the General Assembly authorize their use at Pennsylvania casinos.

HUMAN RESOURCES

PGCB MOTION NO. 2009-250 HR – Employment

Motion Made: Board Member Coy
Seconded: Board Member McCabe

New Hires:

- ✓ Toby Peters – Applications Developer – IT
- ✓ Scott Dowling – Applications Developer - IT

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. 2009-251 OCC – Presque Isle Downs Petition

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby grants Presque Isle Downs Petitions for Waiver of Fixed Seating and approves an Additional Entrance to Gaming Floor.

Docket Number: 43645
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-252 OCC – Tom Brown Construction Petition

Motion Made: Board Member McCabe
Seconded: Board Member Rivers

Resolved, the Board hereby grants the Petition of Tom Brown Construction for removal from the Prohibited Vendor List.

Docket Number: 44019
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-253 OCC – World of Chantilly, Inc. Petition

Motion Made: Board Member Rivers
Seconded: Board Member Sojka

Resolved, the Board hereby grants the Petition of World of Chantilly, Inc. for removal from the Prohibited Vendors List.

Docket Number: 43969
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-254 OCC – Richard E. Jacobs Revocable Living Trust Petition

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby grants the Petition of Richard E. Jacobs Revocable Living Trust to Transfer Interest in MTR Gaming to the Jeffrey Jacobs Trust.

Docket Number: 43996
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-255 OCC – Withdrawal or Surrender of Applications, Licenses, Vendor Registrations or Certifications

Motion Made: Board Member Angeli
Seconded: Board Member Coy

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 as follows:

Cahill Controls, Inc.	Licensing No. 37303;	PGCB Doc No. 43762
Corporate Express Office Products, Inc.	Licensing No. 3034;	PGCB Doc No. 43803
East Coast Hoist, Inc.	Licensing No. 29691;	PGCB Doc No. 43794
Joseph B. Fay Company	Licensing No. 21090;	PGCB Doc No. 42960
The Michael E. McPhee 2006	Licensing No. 36552;	PGCB Doc No. 43927

Irrevocable Phalcon Trust The Marcus W. McPhee 2006 Irrevocable Trust	Licensing No. 36551;	PGCB Doc No. 43928
Sara Lee Foodservice	Licensing No. 21976;	PGCB Doc No. 43844
David B. Eberhardt	Licensing No. 24944;	PGCB Doc No. 44018
National Amusements, Inc.	Licensing No. 1305;	PGCB Doc No. 43977
Sumner Redstone	Licensing No. 1147;	PGCB Doc No. 43978

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-256 OCC – Report and Recommendation / William Fox

Motion Made: Board Member Coy
Seconded Board Member Ginty

Resolved, the Board hereby issues an Order adopting the Report and Recommendation of the Office of Hearing and Appeals and Withdraws the Key Employee Application of William Fox.

Docket Number: 39231
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-257 OCC – Report and Recommendation / David J. Rietzen

Motion Made: Board Member McCabe
Seconded Board Member Rivers

Resolved, the Board hereby issues an Order adopting the Report and Recommendation of the Office of Hearing and Appeals and revokes the Non-Gaming Employee Registration of David J. Rietzen.

Docket Number: 1083-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-258 OCC – Temporary Emergency Suspension / Ruben Rodriguez-Maisonet

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby issues an Order to extend the Emergency Suspension of Ruben Rodriguez-Maisinet's Non-Gaming Employee Registration and that the matter be referred to the Office of Hearing and Appeals for a hearing to determine the validity of the Office of Enforcement Counsel's request for a Suspension.

Docket Number: 1083-2009
Board Decision: Passed by unanimous vote

BUREAU OF LICENSING

PGCB MOTION NO. 2009-259 LIC – Issuance of Temporary Key Employee Licenses

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby approves the Order issuing 16 Temporary Key Employee Licenses.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-260 LIC – Key Employee Application Withdrawals

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby issues and Order to approve the withdrawal of 14 Key Employee Applications

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-261 LIC – Issuance of Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Order issuing 72 Gaming Employee Permits, including 39 renewals, and 49 Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-262 LIC – Withdrawal of Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member McCabe
Seconded: Board Member Rivers

Resolved, the Board hereby issues an Order approving the withdrawal of 6 Gaming Employee Permits and 12 Non-Gaming Registrations.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-263 LIC – Vendor Certifications

Motion Made: Board Member Rivers

Seconded: Board Member Sojka

Resolved, the Board hereby issues an Order approving the applications for Vendor Certification as follows:

- ✓ Binsky & Snyder, LLC
- ✓ Development Management Associates, LLC
- ✓ Joseph Waring

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-264 LIC – Vendor Registration

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby issues an Order approving the applications for Vendor Registrations as follows:

- ✓ Adams Petroleum Products, Inc.
- ✓ Allegheny Fence Construction Company, Inc.
- ✓ Dazzlers III, Inc.
- ✓ Green Mountain Coffee Roasters, Inc.
- ✓ Hughie's Audio-Visual Service, Inc., DBA: Hughie's Audio-Visual Productions
- ✓ Innovative Management Group
- ✓ J.H. Bennett Records Management, Inc.
- ✓ Johnson Business Machines, Inc.
- ✓ Kool Kleen, Inc.
- ✓ Luen Fong Food & Produce, Inc.
- ✓ M.F. Foley, Inc. New Bedford, DBA: Foley Fish
- ✓ Musco Sports Lighting, LLC
- ✓ Plantscape, Inc., DBA: Mall Silks, Office Decor and More
- ✓ Quality Concepts, Inc.
- ✓ T Five Software
- ✓ Upturn Solutions, Inc.
- ✓ W. Jack Kalins, Inc.

Board Decision: Passed by unanimous vote

OFFICE OF ENFORCEMENT COUNSEL

PGCB MOTION NO. 2009-265 OEC – Revocation of Non-Gaming Employee Registration for Kevin Mitchell

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Order to revoke the Non-Gaming Employee Registration for Kevin Mitchell.

Docket Number: 43938
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2009-266 OEC – Chester Downs and Marina, LLC Consent Agreement

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby approves the Consent Agreement and Stipulation, with conditions, between the Office of Enforcement Counsel and Chester Downs and Marina, LLC.

Board Decision: Passed by unanimous vote

ADJOURNMENT

On a motion by Board Member Angeli, seconded by Board Member Rivers, the meeting was adjourned.