



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board January 27, 2010 Minutes

A meeting of the Pennsylvania Gaming Control Board was held on January 8, 2010 in the PUC – Keystone Building, Hearing Room 1, Harrisburg, PA. The meeting began at 10:00 a.m.

Members in attendance were:

Gregory C. Fajt, Chairman
Raymond S. Angeli (via teleconference)
Jeffrey W. Coy
James B. Ginty
Kenneth T. McCabe
Gary A. Sojka
Kenneth Trujillo

Ex-officio Member/Designee in attendance:

Russell Redding, Secretary of Agriculture, Ex-Officio Member
David Barasch, Deputy Secretary of the Department of Revenue, Representative
Keith Welks, Deputy State Treasurer for Fiscal Operations, Ex-Officio Designee

Individuals who appeared officially before the Board:

Kevin O'Toole – Executive Director Report
Michael Cruz – Gaming Laboratory Update
Claire Yantis – New Hires
David Rhen – Agency Financial Report
Richard Sandusky – Regulations
R. Douglas Sherman – Petitions
Steve Cook – Withdrawals, Report and Recommendations
Susan Hensel – Licensing Matters
Cyrus Pitre – Enforcement Actions
Mike Roland – Consent Agreement
Melissa Powers – Consent Agreement, Additions to Exclusions List
Nan Davenport - Exclusions

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

PUBLIC HEARING

A public hearing was held to address the following Petitions related to Philadelphia Entertainment and Development Partners, L.P.:

- ✓ Keystone Petition to Intervene
- ✓ Legislators' Petition to Participate as *Amicus Curiae*
- ✓ Petition to Extend Time to Provide Documents

OFFICE OF CHIEF COUNSEL

PGCB MOTION NO. 2010-23 OCC – Petition / Keystone Development

Motion Made: Board Member Ginty
Seconded: Board Member Coy

Resolved, the Board hereby denies Keystone Development's Petition to intervene in Philadelphia Entertainment and Partners, L.P.'s Motion to extend time.

Docket Number: 1234-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-24 OCC – Petition / Philadelphia Entertainment and Development Partners, L.P.

Motion Made: Board Member Coy
Seconded: Board Member Trujillo

Resolved, the Board hereby denies the Petition of Philadelphia Entertainment and Development Partners, L.P. to Extend Time to Provide Documents. The Board imposes a \$2,000 per day civil penalty retroactive to December 1, 2009 due to its failure to comply with the Board's December 1, 2009 deadline for submission of documents and the fine continuing until such time as Philadelphia Entertainment and Development Partners comes into compliance with conditions number five and six of the Board's September 1, 2009 Order by submitting to the Bureau of Investigation and Enforcement the reports required by those conditions. Additionally, the Board issues a rule to show cause why the Board should not impose further sanctions up to and including revocation of the Category II Slot Machine License for violation of the Board's September 1, 2009 Order. The hearing on the rule shall be scheduled for March 3, 2010.

Docket Number: 1170-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-25 OCC – Petition / Washington Trotting Association and D. Richard Masson

Motion Made: Board Member Trujillo
Seconded: Board Member Sojka

Resolved, the Board hereby grants Washington Trotting Association and D. Richard Masson's Petition to Approve Transfer of Interest and for the Withdrawal of the Principal Renewal Application of D. Richard Masson.

Docket Number: 1207-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-26 OCC – Petition / LVI Environmental Services, Inc.

Motion Made: Board Member Sojka
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Petition of LVI Environmental Services, Inc. for Removal from the Prohibited Vendors List conditional on a civil penalty payment of \$1,500.00.

Docket Number: 1183-2009
Board Decision: Passed by unanimous vote

ANNOUNCEMENTS

Chairman Fajt announced that the Board held an Executive session on January 26, 2010 and just prior to this meeting 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 McCabe, seconded by Board Member Sojka, the minutes and transcript of the November 18, 2009 meeting were approved. Board Member Kenneth Trujillo abstained.

EXECUTIVE DIRECTOR'S REPORT

Kevin O'Toole, Executive Director, reported that as part of the Board's initiative to insure the proper regulatory oversight of table games operations, he instructed the Bureau of Financial Management and Administration to prepare an RFP for the purpose of soliciting an expert to perform educational and training seminars in the area of table games security and protection. The successful bidder will provide training to all Board staff with responsibilities to oversee the integrity of table game play, and in particular the Board's on-site Casino Compliance Representatives. Mr. O'Toole stated that it is expected that all attendees of these training sessions will gain a fundamental understanding of table games sufficient to recognize basic red flags and other suspicious activity that would cause that employee to further investigate an incident, event or person.

PGCB MOTION NO. 2010-19 EXE – Request for Proposals

Motion Made: Board Member Trujillo
Seconded: Board Member Coy

Resolved, the Board hereby approves the issuance of Request for Proposals and subsequent entry into a contract with the winning proposal to provide PGCB staff with table games security education and training.

Board Decision: Passed by unanimous vote

HUMAN RESOURCES

PGCB MOTION NO. 2010-20 HR – Employment

Motion Made: Board Member Coy
Seconded: Board Member Trujillo

- ✓ Trevor Lawrence, Casino Compliance Representative, Penn National
- ✓ Beth Manifesto, Assistant Enforcement Counsel, Western Region
- ✓ Michael Rhen, Paralegal – Office of Enforcement Counsel, Harrisburg Office

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. 2010-21 REG – Temporary Regulation #125-110

Motion Made: Board Member Sojka
Seconded: Board Member McCabe

Resolved, the Board hereby adopts Temporary Regulation #125-110 and establishes a comment period of 30 days; and directs that the Temporary Regulation be posted on the Board’s website.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-22 REG – Temporary Regulation #125-111

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved, the Board hereby adopts Temporary Regulation #125-111 and establishes a comment period of 30 days; and directs that the Temporary Regulation be posted on the Board’s website.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-27 OCC – Withdrawals or Surrenders

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved the Board hereby adopts the withdrawal or surrender of Principal and Key Employee Applications, or Licenses, as well as Vendor Registrations or Certifications as follows:

- | | | |
|-----------------------------|----------------------|------------------------|
| ✓ Barden Development, Inc. | Licensing No. 1807; | PGCB Doc No. 1196-2009 |
| ✓ Lindy Paving Incorporated | Licensing No. 35735; | PGCB Doc No. 1197-2009 |
| ✓ Kenneth M. Reels | Licensing No. 2397; | PGCB Doc No. 1235-2009 |
| ✓ Joann Weber | Licensing No. 4767; | PGCB Doc No. 1204-2009 |

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-28 OCC – Report and Recommendation / Thomas Neveil

Motion Made: Board Member Ginty
Seconded Board Member Coy

Resolved, the Board hereby issues an Order adopting the Report and Recommendation of the Office of Hearing and Appeals and denies the Gaming Employee Permit of Thomas Neveil.

Docket Number: 1131-2009
Board Decision: Passed by unanimous vote

BUREAU OF LICENSING

PGCB MOTION NO. 2010-29 LIC – Fee Schedule for Vendor Registrations

Motion Made: Board Member Coy
Seconded Board Member Sojka

Resolved, the Board hereby issues an Order approving the proposed change to the fee schedule for Vendor Registrations. A \$2,000 fee will be imposed for Vendor Registrations, which is good for four (4) years.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-30 LIC – Temporary Key Employee Licenses

Motion Made: Board Member McCabe
Seconded Board Member Trujillo

Resolved, the Board hereby issues an Order approving the issuance of 56 Temporary Key Employee Licenses.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-31 LIC – Issuance of Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member Trujillo
Seconded Board Member Sojka

Resolved, the Board hereby approves the Order issuing 254 Gaming Employee Permits (includes 202 renewals) and 87 Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-32 LIC – Denial of Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member Trujillo
Seconded: Board Member Angeli

Resolved, the Board hereby issues Orders approving the denials of three (2 Gaming and 1 Non-Gaming) Employee Permit and Registrations as follows:

<u>BOL Dbase</u>	<u>SLOTSLink</u>	<u>Applicant</u>
41860	----	John T. Mills
7501	G1006577	Isaac Newborn
37071	----	Kurtis Austin (NG)

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-33 LIC – Denial of Vendor Application

Motion Made: Board Member Ginty
Seconded: Board Member Coy

Resolved, the Board hereby issues an Order and approves the denial of Howard Concrete Company, Inc. and Frank M. Howard, Jr.'s, Vendor Application.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-34 LIC – Vendor Certification

Motion Made: Board Member Coy
Seconded: Board Member Trujillo

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

- ✓ Albarell Electric, Inc.
- ✓ Bottling Group, LLC
- ✓ Floss Barber, Inc.
- ✓ Kegel's Produce, Inc.
- ✓ Massaro Industries
- ✓ Mr. Moo Cow
- ✓ Sippel Co., Inc.
- ✓ Starkman General Products Co., Inc.
- ✓ Tri-State Sealants, Inc.
- ✓ Wellington Power Corp.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-35 LIC – Vendor Registration

Motion Made: Board Member Coy
Seconded: Board Member Trujillo

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

- ✓ American Background Information Services
- ✓ American Mussel Harvesters, Inc.
- ✓ B & L Solutions Company, DBA: Granite Transformations
- ✓ Birkmire Trucking Company
- ✓ Bob Ferrando Ford Sales Incorporated, DBA: Bob Ferrando Ford Lincoln Mercury
- ✓ Buyers Edge, LLC
- ✓ Central PA Rentals, Inc. DBA: Event Central Rental and Sales
- ✓ Contract Wallcoverings, Inc.
- ✓ Cygnus Filters & Services, Inc.
- ✓ D3 LED, LLC
- ✓ Debra Sievers
- ✓ Delaware Valley Lift Truck, Inc.
- ✓ Dunn Solutions Group, Inc., DBA: Dunn Solutions Group
- ✓ EastCoast Entertainment, Inc.
- ✓ Eberly Poultry, Inc.
- ✓ Epicurean Industries, Inc.
- ✓ Gary Wassel Neon
- ✓ Gernhart Beer Coil Cleaning, DBA: V.W. Gernhart Draught Beer Systems
- ✓ Giant Eagle, Inc.
- ✓ H. Beasley Enterprises, Inc.
- ✓ Houck Services, Inc.
- ✓ Jack Horner Communications Inc.
- ✓ King Outdoor Advertising Company
- ✓ Koroteo Investments, Inc., DBA: FASTSIGNS
- ✓ Kost Tire Distributors, Inc., DBA: Kost Tire & Auto
- ✓ Lebanon Building Supply Co.
- ✓ Lost City Ironworks, Inc.
- ✓ McClain Resources, LLC
- ✓ Michael Eisenberg
- ✓ Michael Spain-Smith Studio, DBA: Michael David Photography
- ✓ Mt. Mulch Co. L.L.C., DBA: Mountain Mulch
- ✓ New England Systems, Inc., DBA: NSI
- ✓ Nexus 21 Designs, Inc.
- ✓ Nice Lines Direct Mail, Inc., DBA: Nice Lines
- ✓ Northeast Boxing, LLC, DBA: Northeast Boxing LLC / N.E. MMA
- ✓ R.J. Skelding Company, Inc.
- ✓ RAE-LYN Enterprises, Inc.
- ✓ Royal Buying Group, Inc., DBA: Royal Performance Group
- ✓ Scan Technology, Inc.
- ✓ South Bethlehem Associates, L.P., DBA: Courtyard by Marriott Bethlehem Lehigh Valley / I-78
- ✓ SportGame, Inc.
- ✓ Taylor Foodservice, LLC
- ✓ Tego Data Systems, LLC
- ✓ Tom Brown Contracting, Inc.

- ✓ Transcontinental, Inc., DBA: Rastar, Inc.
- ✓ Universal Electrical Service Company, Inc.
- ✓ Weber Electric Supply

Board Decision: Passed by unanimous vote

OFFICE OF ENFORCEMENT COUNSEL

PGCB MOTION NO. 2010-36 OEC – Consent Agreement / Brabender-Cox

Motion Made: Board Member Trujillo
Seconded: Board Member Sokja

Resolved, the Board hereby approves the Consent Agreement between BrabenderCox, Inc. and the Office of Enforcement Counsel. BrabenderCox, Inc., agreed not to conduct business with a Slot Machine applicant or licensee for a period of three years from the date of the Consent Agreement. BrabenderCox, Inc. shall pay all investigative fees and costs due to the PGCB.

Docket Number: 1027-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-37 OEC – Consent Agreement / Holdings Acquisition Co., L.P.

Motion Made: Board Member Sojka
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Consent Agreement and Stipulation of Settlement between Holdings Acquisition Co., L.P., the Board and the Office of Enforcement Counsel. Holdings Acquisition shall pay a civil penalty of \$10,000 for permitting patrons under 21 years of age to gamble; and a \$6,000 civil penalty for permitting patrons under the age of 18 on the gaming floor.

Docket Number: 1161
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-38 OEC – Consent Agreement / Paltronics Inc.

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Consent Agreement and Stipulation of Settlement between Paltronics Inc., and the Office of Enforcement Counsel. Paltronics shall pay a fine to the Board in the amount of \$4,600 which represents a \$200 per day fine for each day Paltronics Application was late, plus provisions requiring them to put into place controls which will ensure their compliance in the future.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-39 OEC – Involuntary Exclusion List / Shoumin Chai

Motion Made: Board Member Ginty
Seconded: Board Member Coy

Resolved, the Board hereby issues an Order approving the placement of Shoumin Chai on the Exclusion List.

Docket Number: 1150-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-40 OEC – Involuntary Exclusion List / Kerry Laverde

Motion Made: Board Member Coy
Seconded: Board Member McCabe

Resolved, the Board hereby issues an Order approving the placement of Kerry Laverde on the Exclusion List.

Docket Number: 1134-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-41 OEC – Involuntary Exclusion List / Patrick Loushil

Motion Made: Board Member Sojka
Seconded: Board Member Trujillo

Resolved, the Board hereby issues an Order approving the placement of Patrick Loushil on the Exclusion List.

Docket Number: 1136-2009
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-42 OEC – Involuntary Exclusion List / Andre Nestor

Motion Made: Board Member Trujillo
Seconded: Board Member Sojka

Resolved, the Board hereby issues an Order approving the placement of Andre Nestor on the Exclusion List.

Docket Number: 1135-2009
Board Decision: Passed by unanimous vote

ADJOURNMENT

On a motion by Board Member Ginty, and seconded by Board Member Sojka, the meeting was adjourned.