

PENNSYLVANIA GAMING CONTROL BOARD

PUBLIC MEETING

WEDNESDAY, MARCH 25, 2009, 9:34 A.M.

PUC - KEYSTONE BUILDING  
HEARING ROOM 1  
HARRISBURG, PENNSYLVANIA

BEFORE:

MARY DiGIACOMO COLINS, CHAIRMAN  
RAYMOND S. ANGELI  
JEFFREY W. COY  
JAMES B. GINTY  
KENNETH T. McCABE  
SANFORD RIVERS  
GARY A. SOJKA  
DAVID BARASCH, EX-OFFICIO DESIGNEE

HILLARY M. HAZLETT, REPORTER  
NOTARY PUBLIC

I N D E X

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	17	

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22 COMMISSIONERS: Aye.

23 CHAIRMAN DiGIACOMO COLINS: Opposed?

24 Motion carries.

25 Now to new business, we'll begin with

Executive

1 Director's report.

Board

2 MR. DONAGHUE: Good morning, Chairman and  
3 members.

4 CHAIRMAN DiGIACOMO COLINS: Good morning.

few

5 MR. DONAGHUE: I would like to report on a  
6 items today beginning with an update on revenue  
7 at the Commonwealth casinos.

trends

Pennsylvania's

8 In past months, I've highlighted  
9 revenue numbers. Today, I would like to expand that  
10 view and compare Pennsylvania to some other gaming  
11 jurisdictions.

Gaming

12 On a monthly basis, Michael Pollock's  
13 Industry Observer East Coast Slots Report compares  
14 performance at slot facilities from Maine to

Florida.

takes

15 It compares daily win per unit, meaning the  
16 average amount of money each machine the facility  
17 in wins per day.

the

18 Pennsylvania casinos have consistently over  
19 past year been at the top of that list. The latest  
20 reporting period continues this trend with the

21 Pennsylvania's 7 casinos all ranking in the top 20.  
22 Specifically, four of them are in the top  
four;  
23 Philadelphia Park with an average win per day of  
396, at  
24 the Meadows 365, Chester Harrah's at 357, and  
Hollywood  
25 at 321 win per unit.

5

to  
amounts

1           The only other facility on the East Coast  
2           have over 300 wins per unit was Mohegan Sun in  
3           Connecticut. The report indicates that all of the  
4           facilities in Pennsylvania are experiencing high  
5           of play.

6           Additionally, when comparing year-over-year  
7           gross terminal revenue to other gaming jurisdiction,  
8           Pennsylvania also stands out.

the  
percent  
Virginia,

9           In January of 2009 comparing figures from  
10          same period one year ago, Pennsylvania saw a 23  
11          increase in revenues where New Jersey, West  
12          Nevada, Illinois all experienced 9 percent or more  
13          decreases in revenue.

14          As you can see Pennsylvania gaming market  
15          continues to stand out as one of the few gaming  
16          jurisdictions in the nation that has continued to  
17          expand.

and it  
this

18          Obviously, our market is still maturing;  
19          is too early to draw any concrete conclusions at  
20          point.

21          Briefly, I would like to mention that



the 22 preparations are in full swing for the opening of  
23 new Meadows permanent facility.  
for 24 An invitation-only test period is scheduled  
25 April 13th; and if everything is in order and if the

1 Board gives approval, opening will take place on  
April 2 15th.

3 Currently members of the opening team are  
4 on-site checking and rechecking every aspect of the  
5 facility to ensure that it and its employees of the  
6 facilities will be in regulatory compliance and  
ready to 7 receive the public.

8 Reports from the opening team indicate that  
9 everything is progressing smoothly, and they do not  
10 anticipate at this point any major problems.

11 They are currently working closely with  
staff 12 and the Pennsylvania State Police, the Department of  
13 Revenue, and GTech to coordinate the efforts.

14 As of today, there are 1,900 slot machines  
on 15 the new floor with 200 to 250 machines being  
installed 16 per day. This is -- we are anticipating about 3,000  
17 machines to be installed for the test period. There  
are 18 also currently over 1,000 security cameras in  
operation.

19 Finally, I would like to remind the Board  
that 20 I have arranged for representatives from both the

the  
status of  
full

21 Sugarhouse Casino and the Foxwoods Casino to be at  
22 Board's April 8th, 2009 meeting to discuss the  
23 their respective projects and to give the Board a  
24 and complete update on those projects.  
25 That concludes my report.

1 CHAIRMAN DiGIACOMO COLINS: Thank you very  
2 much.

3 Next will be the report of our Chief  
Financial  
4 Officer, Eileen McNulty.

5 MS. McNULTY: Thank you, Chairman Colins.  
6 Dave Rhen will present the financial  
report.

7 MR. RHEN: Good morning. I am here today  
to  
8 provide updated budget figures through February.

9 CHAIRMAN DiGIACOMO COLINS: Could you speak  
up?  
10 Could we get the volume up?

11 MR. RHEN: Through February, agency  
12 expenditures totaled \$18.9 million. Payroll  
expenses  
13 for February were \$1.8 million bringing year-to-date  
14 payroll expenses to \$14.6 million or 77 percent of  
total  
15 expenses.

16 Operating expenditures for February were  
17 \$412,000. Year-to-date operating expenditures total  
18 \$4.3 million or 23 percent of total expenditures.

19 The largest operating expenditures in  
February  
20 were \$205,000 for rentals including lease costs for  
real

operating 21 estate and agency vehicles, \$82,00 for other  
22 expenditures including ChoicePoint database searches  
for 23 utilized in background investigations and \$64,000  
24 telecommunications.  
25 Year-to-date, the largest operating

operating 1 expenditures are \$1.4 million or 33 percent of  
for 2 expenditures for rentals, \$1.3 million or 31 percent  
3 services, \$554,000 or 13 percent for other operating  
4 expenditures, \$452,000 or 11 percent for  
5 telecommunications, and \$345,000 or 8 percent of  
6 operating expenditures for travel.

date 7 All fiscal year '08-'09 expenditures to  
8 are in line with available budget levels.

9 That concludes my report.

the 10 MS. McNULTY: Next item on the agenda is  
11 motion to hire agency staff. In preparation for the  
the 12 upcoming facility expansion and a casino opening in  
13 western part of the state, we have one proposed hire  
14 today.

as 15 We are proposing the hire of Justin Swogger  
16 a Technical Field Representative for the gaming lab  
in 17 the western part of the state.

University 18 Justin is a 2003 graduate of Gannon  
19 in Erie, Pennsylvania with a degree in Management  
20 Information Systems.

by 21 He has spent the last five years employed  
Systems 22 the Ohio State University Medical Center as a  
23 Specialist and Systems Analyst in their Information  
24 Technology Center.  
process 25 Justin has completed the PGCB interview

9

is  
Mike  
1 and background investigation and drug screening and  
2 recommended for hire by the Director of Gaming Labs  
3 Cruz and Gaming Lab Manager Karl Dixon.

4 CHAIRMAN DiGIACOMO COLINS: Thank you.

5 Are there any questions?

6 May I have a motion?

I  
7 COMMISSIONER RIVERS: Yes, Madame Chairman.

8 move that the Board approve the hiring of agency  
staff  
9 as proposed on the condition that the employee has  
10 completed the necessary background investigation and  
11 drug testing program.

12 COMMISSIONER COY: Second.

13 CHAIRMAN DiGIACOMO COLINS: All in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN DiGIACOMO COLINS: Opposed?

16 Motion carries.

17 MS. McNULTY: Thank you.

18 CHAIRMAN DiGIACOMO COLINS: Thank you very

19 much.

Sherman.  
20 Next will be our Chief Counsel, Doug

Chairman,  
21 MR. SHERMAN: Good morning, Madame



22 members of the Board.

23 Our first agenda item today is a Proposed

Richard 24 Regulation which Director of Regulatory Review

25 Sandusky will present.

for  
Regulation

1 MR. SANDUSKY: Good morning. What we have  
2 the Board's consideration today is Proposed  
3 125-102. This proposed rulemaking would amend the  
4 definition of Key Employee to expand Key Employee  
5 licensure requirements to include shift managers.

operation,

6 Since casino operations are a 24/7  
7 shift managers act as de facto department heads from  
8 time to time when the department head is not at the  
9 facility. Therefore, it is appropriate that these  
10 individuals also be licensed as Key Employees.

are

11 The amendment also requires employees who  
12 authorized to issue credits for free slot play which  
13 exceeds \$50 to any individual within a consecutive  
14 five-day period to be licensed as Key Employees.

gross

15 Since free slot play is a deduction from  
16 terminal revenue, it was important that we exercise  
17 additional scrutiny concerning these individuals as  
18 well.

19 Also, part of this rulemaking package are  
20 amendments to Section 465(a)(7) pertaining to  
21 complimentary services.

require 22 More specifically, the amendments will  
23 Board approval for the internal controls related to  
24 complimentary services or items.  
controls to 25 It will also require those internal

11

are 1 include a matrix which shows what complementaries  
2 authorized to be issued by specific job titles.

Machine 3 Finally, it will require that the Slot  
4 Licensees' Internal Audit Department audit the  
issuance 5 of those complementaries.

6 If the Board members have any questions, I  
7 would be happy to try and answer them. If not, we  
would 8 ask for a motion of adoption of the proposed  
rulemaking.

9 CHAIRMAN DiGIACOMO COLINS: May I have a  
10 motion, please?

11 COMMISSIONER COY: Madame Chair, I move  
that 12 the Board adopt Proposed Regulation No. 125-102,  
13 establish a public comment period of 30 days, and  
that 14 the Proposed Regulation be posted on the Board's  
15 website.

16 COMMISSIONER GINTY: Second.

17 CHAIRMAN DiGIACOMO COLINS: All in favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN DiGIACOMO COLINS: Opposed?

20 Motion carries.

21 MR. SANDUSKY: Thank you.

22                   CHAIRMAN DiGIACOMO COLINS: Thank you very  
23 much.

24                   MR. SHERMAN: Today, the Board has two  
25 Petitions before it for consideration upon the

1 documentary records.

with  
Enforcement  
2 In each case, the Board has been provided  
3 the Petition, the Response of Pleading of  
4 Counsel, any additional pleadings, along with the  
5 supporting evidentiary materials.

Board  
address  
each  
6 All parties have been notified that the  
7 is considering their matters today and that a  
8 representative has the right to be present to  
9 the Board as appropriate. I'll briefly summarize  
10 Petition.

11 First, on the agenda is Sprung Instant  
12 Structures, Inc. Petition for Removal from the  
13 Prohibited Vendor List.

14 In its Petition, Sprung asserts that after  
15 having consulted with the Bureau of Licensing on  
16 application  
17 November 24th, 2008, it elected to file an  
18 for Vendor Certification with the Board.

it  
18 Previously, Sprung took the position that  
19 should be treated as a Single-Transaction Vendor  
20 entitled to a Waiver of Vendor Certification under  
the

21 PGCB's Regulations.

22 As a result of the failure to file the  
23 Certified Vendor Application, Sprung was placed on  
24 Prohibited Vendor List.

25 Having now filed the required application,

the

1 Sprung Structures petitions the Board for removal  
from 2 that list.

3 The Office of Enforcement Counsel (OEC)  
does 4 not object to the relief requested in Sprung's  
Petition 5 and believes a civil penalty is in order.

6 The Office of Chief Counsel (OCC)  
recommends 7 that the Board grant the relief requested and remove  
8 Sprung Instant Structures from the Prohibited Vendor  
9 List subject to the following conditions:

10 That is, that Sprung pay \$28,000 to the  
projected 11 Pennsylvania Gaming Control Board to cover the  
12 cost to have the investigation completed, as well as  
to 13 cover its unpaid application fee and the BIE cost  
14 incurred to date.

15 Second, that it be -- we also recommend  
that 16 Sprung pay a civil penalty of \$5,000 in relation to  
its 17 placement on the Prohibited Vendor List.

18 This matter is now ripe for the Board's  
19 consideration.

20 CHAIRMAN DiGIACOMO COLINS: May I have a



21 motion, please?

22 COMMISSIONER GINTY: Yes, Madame Chairman.

23 I move that the Board approve the Petition

24 submitted by Sprung Instant Structures seeking  
removal

25 from the Prohibited Vendor List as described by the  
OCC

just 1 and subject to the cost and penalty as Mr. Sherman  
2 outlined.

3 COMMISSIONER McCABE: Second.

or 4 CHAIRMAN DiGIACOMO COLINS: Any questions  
5 comments?

6 COMMISSIONER McCABE: I have a couple of  
7 questions. They have finally completed an  
application  
8 now?

9 MR. SHERMAN: Yes. The application has  
been  
10 filed with the Bureau of Licensing.

11 COMMISSIONER McCABE: So we have a  
completed  
12 application from them?

13 MR. SHERMAN: That is correct.

14 COMMISSIONER McCABE: Do they still owe us  
15 money for the background investigation that was  
16 conducted before?

17 MR. SHERMAN: That is included in that  
\$28,000.

18 That would include the application fee, the  
19 reimbursement of the cost previously accumulated by  
BIE  
20 in their investigative process, and would also cover  
the

21 projected cost to complete that investigation.

22 CHAIRMAN DIGIACOMO COLINS: All right.

23 All in favor?

24 COMMISSIONERS: Aye.

25 CHAIRMAN DIGIACOMO COLINS: Opposed?

1 Motion carries.

2 Thank you.

3 MR. SHERMAN: The next Petition before the  
4 Board is that of Washington Trotting Association  
(WTA).

5 As the Board knows, WTA is in the process of  
6 transitioning into its permanent facility.

7 This Petition seeks certain relief related  
to  
8 the transition; specifically, the following:

9 They seek permission to install and operate  
10 3,749 machines in its permanent facility upon  
meeting  
11 certain testing, security, and internal control  
12 thresholds, as well as being granted authorization  
from  
13 Board Members Rivers and McCabe, who the Board  
14 previously delegated authority to supervise the  
15 transition.

16 Second, the Petition seeks approval of  
17 transitional floor plans as well as a delegation of  
18 authority to the Executive Director to approve  
19 implementation of various floor plans and slot  
machine  
20 activations related thereto.

21 Third, WTA makes a request to seal for  
security

and 22 reasons the floor plans attached to WTA's Petition  
23 Exhibits.  
relief 24 Finally, WTA makes a request to obtain  
be 25 from the PGCB's regulations and an allowance that it

16

to 1 permitted to submit floor plans and scale drawings  
2 1/16".

New 3 On March 3rd, 2009, OEC filed an Answer and  
4 Matter in which it did not object to the relief  
5 requested.

granting of 6 As noted, OEC did not object to the  
7 WTA's request for permission to install and operate  
a 8 total of 3,749 machines so long as the testing,  
9 security, and internal control conditions were  
10 satisfied.

11 These conditions have been provided to the  
12 Board for their review. The matter is now  
appropriate 13 for the Board's consideration.

you 14 CHAIRMAN DiGIACOMO COLINS: Mr. Creany, do  
15 have anything you want to say regarding this?

16 MR. CREANY: No, Your Honor.

17 CHAIRMAN DiGIACOMO COLINS: Okay. Any  
18 questions?

19 Is there a motion, please.

that 20 COMMISSIONER McCABE: Madame Chair, I move

Washington 21 the Board approve the petition submitted by

22 Trotting Association as described by the OCC.

23 COMMISSIONER RIVERS: Second.

24 CHAIRMAN DiGIACOMO COLINS: All in favor?

25 COMMISSIONERS: Aye.

1 CHAIRMAN DiGIACOMO COLINS: Opposed?

2 Motion carries.

3 MR. SHERMAN: Next on the agenda are  
4 Withdrawals and Surrenders of Permits. Deputy Chief  
5 Counsel Steve Cook will take over from here.

and

6 MR. COOK: Good morning, Madame Chairman  
7 members of the Board.

petitions

8 The Board has received 11 unopposed  
9 to withdraw applications or surrender licenses,  
10 certifications, or registrations.

11 The individuals or entities subject to the  
12 petitions are as follows:

Inc.,

13 Simon Ashley, Certegy Gaming Services,

H.Y.

14 William Emery, Sean Evans, Phillip Mason, Ricardo

John

15 Watanabe, Shafer Commercial Seating, Inc., William

16 Lincoln Wilson, John Wolford, Ronald D. Zorowski,

17 McCloskey.

withdrawals.

18 The OEC has no objections to these

Board

19 As such the OCC submits these withdrawals to the

without

20 for consideration of a motion to grant the same



21 prejudice.

22 CHAIRMAN DiGIACOMO COLINS: May I have a  
23 motion, please?

24 COMMISSIONER RIVERS: Yes, Madame Chairman.

25 I move that the Board issue Orders to  
approve

OCC. 1 the withdrawal or surrenders as described by the  
2 COMMISSIONER SOJKA: Second.  
3 CHAIRMAN DiGIACOMO COLINS: Are there any  
4 questions or comments?  
5 All in favor?  
6 COMMISSIONERS: Aye.  
7 CHAIRMAN DiGIACOMO COLINS: Opposed?  
8 Motion carries.  
9 MR. COOK: Next before the Board are six  
Hearings 10 Reports and Recommendations from the Office of  
11 and Appeals (OHA) relative to four individuals and  
two 12 businesses seeking certified vendor status.  
13 These Reports and Recommendations along  
with 14 the evidentiary record for each hearing have been  
15 provided to the Board.  
16 Additionally, in each case, the Applicant  
has 17 been notified that the Board is considering his or  
her 18 Report and Recommendation today and that he or she  
has 19 the right to be present to address the Board.  
20 If any of the individuals are present  
today,

21 they should come forward when their name is  
announced.

22 Robert Earnest.

23 The first Report and Recommendation before  
the

24 Board for consideration is the Report and  
Recommendation

25 received from the OHA relative to Robert Earnest, a

1 gaming permit holder.

2           During September of 2007 while employed as  
a  
3 Gaming Employee, Mr. Earnest was charged with a  
third  
4 degree felony theft for allegedly taking \$2,000  
worth of  
5 stainless steel from his prior employer.

6           As a result of that charge, an Emergency  
Order  
7 was issued by the Gaming Control Board's Executive  
8 Director suspending Mr. Earnest's permit.

9           On March 13th, 2008, the OHA conducted a  
10 hearing on the validity of the Order of Emergency  
11 Suspension.

12           The Hearings and Appeals recommended that  
the  
13 Order of Emergency Suspension be continued until  
14 disposition of the pending criminal charges against  
15 Mr. Earnest. That recommendation was adopted by the  
16 Board on April 24th, 2008.

17           The matter currently before the Board is a  
18 result of Mr. Earnest's December 18th, 2008 request  
that  
19 the Board consider lifting his suspension.

20           The OHA conducted a hearing on January  
14th,

to  
was  
21 2009 where Mr. Earnest admitted to pleading guilty  
22 one misdemeanor count of theft and indicated that he  
23 placed on probation for 18 months.

24 The Report and Recommendation of the OHA  
25 recommends that the suspension of Mr. Earnest's  
Gaming

1 Permit continue until at least the completion of his  
2 probationary status.

3 The OCC recommends the Board consider a  
motion  
4 to approve the Report and Recommendation.

5 CHAIRMAN DiGIACOMO COLINS: Is there a  
motion,  
6 please?

7 COMMISSIONER SOJKA: Yes, Madame Chairman.

8 I move that the Board issue an Order to  
adopt  
9 the Report and Recommendation of the Office of  
Hearings  
10 and Appeals relating to Robert Earnest as just  
described  
11 by the OCC.

12 COMMISSIONER ANGELI: Second.

13 CHAIRMAN DiGIACOMO COLINS: Any questions?  
14 All in favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN DiGIACOMO COLINS: Opposed?

17 This motion carries.

18 MR. COOK: The next Report and  
Recommendation

19 before the Board today is that of Nicole Freeman.

20 Miss Freeman sought work as a Gaming Employee at  
Chester

21 Downs.

Notice of 22                    On December 2, 2008, the OEC issued a  
failure 23   Recommendation of Denial due to Miss Freeman's  
24   to cooperate in her background investigation.  
25                    As a result of that notice, Miss Freeman

OHA  
pro  
1 requested a hearing and the hearing was held at our  
2 on January 15th, 2009 at which Miss Freeman appeared  
3 se via videoconference.

failed to  
requested  
(BIE).  
4 The Report and Recommendation issued as a  
5 result of that hearing finds that Miss Freeman  
6 cooperate in the investigation and failed to submit  
7 certain documents to the Commonwealth although  
8 by the Bureau of Investigation and Enforcement

result  
9 The Hearing Officer concluded that  
10 Miss Freeman's application should be denied as a  
11 of her noncompliance.

consideration.  
12 The OCC now believes this Report and  
13 Recommendation is ripe for the Board's

move  
and  
as  
14 COMMISSIONER ANGELI: Madame Chairman, I  
15 that the Board issue an Order to adopt the Report  
16 Recommendation of the OHA related to Nicole Freeman  
17 described by the OCC.

18 COMMISSIONER COY: Second.

19 CHAIRMAN DiGIACOMO COLINS: Any questions?



20 All in favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN DiGIACOMO COLINS: Opposed?

23 Motion carries.

24 MR. COOK: The next Report and  
Recommendation

25 before the Board is that of Lawrence Terry. Mr.  
Terry

1 was employed as a Slot Shift Manager at Hollywood  
2 Casino.

3                   On October 31st, 2008, the OEC issued a  
Notice  
4 of Recommendation of Denial due to information  
contained  
5 within both Mr. Terry's criminal and personal  
history.

6                   Upon receiving notice, Mr. Terry requested  
a  
7 hearing. An administrative hearing was held before  
the  
8 Board's OHA on December 16th, 2008 wherein both the  
OEC  
9 and Mr. Terry appeared and offered evidence.

10                   At his hearing, Mr. Terry presented  
character  
11 evidence including testimony of his immediate  
supervisor  
12 and the Director of Slot Services at Penn National.

13                   Presently before the Board is a Report and  
14 Recommendation recommending that Mr. Terry's  
application  
15 be denied and that he failed to prove his  
suitability by  
16 clear and convincing evidence.

17                   Additionally, also before the Board are  
18 exceptions Mr. Terry filed to the Report and  
19 Recommendation. These exceptions were also provided  
to

the 20 the Board prior to today's meeting and argued that  
21 Hearing Examiner misapplied the clear and convincing  
22 evidence standard.

I 23 I believe Mr. Terry's counsel is present.

24 don't know if he wishes to address the Board.

25 MR. WOLBRETTE: Yes, I would.

1                   CHAIRMAN DiGIACOMO COLINS:  Would you state  
2 your name for the record?

3                   MR. WOLBRETTE:  Thank you, ma'am.  My name  
is  
4 Bruce Wolbrette.  I am Mr. Terry's attorney.  I do  
have  
5 a few brief comments to the Board.

6                   First, I would like to point out to the  
Board  
7 that Mr. Terry is a disabled Navy veteran having  
lost an  
8 eye in the service of his country.

9                   One of the key issues brought against Mr.  
Terry  
10 was that he had this outstanding debt.  His debt  
that is  
11 outstanding is much less I would maintain than most  
Key  
12 Employees that come before this Board.

13                   He does not own a house, does not have a  
14 mortgage payment.  His total debt that they were  
15 referencing was approximately \$8,000.

16                   As was noted previously, the IRS debt would  
be  
17 paid off by March.  It has, in fact, been paid off.

18                   He has set up a payment plan with the Navy  
19 Relief and Sierra Pacific has been contacted.  It  
was a

weren't 20 rather strange conversation, but they said they  
21 pursuing collection, but it was his intention to pay  
the 22 money that he owed them at this time. He is pursuing  
a 23 fee payment arrangement with them.

24 Mr. Terry -- everything that was testified  
to 25 at the hearings was that he is an exemplary  
employee.

in 1 His history is not just here, but he has also worked  
2 West Virginia where there were no complaints, no  
3 regulatory actions, no indication of any kind that  
4 Mr. Terry would attempt to steal anything or take  
5 anything due to his financial situation.

of 6 We feel that the Board has to look at all  
7 that and that if he cannot -- it has put him in a  
8 position where he really cannot prove any further  
9 he is capable of doing the job.

that. 10 He has done the job and he has exhibited

Thank 11 We would ask the Board to grant him his license.  
12 you.

13 CHAIRMAN DIGIACOMO COLINS: Thank you.

14 OEC?

OEC. 15 MS. DAVENPORT: Yes. Good morning. Nan  
16 Davenport, Deputy Chief Enforcement Counsel for the

debts 17 I just want to point out that Mr. Terry's  
18 were just one of several issues that OEC looked at  
19 when making a Recommendation of Denial.

the 20 We also looked at the criminal history and

We 21 frequency and nature of the arrests, the duration.  
Hearing 22 also looked at the tax issues that are in the  
23 Officer's Report and Recommendation based.  
not 24 So, on the totality of the circumstances,  
as 25 only his outstanding credit issues, the tax issues,

1 well as the arrest history, we concur with the OHA's  
2 Report and Recommendation.

Thank

3 CHAIRMAN DiGIACOMO COLINS: Very good.  
4 you.

entertain

5 MR. COOK: If the Board is ready to  
6 motions, Madame Chairman, procedurally, I think it  
7 would  
8 be first appropriate for the Board to consider a  
9 motion  
10 as to the exceptions filed.

Hearing

11 As I indicated, counsel objected to the  
12 Officer's interpretation of the Clear and Convincing  
13 Evidence Standard.

was

14 The OCC has reviewed the Report and  
15 Recommendation and believes that the Hearing Officer  
16 was  
17 correct in his interpretation and application.

a

18 Therefore, we would recommend to the Board  
19 a  
20 motion that the exceptions be denied.

21 CHAIRMAN DiGIACOMO COLINS: Are there any  
22 questions of counsel regarding these exceptions?

exceptions

23 COMMISSIONER GINTY: I move that the  
24 exceptions  
25 be denied.



second? 21 CHAIRMAN DiGIACOMO COLINS: Is there a  
22 COMMISSIONER McCABE: Second.  
23 CHAIRMAN DiGIACOMO COLINS: All in favor?  
24 COMMISSIONERS: Aye.  
25 CHAIRMAN DiGIACOMO COLINS: Opposed?

1 All right. The motions -- the motion  
carries.

2 The exceptions are denied.

3 MR. COOK: It would now be appropriate for  
the

4 Board to consider a motion as to the Report and

5 Recommendation, which recommends denial of Mr.  
Terry's

6 Application.

7 CHAIRMAN DiGIACOMO COLINS: All right. And  
8 before the motion, are there any questions?

9 COMMISSIONER RIVERS: Yes, Madame Chair.

10 To you, sir?

11 MR. WOLBRETTE: Yes, sir.

12 COMMISSIONER RIVERS: You spoke about the  
debt

13 side of this situation. Can you address the other  
14 issues that the OEC brought to the table?

15 MR. WOLBRETTE: I can, Your Honor.

16 COMMISSIONER RIVERS: That is her.

17 MR. WOLBRETTE: He does have several items  
in

18 his past, nothing at the current time. He is not on  
19 probation or anything at this time.

20 Most of them stem from a drinking problem  
he

21 had. A lot of them stem from when he was first  
released

the 22 from the Navy. He was in a medical center due to  
23 injury.  
24 He got in trouble, I believe, twice with  
DUIs 25 for drinking while he was at the facility, drinking  
and

1 driving.

did

2 So two of them are related to that and he

he

3 go through therapy after that and all. We believe

the

4 has got his drinking problem under control. Some of

5 other issues were also related to drinking.

that

6 The testimony at all of the hearings was

7 he has never shown up for work drunk. It has never

that

8 affected his job performance, and we don't believe

9 he has a drinking problem at this time.

10 COMMISSIONER RIVERS: Enforcement Counsel,

11 could you give us a chronological detail in terms of

12 dates when these events took place?

the

13 MS. DAVENPORT: Surely. I'll just give you

of

14 years in 1977, Mr. Terry was arrested for possession

years

15 marijuana. He was convicted and sentenced to four

16 probation and obligated to pay fines and costs.

the

17 In 1982, he was conducted of driving under

18 influence and sentenced to one year probation,

19 suspension of driver's license and obligated to pay

20 fines and costs.

1982, 21 Also, same year, same month, in April of  
22 he was convicted of driving under the influence and  
23 sentenced to one year probation to run concurrent  
with a 24 sentence for DUI in the same month, along with a  
25 suspension of his driver's license and fines and  
costs.

1                   In September of '91, he was convicted of  
2 driving under the influence and sentenced to one  
year  
3 probation and suspension of driver's license and  
4 obligated to pay fines and costs.

5                   In 1996, he was arrested for battery; but  
those  
6 charges were dismissed.

7                   In 2003, he was arrested for possession of  
drug  
8 paraphernalia, convicted and sentenced to payment of  
9 fines and costs.

10                  In June of 2006, he was arrested for public  
11 intoxication, convicted and sentenced to pay fines  
and  
12 costs.

13                  In August of 2008, he pled guilty to a  
summary  
14 offense under the Vehicle Code for an accident  
involving  
15 damage of unattended vehicle or property, which was  
a  
16 misdemeanor count and a summary offense, due to give  
17 information, render aid, and following too closely.

18                  COMMISSIONER RIVERS: Thank you.

19                  CHAIRMAN DiGIACOMO COLINS: All right. May  
I  
20 have a motion?

21                   COMMISSIONER COY:  Madame Chair, just a  
22                   question before we do the motion and that would be  
just  
23                   to clarify what the Report and Recommendation is.

24                   MR. COOK:  The Recommendation of the  
Hearing  
25                   Officer is that the application for a Gaming Permit  
be

1 denied.

Gaming 2 MS. DAVENPORT: As a Key Employee, not a

3 Permit.

4 MR. COOK: Excuse me.

5 COMMISSIONER COY: Key Employee?

6 MS. DAVENPORT: Yes.

7 COMMISSIONER COY: Madame Chair, I move

that

8 the Board issue an Order adopting the

Recommendation.

9 CHAIRMAN DiGIACOMO COLINS: May I have a

10 second?

11 COMMISSIONER GINTY: I'll second.

12 CHAIRMAN DiGIACOMO COLINS: All in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN DiGIACOMO COLINS: Opposed?

15 Motion carries.

16 MS. DAVENPORT: Thank you.

17 MR. COOK: The next Report and

Recommendation

18 before the Board is that of Bencardino Excavating,

Inc.

19 On December 15, 2008, the OEC issued a Notice of

20 Recommendation of Denial for this Certified Vendor

21 Applicant.



held 22 Bencardino requested a hearing, which was  
February 23 on January 6th, 2009. Subsequent thereto, on  
matter 24 4th, 2009, a Report and Recommendation on this  
25 was issued by the OHA.

1                   This Report and Recommendation is presently  
2 before the Board for consideration, and I believe  
3 Bencardino's counsel is also present.

4                   CHAIRMAN DiGIACOMO COLINS: Could you state  
5 your name for the record?

6                   MR. McGOVERN: Good morning, Madame  
Chairman.  
7 I'm Mike McGovern and I represent my client, Louis  
8 Bencardino, who is to my immediate left. Good  
morning,  
9 members of the Board.

10                  CHAIRMAN DiGIACOMO COLINS: All right.  
11 Proceed.

12                  COMMISSIONER GINTY: What is the status of  
the  
13 case right now?

14                  MR. COOK: As of right now, there is a  
Report  
15 and Recommendation before the Board for the Board's  
16 consideration, the Recommendation of which is that  
17 Bencardino be granted a certified vendor status.

18                  COMMISSIONER GINTY: And are you working  
now?  
19 Are you doing work? Are you getting paid for the  
work  
20 you are doing?

21                  MR. McGOVERN: If I may address that?

22                    Sir, when the Hearing Examiner's Report and  
23 Recommendation was issued, I had a series of  
24 conversations and correspondence with Mr. Sherman  
25 representing the Gaming Board.

gentlemen,  
Bencardino  
site

1                   At that time, Your Honor, ladies and  
2 we had requested that in the interim that Mr.  
3 and his company be permitted to return to the work  
4 pending a full resolution of the Board, whatever the  
5 Board would decide would then affect whether he  
6 continued to work or not.

did

7                   And based on that agreement, Mr. Bencardino  
8 return to the work site shortly thereafter.

Chairman,

9                   COMMISSIONER GINTY: Okay. Madame  
10 you know, with that, I'm just not happy with how the  
11 record was developed in this case.

12                   I mean, you know, we have made the decision  
13 that, you know, felony convictions of fact we should  
14 consider, not just automatically disqualify.

to

15                   What that means then is that the record has  
16 be developed with respect to the character of the  
17 Petitioner to give us comfort that -- and I'm just  
not  
18 -- so I'm going to ask, Madame Chairman, that we  
refer  
19 it back -- is that the correct --

20                   MR. COOK: Remand.

21                   COMMISSIONER GINTY: Remand back to the  
22   Administrative Law Judge for a further review,  
23   development, you know, of the record with respect to  
the  
24   character testimony that was presented, you know,  
during  
25   the case and, you know, if we could have this back  
on

1 the docket at our next meeting, you know, it should  
be 2 in order.

3 CHAIRMAN DiGIACOMO COLINS: We can do that.  
We 4 can remand.

5 Can I ask a few questions, Mr. McGovern?

6 MR. McGOVERN: Sure.

7 CHAIRMAN DiGIACOMO COLINS: Were you  
8 representing Mr. Bencardino at the hearing before  
the 9 Hearing Officer?

10 MR. McGOVERN: Yes, Your Honor. Mr.  
Bencardino 11 received a letter, I believe, it was December 18th,  
12 about a week before Christmas.

13 We then immediately filed a request for a  
14 hearing. We were granted a hearing on January 6th.

I 15 appeared with my client and his wife, Mary, who is  
in 16 the courtroom and three witnesses. In addition,

there 17 were 26 character affidavits that were submitted at  
that 18 hearing. So I did represent Mr. Bencardino.

19 CHAIRMAN DiGIACOMO COLINS: Right. The  
20 affidavits are attached to the report. But the --  
who

21 testified at the hearing?

was

22 MR. McGOVERN: Presented at that hearing

23 Mason Avirgian, Jr.

24 CHAIRMAN DiGIACOMO COLINS: From Montgomery

25 County?

1 MR. McGOVERN: From Blue Bell. He is an  
2 attorney in Montgomery County, as well as Jack  
McGrath,  
3 Jim Walsh and --

4 CHAIRMAN DiGIACOMO COLINS: But the notes -  
-

5 MR. McGOVERN: Three witnesses testified  
6 including my client was the fourth witness who  
testified  
7 for the Hearing Examiner, Kenneth Zielonis.

8 CHAIRMAN DiGIACOMO COLINS: Okay. And this  
9 hearing was transcribed? The notes were  
transcribed, I  
10 take it?

11 MR. COOK: I don't know if they were  
12 transcribed. They were at least recorded. I don't  
know  
13 if they have been transcribed.

14 COMMISSIONER SOJKA: Mr. Miller is saying  
no.

15 MR. MILLER: I was present.

16 CHAIRMAN DiGIACOMO COLINS: Come up. Tell  
me  
17 about -- I just want to know for the record, there  
was a  
18 hearing. There were witnesses that testified at the  
19 hearing?

20 MR. McGOVERN: It was a very extensive  
hearing.



21                   CHAIRMAN DiGIACOMO COLINS: Was the hearing  
22 transcribed?

23                   MR. MILLER: The hearing was not  
transcribed.

24 There was no court reporter. There was no tape  
25 recorder. There was a tape-recorded --

1 CHAIRMAN DiGIACOMO COLINS: There was a  
tape.

2 MR. MILLER: Whether that tape-recorded  
3 testimony has been transcribed or could be  
transcribed,  
4 I don't know. Hearings and Appeals would have to  
answer  
5 that.

6 CHAIRMAN DiGIACOMO COLINS: Okay. But it  
is  
7 going to be remanded. Just to clarify for  
Commissioner  
8 Ginty, I believe, is saying he wants it remanded for  
a  
9 revisiting of the testimony and a further  
clarification  
10 of the testimony that came forward at the hearing.

11 COMMISSIONER GINTY: I would like the  
12 Administrative Law Judge (ALJ) in his opinion to us  
to  
13 expand on, you know, who testified and, you know,  
what  
14 they said.

15 This is, you know, a question of character  
and,  
16 you know, that should be better developed by the ALJ  
17 than at least it is at this point.

18 MR. MILLER: I should note, Mr.  
Commissioner,

would be 19 also that I believe I think it is 26 affidavits  
20 part of the record as it exists today.  
21 CHAIRMAN DiGIACOMO COLINS: We have it. It  
is.  
22 COMMISSIONER GINTY: We have those, and I  
think  
23 counsel did an excellent job in doing that. It is  
just  
24 that the opinion itself doesn't --  
25 MR. McGOVERN: Mr. Ginty, there was also,  
like,

charitable 1 three Manhattan phonebooks of philanthropic

well. 2 records that were also submitted as exhibits as

3 COMMISSIONER GINTY: Don't take this as a  
4 substantive comment.

5 MR. McGOVERN: Okay. I just get nervous as  
6 most lawyers do.

in 7 COMMISSIONER GINTY: I just want, and it is  
8 the interest of your client that the record fully  
9 reflect what you had presented.

10 MR. McGOVERN: Thank you, sir.

11 COMMISSIONER GINTY: And in my opinion --

12 MR. McGOVERN: Whatever aids the Board in  
13 making a proper decision, of course, we are amenable  
to 14 add whatever we can.

15 CHAIRMAN DiGIACOMO COLINS: All right. So  
16 it will be remanded and hopefully brought back at the  
next 17 hearing. Thank you very much.

18 MR. McGOVERN: Thank you. That would  
complete 19 our business before the Board today. May we be  
excused?

20 CHAIRMAN DiGIACOMO COLINS: Thank you.  
Yes.

21 MR. MCGOVERN: Thank you.

22 MR. COOK: The last Report and  
Recommendation

23 for the Board today is that of Penns Landing Supply

24 Company doing business as Wyatt, Inc.

25 Wyatt submitted a Vendor Certification

January 1 Application and Disclosure Information form on  
2 8th of 2007.

3 Subsequently, the OEC issued a Notice of  
4 Recommendation of Denial in December of 2008.

5 A hearing was requested as a result of the  
6 notice and same was held on January 15th, 2009 at  
which  
7 time Wyatt and the OEC appeared and offered  
testimony  
8 and other documentary evidence.

9 The Report and Recommendation presently  
before  
10 the Board today for consideration was issued by the  
OHA  
11 on February 19th, 2009. That Report and  
Recommendation  
12 recommends that Wyatt be granted certified vendor  
13 status.

14 I would note for the record that in this  
15 particular proceeding, suitability was not an issue.  
16 The only thing at issue was whether the 15-year-  
felony  
17 preclusion applied to vendors.

18 COMMISSIONER GINTY: I'm going to move that  
the  
19 Recommendation be adopted. I have concerns, which I  
20 have previously had with respect to the development  
of

in 21 the record in this case, similar to the development

22 the record of the case we just had.

talking 23 You know, the difference here is we are

frankly, 24 about a corporate entity and one that, quite

25 stood up to the issue when it came aboard.

1 I'm far more comfortable in voting to adopt  
the  
2 recommendation here, but I still in future cases  
where  
3 we have instances like this, I would like to see a  
4 better developed record in terms of character  
evidence.

5 COMMISSIONER ANGELI: I'll second it.

6 CHAIRMAN DiGIACOMO COLINS: May I have your  
7 name for the record, please?

8 MR. GIORGIONE: I'm Andrew Giorgione with  
9 Buchanan Ingersoll & Rooney and I'm with Fred  
Episcopo,  
10 the President of Wyatt, Inc.

11 CHAIRMAN DiGIACOMO COLINS: Thank you very  
12 much.

13 May I have a motion, please?

14 COMMISSIONER GINTY: Madame Chairman, I  
move  
15 that the Board issue an Order to adopt the Report  
and  
16 Recommendation of the OHA relating to the Vendor  
17 Certification of Penns Landing Supply Company and  
doing  
18 business as Wyatt, Inc., as described by the OCC.

19 COMMISSIONER ANGELI: Second.

20 CHAIRMAN DiGIACOMO COLINS: Opposed?

21 Motion carries.



22 I'm reminded -- thank you very much, sir.

23 CHAIRMAN DiGIACOMO COLINS: I am reminded.

24 MR. COOK: I'm sorry, Madame Chairman, just  
for  
also

25 the record, with respect to this matter, there were

1 exceptions filed. However, counsel has advised that  
he 2 is withdrawing the exceptions.

3 COMMISSIONER GINTY: I move that the  
exceptions 4 be, I guess, at this point --

5 CHAIRMAN DiGIACOMO COLINS: They have been  
6 withdrawn.

7 COMMISSIONER SOJKA: So moved.

8 CHAIRMAN DiGIACOMO COLINS: They have been  
9 withdrawn.

10 I'm reminded that in the previous matter  
that 11 Bencardino, I remanded without asking the Board for  
a 12 vote. So my apologies.

13 Since we haven't closed the record, let me  
ask 14 now for a motion regarding the Bencardino matter and  
the 15 remand, a motion to remand it.

16 COMMISSIONER GINTY: I move that it be  
17 remanded.

18 COMMISSIONER SOJKA: Second.

19 CHAIRMAN DiGIACOMO COLINS: All in favor?

20 COMMISSIONERS: Aye.

21 CHAIRMAN DiGIACOMO COLINS: Opposed?

22 Motion carries. Thank you.

23 MR. COOK: The last matter the OCC has for  
the

24 Board's consideration today involves Esquiél Torro.

25 On February 20th, 2009 the Board  
inadvertently

1 was presented with an Order denying an occupation  
permit  
2 for Mr. Torro.

3 Mr. Torro applied for a Gaming Employee  
License  
4 and was subsequently served by the BIE, OEC with a  
5 notice of Recommendation of Denial.

6 It was believed at that time -- at the time  
of  
7 the last Board meeting that Mr. Torro failed to  
reply to  
8 that matter and therefore, was subject to a default  
9 judgment.

10 After that Order was issued, however, it  
was  
11 recognized that, in fact, Mr. Torro did request a  
12 hearing and that hearing is pending.

13 As a result of that mix up, we need the  
Board  
14 -- request that the Board rescind its February 20th,  
15 2009 Order with respect to Esquiél Torro.

16 COMMISSIONER SOJKA: We rescind that but we  
are  
17 still waiting for the hearing. We are not doing  
18 anything other than rescinding that, right?

19 MR. COOK: Correct.

20 COMMISSIONER SOJKA: The judgment is still  
21 forthcoming?

the

22 MR. COOK: I don't know what the outcome of

23 hearing will be, but you will have his due process.

24 CHAIRMAN DiGIACOMO COLINS: May I have a

25 motion, please?

1 COMMISSIONER ANGELI: So moved.

2 COMMISSIONER COY: Second.

3 CHAIRMAN DiGIACOMO COLINS: All in favor?

4 COMMISSIONERS: Aye.

5 CHAIRMAN DiGIACOMO COLINS: Opposed?

6 Motion carries.

7 MR. SHERMAN: And that concludes the report  
of  
8 the OCC.

9 CHAIRMAN DiGIACOMO COLINS: Thank you.  
Thank  
10 you very much.

11 Bureau of Licensing now?

12 MR. HANNON: Good morning, Chairman Colins.

13 CHAIRMAN DiGIACOMO COLINS: I understand  
Susan  
14 Hensel had an emergency and could not get here  
today.

15 Your name for the record, Sean?

16 MR. HANNON: Sean Hannon, Licensing  
Manager.

17 CHAIRMAN DiGIACOMO COLINS: Thank you.

18 MR. HANNON: I have a number of licensing  
19 matters to bring before the Board today. First, we  
have  
20 two manufacturer licensees that are up for their  
second  
21 renewals.

May 22                    These licenses were originally awarded in  
the 23                    of 2006 and renewed in November of 2007. Each of  
24                    licensees filed a Renewal Application, which allowed  
25                    their license to stay in effect for an additional  
six

1 months.

BIE

2 With respect to each Renewal Applicant, the

suitability

3 has completed its investigation and the Bureau of

4 Licensing has provided you with a renewal

5 report.

Gaming,

6 In each case no issues were identified by

7 either the BIE or Licensing that would preclude

8 licensure. The Renewal Applicants are Konami

9 Inc. and Shuffle Master, Incorporated.

10 I provided you with draft Orders for the

11 renewal of each of these companies and ask that the

12 Board consider the Orders individually.

13 CHAIRMAN DiGIACOMO COLINS: Thank you.

14 May I have a motion.

move

15 COMMISSIONER ANGELI: Madame Chairman, I

of

16 that the Board issue an Order to approve the renewal

described

17 Konami Gaming, Inc., Manufacturing License as

18 by the Bureau of Licensing.

19 COMMISSIONER COY: Second.

20 CHAIRMAN DiGIACOMO COLINS: All in favor?

21 COMMISSIONERS: Aye.



22 CHAIRMAN DiGIACOMO COLINS: Opposed?

23 Motion carries.

24 Thank you.

25 COMMISSIONER COY: Madame Chair, I move

that

Shuffle

1 the Board issue a similar Order with regard to  
2 Master.

3 COMMISSIONER ANGELI: Second.

4 CHAIRMAN DiGIACOMO COLINS: All in favor,  
5 please?

6 COMMISSIONERS: Aye.

7 CHAIRMAN DiGIACOMO COLINS: Opposed?

8 That motion carries as well.

9 MR. HANNON: The next matter for your  
10 consideration is Key Employee Licenses. Prior to  
11 this meeting, the Bureau of Licensing provided you with a  
12 that proposed Order for 25 Key Employee Licenses. I ask  
13 licenses. the Board consider the Order granting these

14 COMMISSIONER COY: So moved.

15 COMMISSIONER GINTY: Second.

16 CHAIRMAN DiGIACOMO COLINS: All in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN DiGIACOMO COLINS: Opposed?

19 Motion carries.

20 MR. HANNON: The Bureau of Licensing also  
21 provided you with an Order regarding the issuance of  
22 Temporary Key Employee Licenses to 86 individuals.

these 23 ask that the Board consider the Order approving  
24 licenses.  
25 COMMISSIONER GINTY: So moved.

1 COMMISSIONER COY: Second.

2 CHAIRMAN DiGIACOMO COLINS: All in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN DiGIACOMO COLINS: Opposed?

5 The motion carries.

6 MR. HANNON: Next are Gaming and Non-Gaming

7 Permits and Registrations. Prior to this meeting,

the

8 Bureau of Licensing provided you with a list of 541

9 individuals including 213 initial and 328 renewals

that

10 the Bureau has granted Occupation Permits to and 169

11 individuals who the Bureau has granted Registrations

to

12 under the authority delegated to the Director of

13 Licensing. I ask that the Board adopt a motion

14 approving the Order.

15 CHAIRMAN DiGIACOMO COLINS: Sean, this

number

16 500 and how many?

17 MR. HANNON: 541.

18 CHAIRMAN DiGIACOMO COLINS: And is this a

high

19 number? What period of time does this encompass, do

you

20 know, with these applications?

21 MR. HANNON: This would be over a month

period.

number, 22 CHAIRMAN DiGIACOMO COLINS: And is the  
the 23 this 540 applications, is this due to the openings,  
24 pending opening of casinos?  
a 25 MR. HANNON: That is part of it. There is

that  
period  
in  
point?

1 high number of renewals in here as well. Openings  
2 occurred in the past that are up for the renewal  
3 right now. So that is why the high number.

4 COMMISSIONER SOJKA: They are essentially  
5 auto racing terms what would be lapped at this  
6 The annuals are bumping into the news and --

7 MR. HANNON: Right.

8 COMMISSIONER SOJKA: This is not a backlog?  
9 This is just a huge number?

10 MR. HANNON: Just the timing of it.

I  
11 CHAIRMAN DiGIACOMO COLINS: Thank you. May  
12 have a motion?

13 COMMISSIONER McCABE: Yes, Madame Chair. I  
14 move that the Board issue an Order to approve the  
15 issuance of Gaming Permits and Non-Gaming  
Registrations  
16 as described by the Bureau of Licensing.

17 CHAIRMAN DiGIACOMO COLINS: All in favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN DiGIACOMO COLINS: Opposed?

20 Motion carries.

21 MR. HANNON: In addition, we have

22 Recommendations of Denials for four Gaming and three

23 Non-Gaming employees.

24                   Prior to the meeting, the Bureau of  
Licensing

25 provided you with Orders addressing these  
applications

1 who the BIE has recommended denial.

request a

2 In each case, the Applicant failed to

the

3 hearing in the specified time period. I ask that

4 Board consider the Order denying the Gaming and

5 Non-Gaming Applicants.

6 COMMISSIONER SOJKA: So moved.

7 CHAIRMAN DiGIACOMO COLINS: May I have a

8 second?

9 COMMISSIONER RIVERS: Second.

10 CHAIRMAN DiGIACOMO COLINS: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN DiGIACOMO COLINS: Opposed?

13 Motion carries.

requests

14 MR. HANNON: We also have withdrawal

the

15 for Gaming and Non-Gaming Employees. In each case,

required

16 Occupation Permit or Registration is no longer

a

17 due to such circumstances as the employee accepting

work.

18 job with a different employer, the job offer being

19 rescinded, or the employee failing to report to

20 Earlier this year, the Board delegated

21 authority to the Director of Licensing to approve



22 routine Gaming and Non-Gaming Employee Withdrawal  
23 Requests provided the Director regularly presents a  
list  
24 of withdrawals to the Board for approval.  
25 For today's meeting, I provided the Board  
with

the 1 a list of 34 withdrawals for approval. I ask that  
2 Board consider the Order approving the list of  
3 withdrawals.

4 CHAIRMAN DiGIACOMO COLINS: May I have a  
5 motion?

6 COMMISSIONER SOJKA: So moved.

7 COMMISSIONER ANGELI: Second.

8 CHAIRMAN DiGIACOMO COLINS: All in favor?

9 COMMISSIONERS: Aye.

10 CHAIRMAN DiGIACOMO COLINS: Opposed?

11 Motion carries.

12 MR. HANNON: In addition we have four  
records  
13 regarding vendors. The first is to certify the  
14 following 24 vendors, AT Chadwick Company,  
Incorporated,  
15 Bailey/Phoenix Joint Venture, BDR Management, LLC,  
C.  
16 Caramanico and Sons, Incorporated, CB Flooring, LLC,  
17 Core-Mark Midcontinent, Incorporated, Debo Moving  
and  
18 Storage, Incorporated, East Coast Restaurants,  
19 Incorporated, EP Donnelly, Incorporated, Four Leaf,  
20 Incorporated, Hopson Speciality Systems, LLC, HT  
Lyons,  
21 Incorporated, IB Dickinson & Son, Incorporated,  
James J.

22 Gory Mechanical Contracting, Incorporated, Johnson  
LVE, 23 Controls, Incorporated, LPCiminelli Mount Airy, LP,  
24 Incorporated, Martino Tile, Incorporated, Metro  
25 Decorators, Incorporated, R. Grossman and  
Associates,

Group, 1 Incorporated, The Newton Group, The William Ryan  
2 Incorporated, United Testing of Pennsylvania,  
3 Incorporated, Velvet Marketing, LLC.

for 4 I ask that the Board approve the vendors  
5 certification.

6 COMMISSIONER ANGELI: So moved.

7 COMMISSIONER COY: Second.

8 CHAIRMAN DiGIACOMO COLINS: All in favor?

9 COMMISSIONERS: Aye.

10 CHAIRMAN DiGIACOMO COLINS: Opposed?

41 11 MR. HANNON: Next the Bureau of Licensing  
12 provided you with an Order and an attached list of

13 Registered Vendors. I ask that the Board approve  
14 the Order recommending these vendors.

15 COMMISSIONER COY: So moved.

16 COMMISSIONER GINTY: Second.

17 CHAIRMAN DiGIACOMO COLINS: All in favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN DiGIACOMO COLINS: Opposed?

20 Motion carries.

21 MR. HANNON: The Bureau of Licensing also  
22 would provided you with Orders, the approval of which

the 23 result in the following eight vendors being added to  
24 Prohibited Vendor List:  
25 Bunzl Midatlantic, LLC, Color by Pergament,

1 Dimensions Data North America, Incorporated, Dunmore  
2 Roofing & Supply Company, Incorporated, Shoreline  
Food  
3 Service Company, Incorporated, Watson Wyatt, Western  
4 Architectural Services, Incorporated.

5           These vendors have done business with a  
Slot  
6 Machine Operator Licensee or Applicant but have  
failed  
7 to submit or complete an application.

8           I ask that the Board consider the Orders  
adding  
9 the named vendors to the Prohibited Vendors List.

10           COMMISSIONER SOJKA: These are all  
essentially  
11 technical because they have not completed the --

12           MR. HANNON: Either failed to submit the  
13 application or didn't complete the application.

14           COMMISSIONER SOJKA: Again, and I just  
picked  
15 one name, Sherwin-Williams is a major national  
16 corporation providing paint and pigments for all  
sorts  
17 of contractors.

18           Does that mean that they can't then be  
utilized  
19 by any contractor working on any casinos in  
Pennsylvania  
20 if they go on this list?

on 21 MR. HANNON: Correct. So long as they are  
22 the list, they cannot.  
been 23 COMMISSIONER McCABE: Has Sherwin-Williams  
list 24 notified that they were going to be placed on this  
25 and the ramifications?

multiple 1 MR. HANNON: They have been provided  
2 letters on this.

3 COMMISSIONER McCABE: So, none of the  
4 contractors can use Sherwin-Williams paint?

5 MR. HANNON: Correct.

6 COMMISSIONER RIVERS: Are you saying a  
7 contractor can't go to a Sherwin-Williams store and  
buy 8 their paint and paint our casinos?

9 MR. HANNON: Sherwin-Williams cannot  
benefit 10 directly from the casino.

11 COMMISSIONER GINTY: Can I suggest that --  
we 12 go with seven and let's revisit Sherwin-Williams.

This 13 is a Non-Gaming Vendor?

14 MR. HANNON: Correct.

15 COMMISSIONER SOJKA: And it would be passed  
16 through another vendor. They are not painting  
directly. 17 They are just a supplier of paint.

18 MR. HANNON: They are getting paid  
directly. 19

20 COMMISSIONER SOJKA: Right, but they would  
never be on site or anything of that sort.



your  
21                   COMMISSIONER GINTY:  Cyrus, I would like  
22   input on this.  
23                   MR. PITRE:  The problem that we are running  
24   into is the problem various jurisdictions face when  
they  
25   regulate vendors.  When you get large corporations  
that

50

want 1 basically don't need the business and so they don't  
that 2 to turn over certain information because it is not  
3 important to them.

position 4 However, it puts the licensees in a  
that 5 where they have to pay more to deal with a company  
6 is willing to do this.

7 So it is something that we probably need to  
with 8 address to -- you know, with our regulations, or  
request 9 the way we -- the certain companies that we do  
10 Vendor Registration or Vendor Certification from.

some 11 COMMISSIONER GINTY: You know, I have just  
12 general thoughts on the whole issue of Non-Gaming  
know, 13 Vendors and I think this is illustrative of, you  
you 14 some of the issues that our regulation of them --  
15 know, if we could hold this aside, I'm prepared to  
go 16 ahead with the others --

17 COMMISSIONER SOJKA: With the seven.

18 COMMISSIONER RIVERS: My other issue  
revolves

that a 19 around the fact that we have seen it happen today  
another 20 company decided they wanted to do business with  
necessary 21 casino, then they come in and do whatever is  
22 to get off of that list.

here 23 Is there a bit of game playing being done  
contract 24 saying that I won't do it unless I get another  
25 and then I'll have to do it and pay a little fine.

1                   MR. HANNON: I don't know if that situation  
2 happened every single time but there may be some of  
3 that.

4                   COMMISSIONER RIVERS: Is that a concern?

5                   MR. HANNON: Absolutely.

6                   MR. PITRE: It is a concern. You are  
always  
7 walking a fine line when you are dealing with  
vendors.  
8 So maybe we need to step back. If the Board is  
willing  
9 to hear various different policies or various  
different  
10 solutions to this problem, I would be happy to work  
with  
11 licensing and come to the table with some things  
that  
12 would probably cure some of these matters.

13                   COMMISSIONER RIVERS: I think you should  
get  
14 with the Executive Director and try to figure out  
15 something. I don't know what that something is, but  
I  
16 think there is a workable solution to this.

17                   CHAIRMAN DiGIACOMO COLINS: All right.  
Then

18 let's proceed. May I have a motion as --

19                   COMMISSIONER GINTY: Madame Chair, just so  
20 folks understand, and see if I am correct, we do not

or 21 have a statutory obligation to license or register

22 certify Non-Gaming Vendors; is that correct?

23 MR. PITRE: That is correct.

policy 24 COMMISSIONER GINTY: So, it is our own

so 25 that we are talking about here and how we evolve it,

1 I just want to be clear.

2 MR. HANNON: It's our regulation.

3 CHAIRMAN DiGIACOMO COLINS: Then may I have  
a motion now?

4 COMMISSIONER GINTY: With the exception of  
5 Sherwin-Williams, I move that we approve an Order  
adding  
6 the other seven vendors to the Prohibited Vendors  
List.

8 COMMISSIONER COY: Second.

9 COMMISSIONER ANGELI: I have a question.  
Like,  
10 Dunmore Roofing & Supply has already been paid  
11 \$4,800,000. Now, did they initially submit an  
12 application and this is a renewal and they have  
refused  
13 to do the renewal?

14 MR. HANNON: It is not a renewal. They did  
not  
15 complete the application package.

16 COMMISSIONER ANGELI: The first  
application.

17 COMMISSIONER SOJKA: But they did get paid?

18 MR. HANNON: They did get paid.

19 CHAIRMAN DiGIACOMO COLINS: All in favor?

20 COMMISSIONERS: Aye.

21 CHAIRMAN DiGIACOMO COLINS: Opposed?

22 Motion carries. Thank you very much.

23 MR. HANNON: Next is an Order denying a  
Vendor

24 Application. In this case the vendor was notified  
that

25 its application would be recommended for denial and  
was

1 given an opportunity to request a hearing. The  
vendor 2 did not request a hearing within the specified  
3 timeframe.

4 I ask that the Board consider the Order  
denying 5 the application for JCTC, Incorporated, an Applicant  
for 6 Vendor Registration.

7 COMMISSIONER McCABE: So moved.

8 COMMISSIONER SOJKA: Second.

9 CHAIRMAN DiGIACOMO COLINS: All in favor?

10 COMMISSIONERS: Aye.

11 CHAIRMAN DiGIACOMO COLINS: Opposed?

12 Motion carries.

13 COMMISSIONER ANGELI: Madame Chairman, may  
I go 14 back to the previous issue, just a very brief  
question.

15 Do we fine people for not doing that?

16 MR. HANNON: Do we fine?

17 COMMISSIONER ANGELI: In other words, if  
they 18 wanted to go from the Prohibited Vendor List and  
come 19 back on and be a Licensed Vendor or Certified  
Vendor, do 20 we fine them?



today 21 MR. PITRE: I think you just heard one  
do 22 with the Sprung Structure that was on the list. We  
that 23 assess a penalty for a company to be removed from  
24 list.  
to 25 COMMISSIONER ANGELI: But only if they wish

1 come back on?

2 MR. PITRE: Only if they wish to come back  
on.

3 COMMISSIONER ANGELI: They are not fined if  
4 they started with us, filed an application, didn't  
5 complete the application, did work, got paid, but  
don't  
6 complete the application and we put them on the  
7 Prohibited Vendor List and they don't get fined?

8 MR. PITRE: No.

9 COMMISSIONER McCABE: I also have another  
10 question. If we put somebody on the Prohibited  
Vendor  
11 List, they cannot work in the casino business here  
in  
12 Pennsylvania; but if an entity or individual owned  
13 another business, we're not stopping that business  
from  
14 entering into a contract with the prohibited vendor  
in  
15 another business; is that correct?

16 He just can't work with them on anything on  
a  
17 casino, so he can still work with them in all of the  
18 other businesses?

19 MR. HANNON: That would be part of the  
20 investigation.

principal

21 MR. PITRE: If you are saying that a  
22 with one business and that business is put on the  
23 Prohibited Vendor List but he is also a principal in  
24 another business --

do

25 COMMISSIONER McCABE: That has nothing to

1 with gaming.

has

2 MR. PITRE: No. We can only control what

3 to do with gaming.

4 COMMISSIONER McCABE: Thank you.

Thank

5 CHAIRMAN DiGIACOMO COLINS: Very good.

6 you.

7 MR. HANNON: Thank you.

Office

8 CHAIRMAN DiGIACOMO COLINS: Cyrus Pitre,

9 of Chief Enforcement Counsel.

today

10 MR. PITRE: Our first Consent Agreement

11 is with regards to Arts Landscaping and Supply.

12 Representatives from Arts Landscaping and Supply are

13 present. I ask that they come forward.

14 CHAIRMAN DiGIACOMO COLINS: Sir, would you

15 state your name for the record.

16 MR. SIMMONS: Artis Simmons, Jr.

17 CHAIRMAN DiGIACOMO COLINS: Your name, sir?

18 MR. SIMMONS: Artis Simmons, Jr.

that

19 CHAIRMAN DiGIACOMO COLINS: You can push

20 button again. Turn it off. That turns it off.

21 Proceed.

22 MR. ROLAND: Good morning, Madame Chairman,

with 23 members of the Board. My name is Mike Roland. I'm  
is 24 the OEC. As Mr. Pitre mentioned, the first matter  
the 25 the motion to consider the Consent Agreement between

1 BIE and Arts Landscaping and Supply.

2           Arts Landscaping and Supply is owned and  
3 secured operated by Artis Simmons, Jr. Mr. Simmons has  
4 and a contract with Presque Isle Downs facility in Erie  
5 for he removes the snow and does the lawn maintenance  
6 that facility.

7           On August 7th, 2007, Arts Landscaping filed  
8 a Vendor Application with the Board. During the  
9 course of its investigation, the BIE discovered that Mr.  
10 Simmons had a prior criminal history, specifically, in 1981  
11 a burglary and criminal conspiracy conviction that  
12 were both felonies. Mr. Simmons was granted the benefit  
13 of the ARD Program by the District Attorney.

14           In 1996, convictions for simple assault,  
15 theft by unlawful taking, criminal mischief. Mr. Simmons  
16 those served one week incarceration and paid fines on  
17 assault offenses. Then in 1997, a conviction for simple  
18 where Mr. Simmons served a one-day incarceration.

19                   In addition to the criminal history, BIE  
20                   discovered that Mr. Simmons had approximately 16 tax  
21                   liens against him in the amount of around \$55,000.

Notice

22                   On December 11th, 2008, the OEC filed a  
23                   of Recommendation of Denial of Arts Landscaping  
24                   Certification Application.

Vendor

December

25                   Since receiving that recommendation on

those  
owed,  
he  
those  
Department  
plan  
back  
is  
any  
have

1 11th, Mr. Simmons has taken some steps to correct  
2 matters.  
3           First of all, regarding his State taxes  
4 he has paid \$2,500 to the Department of Revenue; and  
5 has entered into a payment plan with that department  
6 where he agrees to pay 2,103.27 per month until  
7 back taxes are paid in full.  
8           In regard to his Federal taxes owed,  
9 Mr. Simmons to date has paid \$1,000 to the US  
10 of Treasury. He has also entered into a payment  
11 where he agrees to pay \$1,000 per month until those  
12 taxes are paid in full.  
13           The proposed Consent Agreement before you  
14 structured so that Arts' Certification is contingent  
15 upon Arts' compliance with those two payment plans.  
16           Artis Simmons, Jr., the owner of Arts  
17 Landscaping is now present before you and can answer  
18 questions. I will also take any questions, if you  
19 them.



It 20 COMMISSIONER RIVERS: I have a question.  
guess my 21 appears that we have started a payment plan. I  
provided 22 concern is did the payment plan start once we  
regarding 23 him with notification that there was an issue  
24 his license or was the payment plan started prior to  
25 that?

once  
because  
plan

1                   MR. ROLAND: The payment plan was started  
2                   Mr. Simmons had notice with the Board. It was  
3                   of the Board's letter that Mr. Simmons started his  
4                   and turned over the first payment.

is to  
notification

5                   COMMISSIONER RIVERS: I guess my question  
6                   Mr. Simmons. Why did you wait until after  
7                   from us to correct the situation at hand?

management  
and  
to  
an  
work

8                   MR. SIMMONS: It was because of poor  
9                   on my behalf as a sole proprietor. I take full  
10                   responsibility for not taking care of those taxes,  
11                   I'm hoping that I have the opportunity to continue  
12                   work to take care of them because I have been given  
13                   opportunity from Presque Isle Downs to be able to  
14                   and pay those taxes and them off hopefully within a  
15                   year's time.

total  
tax?

16                   COMMISSIONER RIVERS: Can you give me the  
17                   liability for the State tax as well as the Federal

the

18                   MR. ROLAND: The Federal tax is \$22,643 and

19 State tax is -- it is actually the remainder of the  
20 almost \$55,000. There is one civil judgment that  
was  
21 listed where it was \$12,000. That was National City  
22 Bank. So the remainder of the -- the total --  
actually,  
23 it is \$15,577, I apologize.  
24 CHAIRMAN DiGIACOMO COLINS: Is that in  
addition  
25 to the liens at 55,000?

part  
would  
owe  
State

1                   MR. ROLAND: No. That is, the \$15,000 is  
2 of the 55 total. The 55 -- the approximately 55  
3 be everything that Mr. Simmons and his company would  
4 to satisfy all of their tax obligations with both  
5 and Federal.

liens  
of,

6                   CHAIRMAN DiGIACOMO COLINS: The 55 -- no.  
7 Wait. Run me through this again. There are 16  
8 and the liens are -- what are the liens as a result  
9 just tax liability?

That  
Federal

10                   MR. ROLAND: They are all for tax liability  
11 except there was one civil judgment lien in 2001.  
12 was with National City Bank. But all of the other  
13 liens, 15 of those liens are with the State and  
14 Government.

long a

15                   CHAIRMAN DiGIACOMO COLINS: And for how  
16 period of time? For how many years did these liens  
17 cover?

back  
2005.

18                   MR. ROLAND: It looks like the furthest  
19 one is 1996 and the most recent one is in the year

20                   COMMISSIONER McCABE: Mr. Simmons, I have a  
21 couple of questions for you. Do you have any other  
22 contracts up in the Erie area for snow removal or  
23 landscaping?

24                   MR. SIMMONS: No, I don't, sir.

25                   COMMISSIONER McCABE: This is your only

source

1 of income?

2 MR. SIMMONS: Right now, it is.

3 COMMISSIONER McCABE: How many employees do  
you  
4 have?

5 MR. SIMMONS: Right now, I have one full-  
time  
6 and one part time.

7 COMMISSIONER McCABE: So there is yourself  
and  
8 two others?

9 MR. SIMMONS: Correct.

10 COMMISSIONER McCABE: Thank you.

11 CHAIRMAN DiGIACOMO COLINS: From 2005 to  
the  
12 present, did he file tax returns?

13 MR. ROLAND: Yes.

14 CHAIRMAN DiGIACOMO COLINS: Okay. And was  
15 there tax due and did he pay it?

16 MR. ROLAND: I'm actually unsure if there  
was  
17 tax due, Madame Chairman; but I know it was not an  
issue  
18 when the investigation was done. I assume if there  
was  
19 tax due, it has been paid.

20 MR. PITRE: And the Department of Revenue  
has

21 confirmed that he entered into a payment plan with  
them

22 and also the Department of Treasury has verified  
that he

23 has entered into a payment plan with them also.

24 I might add that had we not done this, the

25 Department of Revenue and the United States  
Government

1 may never have seen that money.

in 2 So I mean, this is a situation that we are  
3 and it is up to the Board as to whether or not they  
4 want  
5 to accept it.

6 CHAIRMAN DiGIACOMO COLINS: I have a  
7 problem  
8 with us being the collection agency for the -- you  
9 know,  
10 for taxes. I think people have an obligation to pay  
11 their taxes whether or not they applied for a  
12 license  
13 with us or not.

14 My concern is that these liens stretch over  
15 a  
16 period of about 11 or 12 years. It is a pattern of  
17 not  
18 paying taxes. This one event has caused him to  
19 begin to  
20 address his obligation but in any event --

21 COMMISSIONER SOJKA: A couple more  
22 questions --

23 COMMISSIONER RIVERS: My issue is what the  
24 OEC  
25 is asking us to do.

26 MR. ROLAND: I believe what we are asking  
27 IS to  
28 allow Mr. Simmons to have a certification, which is



plans  
Department  
should  
to  
the

19 contingent upon his compliance with the payment  
20 with both the Department of Revenue and the  
21 of Treasury.  
22 I believe Mr. Simmons understands that  
23 he fail to make one single payment that his ability  
24 operate is going to be revoked; and Mr. Simmons in  
25 Consent Agreement that has been presented to you,

his  
that  
sufficient

1 Mr. Simmons is fully aware that within ten days of  
2 payment being due, he must demonstrate to the Board  
3 that payment has been made by a copy of a check or a  
4 canceled check. His word is not going to be  
5 here.

one

6 COMMISSIONER SOJKA: Could I also explore  
7 other area just fairly quickly?

that  
company?

8 Mr. Simmons, you indicated that you are --  
9 Presque Isle Downs is your sole client for your

10 MR. SIMMONS: Correct.

could

11 COMMISSIONER SOJKA: Could you know or  
12 you tell us, for example, does Presque Isle Downs  
13 contract with anyone else but you for snow removal?

14 MR. SIMMONS: Yes, they do.

just  
contractors?

15 COMMISSIONER SOJKA: They do. So you are  
16 a part of what they do and that is true also with  
17 landscaping then, they have other landscape

18 MR. SIMMONS: Correct.

you.

19 COMMISSIONER SOJKA: That is fine. Thank

is  
service  
for

20 MR. ROLAND: If I may, one more thing that  
21 true, that Mr. Simmons is only doing part of the  
22 but our office did receive a letter on December 19th  
23 from Richard Knight from Presque Isle Downs saying  
24 whatever it is worth that they are very pleased with  
25 Mr. Simmons' work; and if the Board so chooses, they

1 would be eager to take him back.

2 CHAIRMAN DiGIACOMO COLINS: All right. Is  
3 there a motion on this?

4 COMMISSIONER RIVERS: Yes, Madame Chair.

5 I move that the Board approve the Consent  
6 Agreement between the BIE and Arts Landscaping and  
7 Supply Company as described by the OEC.

8 I would like to also add that you have been  
9 given a break and I hope you recognize that.

10 MR. SIMMONS: Yes, I do.

11 COMMISSIONER RIVERS: And don't let us

down.

12 COMMISSIONER SOJKA: And I will second that  
13 motion.

14 CHAIRMAN DiGIACOMO COLINS: All in favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN DiGIACOMO COLINS: Opposed?

17 Aye.

18 The motion carries with one negative vote.

19 Thank you.

20 MR. PITRE: Next up for the Board's  
21 consideration is a Consent Agreement with Greenwood  
22 Gaming and Entertainment, Inc., Philadelphia Park  
23 Casino. Mr. Tom Bonner and Dale Miller are here to  
24 present that matter for the Board's consideration.

and

25

MR. MILLER: Good morning, Madame Chairman

Enforcement 1 members of the Board. Dale Miller, Deputy  
2 Counsel for the Eastern Region.

3 CHAIRMAN DiGIACOMO COLINS: Good morning.  
4 Would you state your names for the record?

Thomas 5 MR. BONNER: Certainly, Madame Chairman,  
6 Bonner, Chief Counsel, Philadelphia Park Casino.  
7 Appearing with me this morning is our Director of  
8 Security Gerald Fretz, F-r-e-t-z.

9 CHAIRMAN DiGIACOMO COLINS: Thank you.

10 MR. MILLER: Chairman Colins, we are here  
11 before you this morning to present a Consent  
Agreement 12 between the BIE and Greenwood Gaming and  
Entertainment, 13 Incorporated, Philadelphia Park Casino and  
Racetrack.

14 The Consent Agreement is for four instances  
of 15 underage gaming. This Consent Agreement was begun  
last 16 September 24th by the institution of -- by the  
filing of 17 a complaint by the OEC alleging four counts, two of  
18 which -- all of which involved underage gaming, one  
of 19 which the individual did not actually game but was

under 20 inadvertently given a Players Card when she was  
21 21.

but 22 After the enforcement complaint was filed  
23 before the case went to a hearing, a number of other  
24 underage gaming investigations became apparent to  
the 25 OEC.

1 I then initiated a conversation with  
2 Mr. Bonner, the general counsel of Philadelphia Park  
and  
3 informed him that we were going to add those  
underage  
4 gaming instances to that complaint. He offered to  
try  
5 to work out a Consent Agreement.

6 We then negotiated, worked out the Consent  
7 Agreement, which is in front of you. The Consent  
8 Agreement in the end calls for payment of \$24,000, a  
9 fine of \$24,000 by Philadelphia Park for four  
instances  
10 of underage gaming, two of which were in the  
original  
11 complaint, two of which arose after the original  
12 complaint was filed.

13 As part of that agreement, we agreed to  
14 withdraw two of the original instances in the  
complaint  
15 that we filed for several reasons.

16 Philadelphia Park asked us to relook at  
those  
17 two instances, and we did. One of them involved an  
18 individual who was sitting at a slot machine but the  
19 camera was unable to determine if she was actually  
20 playing.



21                    We did have evidence that she passed a  
piece of  
22                    paper to her mother that looked like a voucher from  
the  
23                    machine but were unable to determine that to any  
degree  
24                    of certainty. We don't have the piece of paper. We  
25                    agreed to withdraw that as part of the negotiations.

1           The second one that we agreed to withdraw  
was a  
2           woman who attempted to get a Players Card and you  
have  
3           to be 21 to do that.

4           When we investigated further, we determined  
5           that the person issuing the Players Card in the  
lobby of  
6           the casino misread the date on the license  
application,  
7           inadvertently gave her a Players Card when she was  
under  
8           21.

9           As I recall, she never actually reached the  
10          gaming floor. She was stopped before that and  
didn't  
11          game or sit at a slot machine. So we agreed to  
withdraw  
12          that and add the other two into the Consent  
Agreement,  
13          which is what we did.

14          I will say since the Consent Agreement was  
15          reached, there have been no other instances of  
underage  
16          gaming that I am aware of.

17          Philadelphia Park has hired a new security  
18          director who I understand is present today. It took  
19          them awhile to revamp their procedures, but I'm not  
20          aware of any underage gaming complaints or

21 investigations since the first of the year.

We

22                   The Consent Agreement is before you today.

23 ask that you adopt it, fine Philadelphia Park the

24 appropriate amount; and hopefully, they have learned

25 their lesson.

1                   And I might add that, I think, one of the  
2 reasons we institute these complaints, and the Board  
is  
3 aware that we have done this in the past with  
4 Philadelphia Park and they have been fined, and one  
of  
5 the reasons we do that is to make sure that they  
comply  
6 with the regulations.

7                   The hope is that a fine will force them to  
take  
8 steps to comply with the regulations. I believe  
that  
9 they have -- they have changed their security  
10 arrangements at this time and that is reflected in  
the  
11 record that we have no further investigations of  
12 underage complaints this year. But it is up to the  
13 Board whether to adopt the agreement or not. We  
feel it  
14 is appropriate and ask you to do so.

15                   COMMISSIONER McCABE: Mr. Miller, I have a  
16 concern. You said some of the same things the last  
time  
17 they were here before us.

18                   MR. MILLER: Yes.

19                   COMMISSIONER McCABE: I was going to say  
this

they 20 is the eighth incident. I will excuse that one if  
has 21 misread the birth date at the Players Club. There  
22 been at least seven instances.

23 Is there something wrong with the internal  
24 controls? Is there something wrong with  
Philadelphia  
25 Park and Greenwood Gaming that they don't take us

1 seriously?

2 Another issue with hearing that a security

3 camera was unable to tell if somebody was gambling  
or

4 not, those security cameras are supposed to be able  
to

5 read the digits on your watch. If they can't tell  
if

6 they were gambling or not, they need to fix that.  
Has

7 that been addressed?

8 MR. MILLER: Is that addressed to me, sir?  
I

9 think only Philadelphia Park can fully explain  
whether

10 they learned their lesson or not.

11 COMMISSIONER RIVERS: Cyrus, is there  
something

12 you want to say?

13 MR. PITRE: With regard to the security  
camera,

14 security cameras record and it is a matter of  
whether or

15 not they are focused in that particular area and  
that

16 time when they are recording so it doesn't mean we  
pick

17 up everything. It is what is being recorded and  
where

18 it is recording at that particular time. They have  
to

19 go back and play back and look at the instance.

not 20 This is not anything that is in -- that is

21 ordinary. Aside from that, not that I'm defending

22 Philadelphia Park in any way --

here. 23 CHAIRMAN DiGIACOMO COLINS: They're right

24 Why don't we hear what they have to say?

Commissioner 25 MR. BONNER: Madame Chairman and

takes  
it

1 McCabe, I can assure you that Philadelphia Park  
2 the matter of underage gaming and the prevention of  
3 most seriously.

the  
to

4 As I will indicate to you in some of the  
5 comments that we prepared for this morning, that is  
6 primary focus of our security department and our  
7 security personnel who are stationed at the entrance  
8 our casino.

interior  
dollars  
of  
casino if

9 In addition to those who work in the  
10 areas of the casino to safeguard the millions of  
11 that move across our floor every day, they are also  
12 vigilant for persons who appear to be under the age  
13 30 who are carded and denied entrance into the  
14 they are not 21.

with

15 I just wanted to assure you that it is the  
16 highest priority of our security department; and  
17 respect to the surveillance system, our surveillance  
18 system is in compliance with the standards that the  
19 Board has established.



was 20                   The one situation that Mr. Miller mentioned  
view of 21   a situation in which one person was blocking the  
that 22   the other person and you couldn't determine whether  
23   person actually placed a wager.

24                   I told Mr. Miller that was a matter that I  
25   would contest before Hearings and Appeals if they

1 brought it forward and asked them to review the  
2 evidence, which he did and I think they came to the  
3 proper conclusion that it would have been a  
difficult  
4 case to prove. With respect to the overall matter,  
I'm  
5 well aware --

6 COMMISSIONER GINTY: Can I interrupt here?  
I  
7 didn't think that underage individuals were allowed  
on  
8 the floor?

9 MR. BONNER: That is one of the problems,  
10 Commissioner. How do you define underage? The  
Gaming  
11 Law says that people who are 18 and above can be on  
the  
12 gaming floor. They simply can't place a bet unless  
they  
13 are 21.

14 We have the very difficult situation from  
an  
15 operations and compliance standard that these 18,  
19,  
16 and 20-year-old persons are legally permitted on the  
17 floor.

18 We attempt to deny them admission to the  
floor,  
19 but they are not permitted to gamble. In addition,  
18

public 20 and older can place wagers on two of our three  
21 floors for horse betting.

time 22 COMMISSIONER GINTY: If I recall, the last  
23 you were here, you said that Philadelphia Park had a  
24 policy though of not letting anybody under 21 on the  
25 floor?

1                   MR. BONNER: That is absolutely correct,  
2 Commissioner. That is our policy, and security  
3 representatives card everyone who appears to be  
under 30  
4 and anyone who is not 21 is denied access to the  
casino.  
5 We have adopted that as an operating policy but it  
is  
6 not a regulatory standard.

7                   COMMISSIONER SOJKA: Go ahead, please.

8                   MR. BONNER: I was just going to say,  
9 Commissioner McCabe, you also asked is there  
something  
10 going on in Philadelphia Park that might make our  
11 situation different. I think there are things going  
on  
12 at Philadelphia Park.

13                   As you well know, we are operating in a  
14 converted racing grandstand building.  
Unfortunately, we  
15 have 17 entrance points. You heard me say this  
before  
16 and none of this has changed, unfortunately.

17                   We have 17 entrance points through which  
18 individuals can gain entrance to the casino and the  
19 casino operated on two levels. That continues to be  
a  
20 challenge.

21                   As Mr. Miller indicated, we have had a very  
22 positive experience since November which is the last  
23 date cited in the matters that are before you.

24                   As you know, also, and many of you will be  
25 there tomorrow to walk through our new casino, which

is

1 under construction. That will be a one-level  
building.  
2 It will have only three entrances through which the  
3 public can gain admission. We think that will be a  
4 significant improvement to the situation generally  
and  
5 will enable us to minimize to a much greater extent  
the  
6 occurrences that we have had to date.  
7           Also, I think you are aware that this is  
not a  
8 situation that is limited to Philadelphia Park.  
This  
9 situation with underage individuals exists  
throughout  
10 the Commonwealth and it exists in New Jersey and has  
11 since New Jersey gaming began 30-some years ago.  
12           We have been proactive, and I wanted to  
assure  
13 you, once again, that we have been and remain  
proactive.  
14 I have mentioned Mr. Fretz's name to you in the  
past.  
15 He is here today in case you would like to address  
any  
16 questions to him.  
17           We realized, I guess, a little less than a  
year  
18 ago that we needed to make some changes in our  
security

19 operation.

20 Our focus of security when we first opened  
in  
21 December 2006 was largely customer service oriented;  
and  
22 we realized after operating for a while, we needed  
to  
23 refocus that and make regulatory compliance and  
24 specifically underage gaming prohibition a key focus  
of  
25 the security department. We have done that with

1 Mr. Fretz.

2 Mr. Fretz is a 31-year veteran of the  
3 Philadelphia Police Department, retired as a  
Captain.

4 He is a veteran of the Iraq War.

5 He is well experienced in enforcement  
6 and the specific training that he has brought to the  
7 security department based on that, we think, is one  
of  
8 the main reasons that we have had a more favorable  
9 experience since he joined us.

10 Our security staffing -- as I know I have  
11 mentioned to you before, our security is double what  
it  
12 was when you authorized our opening in 2006.

13 Again, we have beefed up with that  
14 staff specific posting at the hot point entrance  
areas  
15 where we have had problems in the past.

16 Our staffing levels fluctuate at different  
17 times of the day and on different days of the week  
18 depending whether it is a live racing day or not,  
19 whether it is a weekend day or not.

20 We adjust our staffing levels in  
conjunction



to 21 with our on-site Gaming Board representatives to try

22 address the situations as they arise.

those 23 We think that the combination of all of

has 24 factors has made the situation much better than it

thus 25 been and, again, we have had a very good experience

1 far this year.

2 COMMISSIONER RIVERS: Mr. Bonner, may I  
stop  
3 you for a moment? The question that I have with  
your  
4 new facility getting ready to open, are you going to  
5 allow individuals under 21 to enter the facility?

6 MR. BONNER: No, sir, we are not.

7 COMMISSIONER RIVERS: So therefore, the  
next  
8 time, we won't here about what the Act says that  
says  
9 you can't be -- you can be over 18 -- over 18 under  
21  
10 and be in the casino but you just can't gamble?

11 MR. BONNER: The situation there,  
Commissioner,  
12 is going to be the same as we have now. We have  
chosen  
13 voluntarily to deny access to anybody under 21.

14 COMMISSIONER RIVERS: You're saying no one  
15 under 21 can be in the facility, period?

16 MR. BONNER: Right. The difference in the  
new  
17 building is there is no part of the building where  
an 18  
18 year old can go as they can do in our existing  
building.  
19 So we will deny access at those three entrances to

20 anyone who is under 21. That is correct, sir.

not

21 COMMISSIONER SOJKA: Again, I'm sure you're

have

22 happy about being here, and we are not happy to you

23 here.

24 I think most of us agree that a Consent

25 Agreement is a proper way to resolve the current

1 situation; but as is so often the case, I think the  
2 devil is in the details again.

3 My concern has to do with this sort of  
4 escalating pattern of fines and other conditions.

5 Mr. Miller, there has been, in fact, an  
6 increase in the fines, right? They are becoming  
7 increasingly serious; is that correct?

8 MR. MILLER: That is correct.

9 COMMISSIONER SOJKA: Is there a reason why  
it  
10 ends at this time at \$26,000? Is that what it is?  
11 24,000?

12 MR. MILLER: 24,000 Commissioner. I can't  
say  
13 anything is ever going to end. I have been to  
14 Philadelphia Park. You have too.

15 It is a difficult place to monitor. Are  
there  
16 going to be other instances of underage gaming?  
There  
17 may be. I can't predict that.

18 What I have seen though and I'm just  
telling  
19 you what I have seen is that since we negotiated  
this  
20 agreement, since we really did all of these  
21 investigations, they have hired a new security

22 investigator and the record has been better.

ensure 23                    Maybe that is the purpose of this, to

It 24 that they get the point, that they get the message.

25 appears that they have.

saying 1 I can't predict the future. What I am  
2 to you is they have at least stepped up a little bit  
3 more than they have in the past.

condition 4 COMMISSIONER SOJKA: Has that been a  
5 of the Consent Agreement? Have you made that part  
6 of it, or are you just accepting that as part of their  
7 offer? Have you stipulated anything having to do  
with 8 improvement?

9 MR. MILLER: The Consent Agreement, in the  
10 agreement itself, states that Philadelphia Park has  
11 hired a new security director and that sort of thing  
and 12 will continue to -- will continue to train and  
reinforce 13 the employees in how to prevent underage gaming.

14 COMMISSIONER SOJKA: It seems to me where  
we 15 stand at the moment, there are a couple of options  
open 16 to us.

17 One would be that we could approve this  
Consent 18 Agreement and that is that and we will keep our  
fingers 19 crossed that things will improve.

other 20 I don't see anyone suggesting anything  
Consent 21 than a Consent Agreement. So should we deny the  
22 Agreement that would essentially put you back at the  
23 bargaining table.

24 MR. MILLER: We filed a complaint. That  
25 complaint is still a matter of record. If you  
reject

1 this Consent Agreement, that complaint goes back to  
2 Hearings and Appeals and a hearing will be  
scheduled.

3 We will most likely add the remaining  
underage  
4 gaming investigations that were not part of the  
original  
5 complaint and the case would proceed to a hearing in  
6 front of a Hearing Officer on probably six counts  
and it  
7 would go forward.

8 A hearing would be held. The Hearing  
Officer  
9 would make a Report and Recommendation, and we would  
be  
10 back here in three or four months with these same  
issues  
11 on the table.

12 CHAIRMAN DIGIACOMO COLINS: Could I  
interject  
13 something? I have not heard anything specific that  
14 gives me any information as to what it is you are  
doing  
15 to make sure that you don't have four more underage  
16 gamers on your floor between now and your opening of  
17 your new facility.

18 I don't know the details of what your  
training  
19 consists of. I don't know anything about what you  
are



20 doing and whether or not it has been effective.

21                   For example, I know you have hired someone  
who

22 has a very good résumé and has a very good  
reputation

23 and is very competent.

24                   The question is what are you doing and what

25 data or information do you have to present to us to  
show

1 that what you are doing is working. I think we need  
2 that type of information.

3 MR. BONNER: I can offer some specifics  
here.

4 CHAIRMAN DiGIACOMO COLINS: The record is  
here.

5 MR. BONNER: Mr. Fretz can add any detail  
that

6 I may not have. Specifically, with respect to  
training,

7 Director Fretz has instituted an extensive training  
8 program that frankly didn't exist between August of  
2008

9 when Director Fretz joined us.

10 He has taken videos of specific incidents  
that

11 have occurred on the property where an underage  
12 individual got caught by a security guard.

13 Three or four different circumstances, a  
14 security guard is checking ID, someone waits in the  
15 wings and sneaks through, security guard turns his  
or

16 her back.

17 He has taken these videos and he uses them  
as

18 part of routine departmental training to explain to  
the

19 officers how easy it is for someone to slip by if  
they

in 20 are not being vigilant and positioning their bodies

21 the correct way.

22 One of the videos highlights a couple of  
23 circumstances where we have individuals waiting in  
the

24 wings actually watching until the security officer  
at

25 the entrance were engaged with other ID checks and  
would

1 walk by shielded with other of-age individuals to  
get 2 by.

3 We have taken actual circumstances that  
4 occurred at Philadelphia Park and used that as part  
of 5 the training regimen for the officers who are  
stationed 6 on the front lines trying to stop the individuals  
from 7 coming in.

8 We conduct initial training and annual  
9 recertification training in all areas of responsible  
10 gaming pursuant to the plan that has been approved  
by 11 the Board. A significant component of that is the  
and 12 underage gaming training. That didn't exist a year  
only 13 a half ago, Madame Chairman, because the plan was  
that 14 approved within the last year. So we have added  
15 type of training to our regimen for our security  
16 officers.

17 We recently did a testing of a hand-held  
swipe 18 machine which the officers use and they simply swipe  
the 19 driver's license through the way that you see at a

20 retail establishment and it reads out in large  
letters  
21 the age of the individuals depending on the data  
that is  
22 on the card.  
23                   It hasn't worked out as we had hoped  
because  
24 New Jersey's are barcode and not magnetic strip.  
25 Director Fretz found that our officers were spending  
too

barcode. 1 much time trying to get the scan to read the

2 It took longer than the old way of checking the hard  
3 copy of the card.

4 We are continuing to look at technology  
that  
5 might be of some assistance to us. We gave it a  
shot  
6 for 30 days and didn't find that to be particularly  
7 helpful.

8 We have removed house phones in the lobby  
that  
9 our officers were using to communicate; but when  
they  
10 were dialing, their back was to the entrance. They  
are  
11 gone. That was a problem that we were having with  
12 respect to operations.

13 For purposes of clarity, I think they may  
be  
14 back. They were out for a time. I think they may  
be  
15 back. The officers have been retrained on how to  
use  
16 those phones.

17 Director Fretz got so frustrated with that  
that  
18 he just yanked them out one day. Others directed  
that  
19 they be reinstalled.

20                   Also, the director has instituted a Friday  
21                   afternoon conference call with all of his shift  
managers  
22                   in which State Police and on-site Gaming Board  
agents  
23                   are invited to participate to discuss outstanding  
issues  
24                   for that week.  
25                   Are there any hot things going on? Are  
there

1 any things that State Police or Gaming Board have  
2 identified that we should be aware?

3 We have these meetings on Friday as we roll  
up  
4 to the busiest periods of our operation. Again,  
none of  
5 this existed a year ago before Gerry Fretz joined  
us.

6 Those are some specifics, Madame Chairman,  
of  
7 what we are doing to try to increase the level of  
8 training and increase the level of vigilance all the  
9 while working in a facility that no one would have  
ever  
10 designed as a casino with the understanding and  
11 expectation that this situation will be much better  
come  
12 December of this year when we move into the facility  
13 with fewer access points.

14 CHAIRMAN DiGIACOMO COLINS: Thank you.

15 Any other questions?

16 COMMISSIONER GINTY: I just have a comment.  
We  
17 certainly appreciate the work you are doing but  
Count 4  
18 says November of 2008 -- Count 4 here November 1st,  
19 2008, an underage individual walked past two  
security  
20 guards without being asked for identification.



walked 21                   October 24th, 2008, underage individual  
22                   past the security guard. So, I mean, I'd feel a lot  
2008 23                   more comfortable if you'd said since November of  
24                   you have done some things as opposed to a year and a  
25                   half ago.

1                   MR. FRETZ: Commissioner, if I may respond?  
2   The one incident that you spoke of in October was a  
3   young female who entered the property with her  
4   grandmother and her mother. They were quite large  
5   women.

6                   She was quite petite and what they did is  
7   stopped at the pillar. This was a result of the  
video.

8   We have the video when they stopped at the pillar  
beyond  
9   the view of the guard and shielded the guard's view  
of  
10   this young woman and walked by.

11                   I instituted the training. We do roll  
call. I  
12   compiled a number of these violations. We play it  
to  
13   the individual. We show them that people aren't  
always  
14   honest. They try to gain access in any way.

15                   She was shielded from the guard, and she  
16   slipped on in. All of these incidents were  
17   self-reported by managers on the casino floor.

18                   We found the individuals gaming. We  
notified  
19   the Gaming Commission. We brought the Gaming  
Commission  
20   and the State Police down and action was taken.

as a  
are  
lapse

21                   COMMISSIONER SOJKA: I'm not unsympathetic  
22   former University President who had to worry about  
23   people under 21 years of age consuming alcohol, I'm  
24   totally sympathetic with your problem; but also, we  
25   aware of the problem but the consequences of any

1 are extremely serious.

want  
2 I'm still struggling here as to whether I  
3 to make a motion to accept or deny this because my  
serious  
4 concern is how do we send an absolutely deadly  
5 message that as hard as this problem may be, we are  
6 going to be very, very concerned if we get another  
case  
7 in a reasonable period of time.

8 I'm going to hold out for a very serious  
9 penalty, if that should happen. That is for me the  
10 dilemma.

I  
11 COMMISSIONER RIVERS: Let me just add that,  
12 recognize when you are dealing with individuals  
under  
13 21, they are very sophisticated. They are going to  
look  
14 for any and every way to circumvent the process.

15 I think what we are trying to do today, not  
16 only just to you, but to all of our entities is to  
get  
17 you to understand the severity of the problem.

18 I hope that the new measures that you have  
in  
19 place, the fact that you are going from seven to  
three  
20 alleviates the problem.

21 I'm also saying be cognizant of these  
22 sophisticated younger adults. Well they are not  
adults  
23 yet, under 21, because they are going to figure out  
a  
24 way to get into your facility like it or not.

25 Just as Commissioner Sojka talked about,  
you

you  
for  
individuals

1 have something that -- something that is ahead of  
2 that will always be there and I understand and I  
3 sympathize. At the same time, I congratulate you  
4 making -- for taking the necessary steps.

you

5 CHAIRMAN DiGIACOMO COLINS: Do you think --  
6 I'm going to come see your new facility tomorrow  
7 actually. Do you think your new facility will help  
8 strengthen this program to prevent underage  
9 from sneaking onto the floor?

that  
difference.

10 MR. BONNER: We certainly do. It is the 17  
11 entrances that we have to patrol compared to the 3  
12 we have. We think that will make a material

like  
--

13 As you deliberate on this matter, I would  
14 to make one additional point -- two points. I don't  
15 any action you take today, I don't think could focus  
16 more strongly on this issue than we are focused on.

would  
our

17 I have spoken sincerely. It is the top  
18 priority of our security department. However, I  
19 like you to bear in mind our security officers at

20 various entrances, conduct 15,000 ID checks a month.

21 That is 500 a day.

22 They stop, check ID. On average, it  
varies.

23 It is 16 some month and 14 some month; but on  
average,

24 they conduct that number of ID checks.

25 One of the blessings of Philly Park is we  
have

1 high business. One of the curses is we have high-  
volume  
2 business.  
3           Again, this will get better as we move into  
the  
4 new facility; and I assure you we are fully focused  
on  
5 it and would ask that you consider favorably the  
6 agreement that Mr. Miller has presented to you for  
your  
7 approval.  
8           COMMISSIONER McCABE: One last point. My  
9 concern is in a bigger issue. Under 21 individuals  
are  
10 constantly going to try to drink, sneak onto the  
casino  
11 floor.  
12           My concern is to reassure me and this Board  
13 that Greenwood Gaming Entertainment, Inc., and  
14 Philadelphia Park take their internal controls  
seriously  
15 and enforce those rules.  
16           That is the bigger issue to me, is you  
realize  
17 that those internal controls need to be followed,  
need  
18 to be enforced, and knowing that this is going to be  
a  
19 never-ending problem as long as you have something  
out



20 there that people want.

ring  
21 MR. BONNER: Commissioner, my words might

many  
22 hollow when I tell you we do. I think the many,

Philly  
23 security officers who are no longer employed at

being  
24 Park because they blew the ID checks or weren't

25 vigilant speaks louder than that.

but  
many of  
the  
impose

1                   It is unfortunate that we have to do that,  
2                   it is because we take it so seriously that many,  
3                   these officers who have failed in this area suffer  
4                   most serious employment-related discipline we can  
5                   because of our focus on its importance.

6                   CHAIRMAN DiGIACOMO COLINS: Thank you.

will  
been  
we  
you  
your  
also

7                   COMMISSIONER GINTY: Just two things and I  
8                   let it go. Cyrus, what I would like and it is not  
9                   necessarily germane to this but we might want to  
10                  consider monthly reports, public reports on casino  
11                  violations because as I recollect, you know, I have  
12                  on the Board now about a year and a half and I think  
13                  had one other casino where we had this issue but,  
14                  know, you were here in June and I don't want to say  
15                  sincerity is in question, it isn't; but you were  
16                  pretty sincere last time, too.

17                  So I'm going to support Gary's motion, but  
18                  please don't come before us again on this.

here

19                  MR. BONNER: I would like not to be back

20 for this.

21                   COMMISSIONER GINTY: You're not going to  
have a

22 very welcoming time, if you come back.

23                   MR. BONNER: I understand that,  
Commissioner.

24 Thank you.

25                   COMMISSIONER SOJKA: I'm willing to go out  
on a

1 limb, Madame Chairman, if you are ready.

2 CHAIRMAN DIGIACOMO COLINS: All right.

move

3 COMMISSIONER SOJKA: Madame Chairman, I

the

4 that the Board approve the Consent Agreement between

5 BIE and Greenwood Gaming and Entertainment, Inc., as

6 just described by the OEC.

7 COMMISSIONER ANGELI: I'll second that.

8 CHAIRMAN DIGIACOMO COLINS: All in favor?

9 COMMISSIONERS: Aye.

10 CHAIRMAN DIGIACOMO COLINS: Opposed?

11 Motion carries.

12 MR. BONNER: Thank you, Madame Chairman.

13 CHAIRMAN DIGIACOMO COLINS: Mr. Pitre? Mr.

14 Pitre, did you want to say something.

know

15 MR. PITRE: I just wanted to let the Board

that

16 that based on my previous experience in New Jersey

problems

17 our casino has far, far less underage gaming

18 and our casinos self-report their underage gaming

Atlantic

19 problems as opposed to a lot of the casinos in

20 City.

21 So we have a far less problem than they do;

22 although it is a problem, and we will continue to  
23 address it appropriately.

24                   CHAIRMAN DiGIACOMO COLINS: Thank you very  
25 much. That concludes our meeting.

8th 1 The next meeting will be Wednesday, April  
2 at the State Museum Auditorium at 11:00 a.m.

published 3 After we adjourn, this has been -- we  
4 on our website that this was, in fact, a meeting  
where 5 there was public comment.

Can I 6 We have -- so we'll close the business.  
7 have a motion to close the business?

8 COMMISSIONER RIVERS: So moved.

9 COMMISSIONER McCABE: Second.

10 CHAIRMAN DiGIACOMO COLINS: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN DiGIACOMO COLINS: Opposed?

13 We are adjourned.

14 (The meeting concluded at 11:16 a.m.)

15

16

17

18

19

20

21

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23

24

25

1                   I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the  
notes  
3 taken by me on the within proceedings and that this  
is a  
4 correct transcript of the same.

5

6

7

Hillary M. Hazlett, Reporter  
Notary Public

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