

PENNSYLVANIA GAMING CONTROL BOARD

PUBLIC COMMENT

WEDNESDAY, MARCH 25, 2009, 11:17 A.M.

NORTH OFFICE 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

1 CHAIRMAN DiGIACOMO COLINS: We will open up for
2 the public comment. We had one individual who signed up
3 for the public comment. That is Mr. Rubino, who is
4 here.

5 The guidelines specifics are that there are
6 three minutes per person, and you may address the Board,
7 sir.

8 MR. RUBINO: Thank you Madame Chairwoman and
9 members of the Board. As you probably are all aware, I
10 was originally scheduled to be here this morning to talk
11 about two matters before you that have been in front of
12 the PGCB for many, many months.

13 They were our request to have SOC58 from the
14 Presque Isle Downs, Inc., license renewed. That is the
15 special operating condition that prohibits me from doing
16 business with Presque Isle Downs. Maybe it is the
17 opposite prohibits them from doing business with me.

18 We have contended from the beginning that there
19 was no reason for that special operating condition to
20 have been imposed. We still contend that that is the
21 case.

22 I was on a plane from Philadelphia. It's quite
23 a long trip from Erie to Harrisburg. As they say, you
24 can't get to Harrisburg from Erie. Unfortunately, it is
25 a long trip.

1 I stayed overnight. I understand the Board had
2 some reason why it decided not to consider the findings
3 of the Hearing Officer in the matter of whether a real
4 estate agent needs to be licensed additionally to
5 operate gaming activities in Pennsylvania.

6 However, with all of the greatest respect, I
7 know you have a lot to do; but if the next time we
8 consider this, we could have it heard, it would be of
9 great courtesy to the people that have to come a long
10 way.

11 You will notice that I am not represented today
12 by counsel. That is because since the beginning of this
13 odyssey with the Gaming Control Board, I have spent over
14 \$210,000 being represented before this Board's various
15 agencies on matters that I just can't figure out.

16 To this day, I don't understand the need for
17 it. I have never been charged with any crime. I have
18 never been convicted of any crime.

19 This own Board has rules and regulations that
20 state that a conviction does not necessarily prohibit
21 somebody from doing business with a gaming licensee.

22 I would simply ask that this Board use its best
23 efforts as a courtesy to a citizen of the Commonwealth
24 who pays his taxes on time, operates his business on
25 good terms with everybody.

1 In 24 years as a licensee of the Commonwealth
2 as a real estate agent, I have never had a professional
3 complaint. I could parade before you hundreds of
4 witnesses, if you would so desire, hundreds of
5 affidavits saying that we operate in a good manner.

6 I am sure that the OEC is going to tell you
7 some different story about various things in my
8 background.

9 I would also ask that when you next consider
10 this issue remember that our own former Chairman,
11 Mr. Decker, at the imposition of SOC58 stated for the
12 record that there was no evidence of any background or
13 unsuitability on my part or that of my company.

14 I would like to close by asking you to please
15 consider this as soon as possible. You cannot possibly
16 imagine the stain on my reputation and that of my
17 company by having SOC58 simply existing on the record on
18 the license of Presque Isle Downs, Inc.

19 I have been subject to some very, very strange
20 proceedings because I guess I am not a lawyer and I
21 don't understand some of these things; but the reality
22 is I was asked by the Gaming Control Board to not file a
23 waiver even though I never had anything to do with
24 gaming, never would have had a thing to do with
25 operating slot machines, had nothing to do with

1 operating Presque Isle Downs, Inc., or MTR Gaming its
2 parent company.

3 I didn't have a seat on the board. I didn't
4 own any stock. I controlled no part of it. The very
5 need for SOC58 eludes me.

6 I'm sure that the OEC will tell you that there
7 are all kinds of people who have problems with me. I'm
8 a businessman. I do high-profile projects. I'm
9 involved in a \$365 million project in Erie right now and
10 that project also has a lot of public comment on it.
11 People like to say things about people who are involved
12 in big projects like that.

13 CHAIRMAN DiGIACOMO COLINS: Thank you, Mr.
14 Rubino. Mr. Rubino, my apologies that you were on your
15 plane and you came here and that the messages crossed or
16 that you could not be advised more in advance that we
17 were going to table this matter.

18 It is being referred to Chief Counsel for
19 further review and then we will reschedule it once we
20 have received further legal consult on it.

21 So thank you very much, sir.

22 MR. RUBINO: Thank you, Madame Chairwoman.

23 (The public comment concluded at 11:21 a.m.)

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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.

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Hillary M. Hazlett, Reporter
Notary Public

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