

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: Gregory C. Fajt, Chairman
James B. Ginty, Gary A. Sojka, Kenneth T. McCabe, Jeffrey W. Coy and Raymond S. Angeli, David Barasch representing Honorable Stephen Stetler, Secretary of Revenue, Keith Welks representing Honorable Robert M. McCord, State Treasurer and Mike Pechart representing Honorable Russell Redding, Acting Secretary of Agriculture

HEARING: Wednesday, November 18, 2009
11:45 a.m.

LOCATION: State Museum Auditorium
300 North Street
Harrisburg, PA 17120

WITNESSES: None Present

Reporter: Cynthia Piro-Simpson

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A P P E A R A N C E S

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Counsel for Office of Enforcement Counsel

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OPENING REMARKS

By Chairman Fajt

5

PRESENTATION

By Ms. Yantis

6 - 7

By Mr. Rhen

7 - 8

By Mr. Sandusky

8 - 10

By Attorney Cook

11 - 18

By Ms. Hensel

18 - 28

By Attorney Miller

28 - 30

By Attorney Davenport

30 - 31

DISCUSSION AMONG PARTIES

32

E X H I B I T S

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<u>Number</u>	<u>Description</u>	<u>Page Offered</u>
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NONE OFFERED

P R O C E E D I N G S

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CHAIRMAN FAJT:

Okay. We will now commence our regularly scheduled public meeting. First order of business is old business and announcements. By way of announcements, the Board held an Executive Session on November 17th and prior to this meeting, in accordance with the Sunshine Act. The purpose of the Executive Sessions were to discuss personnel-related matters, pending litigation and to conduct quasi-judicial deliberations relating to matters pending before the Board. I'd now like to consider a Motion approving the minutes and transcript of the October 7th, 2009 meeting. May I have a motion?

MR. SOJKA:

Yes, Mr. Chairman. I move that the Board approve the minutes and transcript of the October 7th, 2009 meeting.

CHAIRMAN:

Second?

MR. MCCABE:

Second.

CHAIRMAN:

All in favor?

1 AYES RESPOND

2 CHAIRMAN:

3 Opposed? Motion passes. Moving on to
4 new business. Our first presenter today will be
5 Claire Yantis, our Human Resource Director, to give
6 her report. Claire?

7 MS. YANTIS:

8 Good morning, Chairman Fajt, Board
9 members. We have before you today a motion to
10 consider the hiring of Laura Thoman as a Licensing
11 Analyst in the Vendor Certification Unit of the Bureau
12 of Licensing. Ms. Thoman has completed the PGCB
13 interview process, background investigation and drug
14 screening and is being recommended for hire by Bureau
15 Director, Susan Hensel. As such, I ask that you
16 consider a motion to hire Ms. Thoman as indicated.

17 CHAIRMAN:

18 Any questions from the Board? If not,
19 could I have a motion, please?

20 MR. COY:

21 Mr. Chairman, I move the Board approve
22 the hiring of the agency staff as proposed on the
23 condition that all employees have completed the
24 necessary background investigation and drug testing.

25 CHAIRMAN:

1 Second?

2 MR. GINTY:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN:

8 Opposed? Motion passes. Thank you,
9 Claire.

10 Next up is our Budget Manager, Dave Rhen.
11 Dave?

12 MR. RHEN:

13 Good morning.

14 CHAIRMAN:

15 Good morning.

16 MR. RHEN:

17 Today's budget report focuses on results
18 through October. Board expenditures through October
19 totaled \$8.9 million. Eighty-four (84) percent of
20 these expenditures, or \$7.5 million, has been spent on
21 personnel and 16 percent, or \$1.4 million, has been
22 spent on operating expenditures to date. For the
23 month of October expenditures totaled \$3.1 million.
24 This includes \$2.7 million for personnel for the
25 month's three payrolls, which averages approximately

1 \$908,000, and operating expenditures for the month
2 totaled \$407,000. The Board's primary operating
3 expenditures for the year include \$725,000 for rentals
4 and leases, \$190,000 for telecommunications, \$168,000
5 for travel, \$164,000 for other operating expenditures.

6 The other operating expenditures are primarily for
7 database searches used in background investigations.
8 That concludes my remarks.

9 CHAIRMAN:

10 Thank you. Any questions from the Board?
11 Thanks, David.

12 Next up is our Chief Counsel, Doug
13 Sherman. Doug?

14 ATTORNEY SHERMAN:

15 Chairman Fajt, members of the Board, our
16 first matter on the agenda relates to a Final-form
17 Regulation, which Director of Regulatory Review,
18 Richard Sandusky, will present.

19 MR. SANDUSKY:

20 Good morning. For today's consideration
21 by the Board we have Final-form Regulation 125-100.
22 This proposed rulemaking was adopted by the Board on
23 June 17th of 2009, and was published in the
24 Pennsylvania Bulletin on August 15th of 2009, with a
25 30-day comment period. This rulemaking makes numerous

1 amendments to Chapters 435, and in particular 437,
2 related to vendors, to improve the clarity of the
3 regulations and improve the overall effectiveness of
4 the Board's oversight of vendors. The most
5 significant change within this rulemaking is the
6 increase in the thresholds that will require either
7 registration or certification by a vendor. By
8 increasing these thresholds we are increasing the
9 opportunity for small local businesses to more easily
10 become involved and provide goods and services to the
11 slot machine Licensees.

12 In response to the public comment period,
13 comments were received from International Gaming
14 Technology, Greenwood Gaming Entertainment, Downs
15 Racing and NCR Corporation. We also received comments
16 from the Independent Regulatory Review Commission on
17 the proposed regulation. The Board --- the staff has
18 made a series of small amendments to the proposed
19 regulations in response to the comments and also to
20 provide further clarity in certain areas that the
21 staff felt was appropriate. If there are any
22 questions on the proposed regulation --- or on the
23 Final-form Regulation, I'd be happy to take them from
24 the Board. And if not, we'd ask for a motion to
25 approve the Final-form rulemaking.

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CHAIRMAN:

Any questions or comments from the Board?
If not, could I have a motion, please?

MR. COY:

Mr. Chairman, I move the Board adopt
Final-form Regulation #125-100 and that the Final-form
Regulation be posted on the Board's website.

MR. GINTY:

Second.

CHAIRMAN:

All in favor?

AYES RESPOND

CHAIRMAN:

Opposed? Motion passes.

MR. SANDUSKY:

Thank you.

CHAIRMAN:

Thank you, Richard.

ATTORNEY SHERMAN:

The agenda is fairly light today on the
remaining matters, so Steve Cook will be presenting
all of the remaining matters.

CHAIRMAN:

Thank you.

ATTORNEY COOK:

1 Good morning, Mr. Chairman and members of
2 the Board.

3 CHAIRMAN:

4 Good morning, Steve.

5 ATTORNEY COOK:

6 Today the Board has one petition-related
7 matter before it for consideration, Greenwood Gaming's
8 Petition for Regulatory Approval Prerequisite to
9 Opening of their Permanent Facility, which was heard
10 by the Board today earlier at a public hearing. This
11 matter is now before the Board for consideration.

12 MR. ANGELI:

13 Mr. Chairman?

14 CHAIRMAN:

15 Yes.

16 MR. ANGELI:

17 I move that the Board hold in abeyance
18 the Petition of Greenwood Gaming and Entertainment,
19 Inc. for Regulatory Approval Prerequisite to their
20 Opening of a Permanent Facility and order the
21 Petitioner to submit a revised floor plan addressing
22 the Board's concerns as to the location and access to
23 the offices of the Pennsylvania Gaming Control Board
24 and the Pennsylvania State Police, which is acceptable
25 to the Board's Executive Director so that same can be

1 considered at the Board's December 9th, 2010
2 meeting.

3 CHAIRMAN:

4 2009.

5 MR. ANGELI:

6 2009 meeting, sorry, and implemented
7 prior to the opening. However, I further move that
8 Greenwood be allowed to continue the placement of new
9 machines and transfer machines from its temporary
10 facility to its permanent facility under the
11 supervision of the Bureau of Gaming Operations, Bureau
12 of Gaming Laboratory Operations and the Department of
13 Revenue.

14 CHAIRMAN:

15 Second?

16 MR. GINTY:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 AYES RESPOND

21 CHAIRMAN:

22 Opposed? Motion passes.

23 ATTORNEY COOK:

24 Next before the Board are withdrawals.

25 The Board has received two unopposed Petitions to

1 Withdraw Applications, which include one Principal
2 application and one Vendor Certification, which
3 includes three Principals of that vendor. The
4 individuals and entities subject to these petitions
5 are as follows, Patrick Arneault, Maximum Direct,
6 Inc., Stephen Platcow, Mark T. Malin and Rosemary
7 Bezouska. The Office of Enforcement Counsel (OEC) has
8 no objections to these withdrawals. As such, the
9 Office of Chief Counsel (OCC) submits these
10 withdrawals to the Board for consideration of a grant
11 of withdrawal without prejudice.

12 CHAIRMAN:

13 Any questions or comments from the Board?
14 If not, could I have a motion, please?

15 MR. MCCABE:

16 Yes, Mr. Chair. I move that the Board
17 issue Orders to approve the withdrawals or surrenders
18 as described by the OCC.

19 CHAIRMAN:

20 Second?

21 MR. SOJKA:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1 CHAIRMAN:

2 Motion passes.

3 ATTORNEY COOK:

4 Next before the Board for consideration
5 is a Report and Recommendation received from the
6 Office of Hearings and Appeals (OHA) relative to the
7 Non-Gaming Employee Registration Application submitted
8 by Robyn George. The Report and Recommendation, along
9 with the evidentiary record for that proceeding, was
10 provided to the Board before today's meeting.

11 Additionally, Ms. George has been notified that the
12 Board is considering the Report and Recommendation
13 today and that she has the right to be present. If
14 Ms. George is present, I would ask her to come forward
15 at this time.

16 CHAIRMAN:

17 Is Ms. George in the audience? Proceed,
18 please.

19 ATTORNEY COOK:

20 On July 28th, 2009, the OEC issued a
21 Notice of Recommendation of Denial of Original
22 Application due to Ms. George's failure to disclose
23 her entire criminal history. Specifically, Ms. George
24 failed to disclose a 2006 arrest which resulted in a
25 theft conviction.

1 Ms. George did request a hearing, which
2 was scheduled for and held before the OHA on September
3 15th, 2009. Despite having been notified of this
4 hearing, however, Ms. George failed to appear, and the
5 hearing was held in absentia. Subsequent thereto, a
6 Report and Recommendation was issued by the Hearing
7 Officer, recommending that Ms. George be denied
8 registration as a Non-Gaming Employee based on her
9 nondisclosures and her failure to cooperate in the
10 course of her investigation. This matter is now ripe
11 for the Board's consideration.

12 CHAIRMAN:

13 Any questions or comments from the Board?
14 If not, could I have a motion, please?

15 MR. SOJKA:

16 Yes. Mr. Chairman, I move that the Board
17 issue an Order to adopt the Report and Recommendation
18 of the OHA regarding the Non-Gaming Employee
19 Registration of Robyn George.

20 MR. ANGELI:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? Motion passes.

2 ATTORNEY COOK:

3 The last matter under the OCC is the
4 request for the validity --- or an Order as to the
5 validity of the issuance of an Emergency Order of
6 Suspension related to Joseph Finocchio. Joseph
7 Finocchio was issued a Gaming Employee Permit on July
8 14th, 2009, and was employed as a cage cashier at the
9 Sands Casino --- Sands Bethworks Casino, excuse me.

10 On November 5th, 2009, the Bureau of
11 Casino Compliance was notified by Sands Bethworks that
12 Mr. Finocchio was arrested on narcotics charges. The
13 Bureau of Casino Compliance initiated a compliance
14 review, and it was subsequently discovered that Mr.
15 Finocchio was, in fact, charged with a felony drug
16 offense as part of an undercover operation conducted
17 by the Pennsylvania Office of Attorney General.

18 As a result of these charges, the OEC
19 filed a Request for Emergency Order of Suspension,
20 which the Executive Director signed on November 6th,
21 2009.

22 Board Regulations now require that this
23 matter come before the Board for consideration ---
24 excuse me, either for a full evidentiary hearing or
25 referral back to the OHA to conduct such a hearing.

1 In this case, the OCC recommends that the
2 Board consider a motion to refer the matter back to
3 the OHA for a full evidentiary record and further
4 recommends that the Emergency Order of Suspension
5 remain in place until that is done.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 If not, could I have a motion?

9 MR. ANGELI:

10 Mr. Chairman, I move that the Board issue
11 an Order to extend the Emergency Suspension of Joseph
12 Finocchio's Gaming Employee Permit and that the matter
13 be referred to the OHA for a hearing to determine the
14 validity of the OEC's request for a suspension.

15 MR. COY:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? Motion passes.

22 ATTORNEY SHERMAN:

23 That concludes the matters of the OCC.

24 CHAIRMAN:

25 Thank you, Steve. Thank you, Doug. Next

1 up is our Director of Licensing, Susan Hensel. Good
2 morning, Susan.

3 MS. HENSEL:

4 Good morning. Thank you, Chairman Fajt
5 and members of the Board. The first matter for your
6 consideration is the renewal of a Supplier License for
7 Advanced Gaming Associates, LLC. The Bureau of
8 Investigations and Enforcement (BIE) has completed its
9 investigation and the Bureau of Licensing has provided
10 you with a renewal background investigation and
11 suitability report for this Licensee. No issues were
12 identified by either the BIE or Licensing that would
13 preclude the renewal of Advanced Gaming Associates,
14 LLC's License. I have provided you with a Draft Order
15 and ask that the Board consider a motion renewing this
16 License.

17 CHAIRMAN:

18 Any questions or comments from
19 Enforcement Counsel?

20 ATTORNEY PITRE:

21 No objection.

22 CHAIRMAN:

23 Any questions or comments from the Board?
24 If not, could I have a motion, please?

25 MR. COY:

1 Chairman, I move the Board grant the
2 renewal of Advanced Gaming Associates, LLC's Supplier
3 License, as described by the Director of the Bureau of
4 Licensing.

5 CHAIRMAN:

6 Second?

7 MR. GINTY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 AYES RESPOND

12 CHAIRMAN:

13 Opposed? Motion passes.

14 MS. HENSEL:

15 The next matter for your consideration
16 are Principal and Key Employee Licenses. Prior to
17 this meeting, the Bureau of Licensing provided you
18 with a Proposed Order for six Principals and 13 Key
19 Employee Licenses. I ask that the Board consider the
20 Order granting these Licenses.

21 CHAIRMAN:

22 Any questions, comments from Enforcement
23 Counsel?

24 ATTORNEY PITRE:

25 No objection.

1 CHAIRMAN:

2 Questions from the Board? If not, a
3 motion, please.

4 MR. GINTY:

5 Mr. Chairman, I move that the Board issue
6 an Order to approve the issuance of Principal and Key
7 Employee Licenses as described by the Bureau of
8 Licensing.

9 CHAIRMAN:

10 Second?

11 MR. SOJKA:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 Opposed? Motion passes.

18 MS. HENSEL:

19 We also have for your consideration the
20 issuance of Temporary Key Employee Licenses to nine
21 (9) individuals. Prior to this meeting the Bureau of
22 Licensing provided you with an Order regarding the
23 issuance of the Temporary Key Employee Licenses, and I
24 ask that the Board consider the Order approving these
25 Licenses.

1 CHAIRMAN:

2 Questions or comments from Enforcement
3 Counsel?

4 ATTORNEY PITRE:

5 No objection.

6 CHAIRMAN:

7 Any questions from the Board? If not,
8 could I have a motion, please?

9 MR. GINTY:

10 Yes, Mr. Chair. I move that the Board
11 issue an Order to approve the issuance of Temporary
12 Key Employees' Licenses as described by the Bureau of
13 Licensing.

14 CHAIRMAN:

15 Second?

16 MR. SOJKA:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 AYES RESPOND

21 CHAIRMAN:

22 Opposed? Motion passes.

23 MS. HENSEL:

24 Next are Gaming and Non-Gaming Permits
25 and Registrations. Prior to this meeting, the Bureau

1 of Licensing provided you with a list of 132
2 individuals, including 36 initial and 96 renewals who
3 the Bureau has granted occupation permits to and 113
4 individuals, who the Bureau has granted registrations
5 to under the authority delegated to the Bureau of
6 Licensing. I ask that the Board adopt a motion
7 approving this Order.

8 CHAIRMAN:

9 Cyrus, any comments?

10 ATTORNEY PITRE:

11 No objection.

12 CHAIRMAN:

13 Any comments from the Board? Could I
14 have a motion?

15 MR. SOJKA:

16 Yes, Mr. Chairman. I'll move that the
17 Board issue an Order to approve the issuance of Gaming
18 Permits and Non-Gaming Registrations as just described
19 by the Bureau of Licensing.

20 MR. ANGELI:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? Motion passes.

2 MS. HENSEL:

3 In addition, we have recommendations of
4 denial for two Gaming and two Non-Gaming Employees.
5 Prior to this meeting, the Bureau of Licensing
6 provided you with Orders addressing these applicants
7 who the BIE has recommended for denial. In each case,
8 the applicant failed to request a hearing within the
9 specified time period. I ask that the Board consider
10 the Order denying the Gaming and Non-Gaming
11 Applicants.

12 CHAIRMAN:

13 Cyrus, any comments?

14 ATTORNEY PITRE:

15 We would support that request to deny
16 these applications.

17 CHAIRMAN:

18 Thank you. Questions or comments from
19 the Board? Could I have a motion, please?

20 MR. ANGELI:

21 Mr. Chairman, I move that the Board issue
22 an Order to approve the denial of Gaming Permits and
23 Non-Gaming Registrations as described by the Bureau of
24 Licensing.

25 MR. COY:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN:

6 Opposed? Motion passes.

7 MS. HENSEL:

8 We also have withdrawal requests for Key
9 Employees. In each case the Key Employee License is
10 no longer required due to such circumstances as the
11 employee accepting a job with a different employer the
12 job offer being rescinded or the employee failing to
13 report to work. For today's meeting I have provided
14 the Board with a list of six withdrawals for approval.
15 I ask that the Board consider the Order approving this
16 list of withdrawals.

17 CHAIRMAN:

18 Any questions, Cyrus?

19 ATTORNEY PITRE:

20 No objections.

21 CHAIRMAN:

22 Questions from the Board? If not, could
23 I have a motion, please?

24 MR. COY:

25 Mr. Chairman, I move the Board issue an

1 Order approving the withdrawal of Key Employee
2 Applications as described by the Bureau of Licensing.

3 CHAIRMAN:

4 Second?

5 MR. GINTY:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 AYES RESPOND

10 CHAIRMAN:

11 Opposed? Motion passes.

12 MS. HENSEL:

13 Next we have withdrawal requests for
14 Gaming and Non-Gaming Employees. As with the Key
15 Employees just discussed, in each case the occupation
16 permit or registration is no longer required. For
17 today's meeting I have provided the Board with a list
18 of 15 withdrawals for approval. I ask that the Board
19 consider the Order approving this list of withdrawals.

20 CHAIRMAN:

21 Any questions, Cyrus?

22 ATTORNEY PITRE:

23 No objections.

24 CHAIRMAN:

25 Thank you. Questions from the Board?

1 Could I have a motion, please?

2 MR. GINTY:

3 Mr. Chairman, I move that the Board issue
4 an Order to approve the withdrawal of Gaming and
5 Non-Gaming Employee Permits and Registrations as
6 described by the Bureau of Licensing.

7 CHAIRMAN:

8 Second?

9 MR. MCCABE:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? Motion passes.

16 MS. HENSEL:

17 Finally, the Bureau of Licensing provided
18 you with an Order and an attached list of 15
19 Registered Vendors. I ask that the Board adopt a
20 motion approving the Order registering these vendors.

21 CHAIRMAN:

22 Cyrus, any comments?

23 ATTORNEY PITRE:

24 No objections.

25 CHAIRMAN:

1 Any comments from the Board? If not,
2 could I have a motion, please?

3 MR. MCCABE:

4 Yes, Mr. Chair. I move that the Board
5 issue an Order to approve the applications for Vendor
6 Registration as described by the Bureau of Licensing.

7 CHAIRMAN:

8 Second?

9 MR. SOJKA:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? Motion passes.

16 MS. HENSEL:

17 That concludes the Bureau of Licensing's
18 presentation.

19 CHAIRMAN:

20 Thank you, Susan. Next up is our Chief
21 Enforcement Counsel, Cyrus Pitre. Cyrus, if you'll
22 introduce your guests.

23 ATTORNEY PITRE:

24 Right. We have two matters for the
25 Board's consideration today. The first matter will be

1 handled by Dustin Miller. The second matter will be
2 handled by Nan Davenport.

3 CHAIRMAN:

4 Dustin?

5 ATTORNEY MILLER:

6 Good afternoon, Chairman Fajt, members of
7 the Board. There's one matter today relating to the
8 revocation of a casino employee. The records
9 pertinent to this matter have been provided to the
10 Board in advance of this meeting. Upon notification
11 of the complaint filed to revoke the registration of
12 the individual named in the complaint, the individual
13 chose not to respond to the matters set forth in the
14 complaint.

15 In addition, the applicant has been
16 notified that the Board is considering his revocation
17 today and that he has the right to be present to
18 address the Board. If the individual is present
19 today, he should come forward when his name is
20 announced.

21 The only request for revocation today
22 involves Brandon Bennett. Mr. Bennett had been
23 employed as a buser at Harrah's Chester Downs Casino
24 and registered as a Non-Gaming Employee. The OEC
25 filed an enforcement complaint to revoke Mr. Bennett's

1 Non-Gaming Employee Registration for failing to abide
2 by his continual duty to inform the Board of an arrest
3 on September 2nd, 2009. The Enforcement Complaint was
4 properly served upon Mr. Bennett to the address listed
5 on his application by both certified and first-class
6 mail. Mr. Bennett did not respond to the filing in
7 any way. Due to Mr. Bennett's failure to respond, the
8 averments in the Enforcement Complaint are deemed to
9 be admitted as fact and his right to a hearing has
10 been waived. On November 3rd, 2009 the OEC filed a
11 request to enter judgment upon default. The matter is
12 now before the Board to consider the revocation of Mr.
13 Bennett's Non-Gaming Employee Registration.

14 CHAIRMAN:

15 Any questions or comments from the Board?
16 If not, could I have a motion?

17 MR. SOJKA:

18 Yes, Mr. Chairman. I'll move that the
19 Board issue an Order to approve the Revocation of
20 Brandon Bennett's Non-Gaming Employee Registration as
21 described by the OEC.

22 MR. ANGELI:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 AYES RESPOND

2 CHAIRMAN:

3 Opposed? Motion passes.

4 ATTORNEY DAVENPORT:

5 Good afternoon, Commissioner and
6 Chairman. Nan Davenport, Deputy Chief Enforcement
7 Counsel for the OEC. Today we have for the Board's
8 consideration a Consent Agreement between the OEC and
9 Mountainview Thoroughbred Racing Association, doing
10 business as Hollywood Casino at Penn National
11 Racecourse.

12 As set forth in the Consent Agreement,
13 which you have before you today, between July 4th,
14 2009 and August 15th, 2009, three individuals under 21
15 years of age gained access to Hollywood Casino's
16 gaming floor and played slot machines before being
17 apprehended by security, in violation of 58 Pa.C.
18 Section 513(a)(2)(b). All three incidents were self
19 reported to the Board.

20 The OEC and Mountainview have entered
21 into a Consent Agreement with regard to these
22 incidents, and subject to the Board's approval,
23 Mountainview has agreed to pay a civil penalty in the
24 amount of \$24,000. The OEC respectfully requests that
25 the Board approve the Consent Agreement today.

1 CHAIRMAN:

2 Any questions or comments from the Board?
3 If not, could I have a motion, please?

4 MR. ANGELI:

5 Mr. Chairman, I move that the Board issue
6 an Order to approve the Consent Agreement between the
7 OEC and Mountainview Thoroughbred Racing Association,
8 as described by the OEC.

9 MR. COY:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? Motion passes.

16 ATTORNEY PITRE:

17 That concludes our business.

18 CHAIRMAN:

19 Thank you, Cyrus, Dustin, Nan. Thank you
20 for your presentation. That concludes today's
21 business. In closing, our next scheduled public
22 meeting will be held on December 9th in the PUC
23 Keystone Building, Hearing Room One, at 10:00 a.m.
24 Any final comments from the Board? If not, could I
25 have a motion to adjourn, please?

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MR. COY:

Motion.

MR. MCCABE:

Second.

CHAIRMAN:

Meeting is adjourned. Thank you.

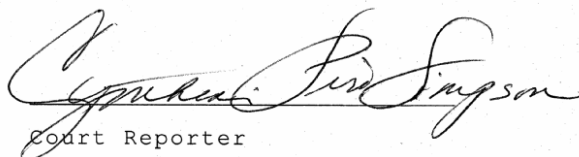
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MEETING CONCLUDED AT 12:15 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chairman Fajt was reported by me on 11/18/2009 and that I Cynthia Piro Simpson read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.



Cynthia Piro Simpson
Court Reporter