

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC HEARING

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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, Secretary of Agriculture

HEARING: Wednesday, November 18, 2009  
10:02 a.m.

LOCATION: State Museum Auditorium  
Harrisburg, PA

WITNESSES: Thomas Bonner, Esquire, Paul Resch,  
Thomas Sturgeon

Reporter: Cynthia Piro Simpson

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E X H I B I T S

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CHAIRMAN FAJT:

Good morning, everybody. I'm Greg Fajt, Chairman of the Pennsylvania Gaming Control Board. Just as a housekeeping matter, I'd like to ask everybody to please turn off your cell phones, Blackberries and other electronic devices. It tends to interfere with the communication system.

Today we have with us David Barasch, the ex-officio designee, representing Revenue Secretary Steve Stetler; Keith Welks, representing State Treasurer Rob McCord; and Mike Pechart, representing the Secretary of Agriculture, Russell Redding. Thank you all for joining us today.

We also have a very special guest today, Mr. Neil McCabe, who happens to be the father of our great Commissioner, Ken McCabe. Mr. McCabe, welcome also today.

A quorum of the Board is present. Today's proceedings are called to order. I'd ask everyone to join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

We have one item before the Board today

1 by way of a public hearing, which will take place  
2 prior to our public meeting. We'll now address the  
3 petition filed by Greenwood Gaming & Entertainment,  
4 seeking regulatory approval to open its permanent  
5 facility. We will now begin. May I have all parties  
6 involved in the petition come forward? I see that the  
7 folks from Greenwood Gaming are here. Welcome. And  
8 I'd also ask all of you to please stand and be sworn  
9 in by the stenographer.

10 -----

11 WITNESSES SWORN EN MASSE:

12 -----

13 CHAIRMAN:

14 If it's okay with the Board, we'll hear  
15 from representatives of Greenwood Gaming and also our  
16 Office of Enforcement Counsel (OEC). Reserve our  
17 questions until the conclusions of their presentation.

18 Prior to your speaking, could all the  
19 witnesses and Counsel please state and spell your  
20 names for the stenographer? And Greenwood Gaming, you  
21 may proceed.

22 ATTORNEY KOHLER:

23 I am Alan Kohler with Eckert Seamans.  
24 It's K-O-H-L-E-R.

25 ATTORNEY BONNER:

1                   Thomas Bonner with Greenwood Gaming,  
2 B-O-N-N-E-R.

3                   MR. GREEN:

4                   Robert Green, G-R-E-E-N.

5                   CHAIRMAN:

6                   Please proceed.

7                   ATTORNEY KOHLER:

8                   Good morning, Chairman Fajt,  
9 Commissioners. I'm Alan Kohler with Eckert Seamans,  
10 representing Greenwood Gaming and Entertainment, Inc.  
11 at this morning's hearing. This is a very exciting  
12 and nerve-racking time for the company. We are now  
13 less than 30 days, 29 days to our scheduled opening on  
14 December 17th. And as I believe you're aware, we are  
15 in the ultimate full court press to get our facility  
16 open on the 17th, and we absolutely plan to accomplish  
17 that.

18                   We have a petition before you this  
19 morning which essentially asks for the remaining  
20 regulatory approvals that are necessary for us to  
21 open. Some of those approvals are somewhat  
22 ministerial. Others, like the gaming --- approval of  
23 the gaming floor and the transition schedule from the  
24 temporary to the permanent facility, are more  
25 substantive. In any case, we have a variety of

1 requests for relief before you and would request that  
2 it's extremely important for us to receive those  
3 approvals as a result of today's public meeting,  
4 because the Board's next public meeting would put us  
5 in a position where we literally couldn't get done in  
6 time in order to open on the 17th.

7           I have with me this morning two  
8 representatives from Greenwood. The chairman of  
9 Greenwood, Bob Green, is here. He can --- if you have  
10 any questions as to the logistics of all the  
11 activities that are going on related to opening, the  
12 timing, you know, what's all involved, he's here today  
13 to answer questions. Mr. Bonner will be presenting  
14 testimony on an issue of dispute with the Bureau of  
15 Investigations and Enforcement (BIE). But before we  
16 get to that, we wanted --- we thought you'd be  
17 interested in seeing some pictures that were actually  
18 taken yesterday. As you'll see, the place is really  
19 coming together. You can start to see what it will  
20 look like on --- at the time we open.

21           As we reported to you before, we're very  
22 proud of this facility. It has a very --- it's a very  
23 large facility, has a very large gaming floor of  
24 121,694 square feet. We're going to open with 3,300  
25 slot machines. That's been approved by the Board. We



1 have lots of food and beverage venues, including the  
2 one that's gotten the most attention, Chickie &  
3 Pete's. And we have a new name. And after a lot of  
4 thought into this, the new name of the casino will be  
5 Parx Casino and the emblem you see on the screen  
6 there.

7           I think you've seen --- probably seen  
8 this picture before, but the signature of our new  
9 facility is the video screens. This actually, unlike  
10 the other photos, is a little bit dated, but the video  
11 screens now have been up for some time and they are  
12 operational. They were developing content, but they  
13 are operational and have been for weeks. And this is  
14 essentially what it looks like as you approach the  
15 front entrance.

16           This is the lobby, and Mr. Bonner is  
17 going to tell you a little bit about what's gone into  
18 that.

19           ATTORNEY BONNER:

20           This is a shot standing in the casino,  
21 looking out through the front of the main customer  
22 desk area in the lobby. We have two entrances on  
23 either side of this main desk area. The lobby is done  
24 entirely in marble and stone. You can see the marble  
25 on the wall. The stone is going in on the floor.

1 These are absolute high-line, top-line finishes, and  
2 as you can see, well on the way to being completed in  
3 that area.

4                   Another shot of the lobby floor, again,  
5 from pretty much the same angle, looking out towards  
6 the glass front that looks out onto the porte-cochere.  
7 We have three main archways or portals that we're  
8 constructing between the main entrance lobby and the  
9 casino floor itself. And actually the front line of  
10 these three portals defines the casino floor and  
11 separates it from the non-casino front lobby area.  
12 These are constructed --- they're backlit with onyx  
13 stone centerpieces that are backlit. And you can  
14 actually see these from Street Road. They're  
15 beautiful. I would invite you all to come take a  
16 look. These pictures and our descriptions do not do  
17 justice to the beauty of these finishes, and it's  
18 something of which we all will be proud. But these  
19 are the three main entrance features inside the  
20 building. You see two of them here.

21                   There is a lighted feature. And it looks  
22 good there. It looks much better up close and  
23 personal. This is the high-limit slot area, and this  
24 is a shot of the wood grain soffit above that area  
25 that defines and separates that area from the main

1 casino. Another shot of that same area. This is our  
2 sports bar that is pretty much in the center of the  
3 casino, which we've called Jax, playing on the X theme  
4 of Parx. I'd say this bar is probably 50 percent  
5 complete. And you see the structure there on which  
6 the various beverage bottles will be placed for  
7 display.

8                   We have custom-made chandeliers  
9 throughout. The next few shots are just different  
10 pictures of the various chandeliers that have been  
11 installed. They're wrapped with plastic to keep them  
12 clean. So, they're somewhat distorted in what you're  
13 seeing. These are custom-made works of art,  
14 hand-blown, custom-made glass. Again, they're  
15 wrapped. And even if they weren't wrapped, the photos  
16 don't do them justice. But these are dead center in  
17 the elliptical portion of the casino, and you've got  
18 to see them to appreciate them. It's another  
19 custom-made, hand-blown, glass chandelier. We have  
20 several of these throughout the casino, again,  
21 patterned on the same theme as the main center  
22 features that we saw before. This is a shot of our  
23 entertainment bar we call the 360 Bar. There is a  
24 full --- fully-equipped stage. There is a --- we have  
25 a glass-lit dance floor in the bar area itself. This

1 will be a key entertainment feature and entertainment  
2 spot in our casino, and it's right off the casino  
3 floor. It's a shot of the stage which is against the  
4 back wall of the casino. The bar is in front of the  
5 stage. You're looking at the partially-finished wall  
6 features of the stage. Shots of the casino floor.  
7 The casino carpet is about 75 or 80 percent complete  
8 on the casino floor. In this shot you can see both  
9 chandeliers above and then you can see the slot bases  
10 that have been installed on the floor. As we'll see  
11 later, the schedule contemplates beginning to move  
12 some of our initial existing machines on November  
13 23rd. So, we're just a week or so away from  
14 commencing that move, and the bases are in place,  
15 ready to accept those machines. This is a shot of the  
16 main cage, cashier's cage. Standing in the casino,  
17 looking at the cage, you see through the cage, into  
18 the actual work areas where our employees will be at  
19 the cage itself. This is a shot of the inside of the  
20 cage, looking out onto the casino floor. Again, you  
21 can see the cabinetry and the millwork is being  
22 installed, and it's coming along and certainly will be  
23 ready. This is a shot of the simulcast area. We're  
24 going to have 10 or 12 flat-screen TVs on the walls.  
25 This provides the patrons the opportunity to enjoy

1 both the racing as well as the casino gaming in the  
2 one facility. This is adjacent to the cage area.  
3 This is our food court called Foodies. You're  
4 standing in the casino, looking through the food court  
5 at the kitchen area and the back tile wall. This food  
6 court area is served by a kitchen that also is going  
7 to serve the steak restaurant that is adjacent to the  
8 food court. We have seating for a hundred patrons at  
9 the food court. We expect this to be of our most  
10 popular food outlets in the building. Another shot of  
11 Foodies again from the casino floor. Another angle  
12 into the food court. It's a circular area. We've got  
13 circular and elliptical themes throughout both ceiling  
14 and carpet areas, and it's carried through into the  
15 food court. For some reason we always show you a  
16 restroom shot. They're there. They work. There's a  
17 lot of tile. Ditto.

18                   This is the schedule that I had  
19 mentioned. This schedule has been developed in  
20 consultation with the Gaming Board, DOR, G-Tech and  
21 Philadelphia Park. As I had mentioned, we begin to  
22 install new machines that we have acquired and are  
23 actually in storage in the casino now. On  
24 November 23rd --- I misspoke earlier when I described  
25 it as --- if I did, I described those as progressives.

1 But that week of the 23rd we install about 600  
2 machines, as shown on the schedule. And then  
3 continuing into December, the Gaming Board does its  
4 testing of those machines that we've installed  
5 November 23rd the week of November 30. And then we  
6 roll through moving the existing progressives from the  
7 existing building. The bottom row that you see there,  
8 December 13, December 14, we will be moving machines  
9 from the existing casino through the week of November  
10 30 and December 7. And then in the wee hours of the  
11 morning on December 13 we plan to close the existing  
12 casino, begin to empty out the rest of the machines,  
13 and then on the 14th and the 15th complete all of the  
14 installation and testing in the new casino. And the  
15 schedule that we've agreed with the various agencies  
16 is to do our test period on the 16th, from 4:00 p.m.  
17 to 10:00 p.m. And then hoping that all goes well, we  
18 would hope to be open for business on December 17th,  
19 as shown on the schedule.

20 ATTORNEY KOHLER:

21 And I think what the schedule shows, if  
22 nothing else, and you can see all the detail, but  
23 there's little room for --- or no room for delay or  
24 problems. We are literal --- you know, we start  
25 moving machines on --- out of the temporary facility

1 on December 15th --- December 5th. That is  
2 essentially a point of no return. And you know, we  
3 are determined to meet this schedule. I think if it's  
4 okay with Chairman Fajt, we'd entertain any questions  
5 about the facility, the schedule and then we can move  
6 on to the hearing portion.

7 CHAIRMAN:

8 Thank you, Counselor. Before the Board  
9 opens with any questions, Enforcement Counsel, do you  
10 have questions?

11 ATTORNEY MILLER:

12 Mr. Chairman, we have no --- I'm Dale  
13 Miller, the Deputy Chief Enforcement Counsel for the  
14 Eastern Region. Mr. Chairman, we have no questions  
15 with regard to the slideshow. We will have questions  
16 regarding Mr. Bonner's testimony of the matter in  
17 dispute.

18 CHAIRMAN:

19 Okay. Does any of the Board members have  
20 any questions regarding the slideshow at this point?

21 MR. MCCABE:

22 What are your --- this will be the 11th  
23 opening that we've been involved in, counting the  
24 temporary facilities, including yours. And from the  
25 best of my recollection, none of them have opened on

1 time. The casinos thought they were going to open,  
2 they told us a date, and because of issues that have  
3 arisen through our inspection or --- and also an  
4 agreement with casinos, we've had to change the dates.  
5 What is your plan if, in fact, you cannot open on the  
6 17th?

7 ATTORNEY KOHLER:

8 Our plan is that we will seek relief from  
9 the Board. And you know, we've had discussions with  
10 Board staff as to that possibility. In the petition  
11 that's before you today we raise that possibility.  
12 It's not our plan to proceed down that road. We are  
13 doing everything humanly possible to open on time.  
14 But as you point out, Commissioner McCabe, sometimes  
15 unforeseen things happen that are completely, totally  
16 beyond our control, and we will have to address  
17 them --- you know, hopefully not, but if and when they  
18 occur.

19 MR. GREEN:

20 We have --- today we have 550 men on  
21 site. And by December the 5th is the point of no  
22 return. Our machines will be out or moving out of our  
23 present facility. We did, by the way, open that  
24 facility on time. So, that was probably one of the  
25 few that did. But we just have to make sure that we



1 can get open, whatever it takes.

2 ATTORNEY BONNER:

3 Commissioner, just as one --- a case in  
4 point, we were experiencing a delay in the delivery of  
5 some glasswork for the porte-cochere, which is  
6 actually the roof of our two porte-cocheres. We  
7 arranged to air freight that from England at a cost of  
8 \$140,000 just last week because we kept getting  
9 promises, promises, promises. So, we're doing  
10 whatever it takes to get it done, and we're confident  
11 we're going to meet the date.

12 ATTORNEY KOHLER:

13 And we'll absolutely do everything under  
14 our control. I mean, we --- as I said in the  
15 beginning, it's an exciting time, but it's also a  
16 nervous time. There's obvious examples, but one would  
17 be a snow blizzard in early December. There is  
18 nothing that we could do about that, and it would have  
19 repercussions for meeting our schedule. And if  
20 something of that nature occurred, we will, of course,  
21 you know, socialize that with your staff, and we'll  
22 then seek whatever relief we find to be necessary to  
23 protect the facility and to protect the investors.  
24 Again, that is not part of the plan and, in fact, it's  
25 something we are very much trying to avoid. But you

1 know, certainly there's nothing we can do to  
2 completely eliminate those types of possibilities.

3 CHAIRMAN:

4 Why don't we move into the next phase of  
5 the meeting, Mr. Miller?

6 ATTORNEY MILLER:

7 Mr. Chairman, Philadelphia Park ---  
8 Greenwood Gaming has filed a petition which is before  
9 the Board. The OEC answered that petition, and in our  
10 answer we objected to a part of the gaming floor and  
11 object to its approval by the Board, and that is the  
12 location of the Gaming Board offices that are on site  
13 within the facility. We objected to the location of  
14 those offices for reasons which we stated in our  
15 response because the public --- the public's ability  
16 to access the Gaming Board offices is compromised in  
17 that the public would have to traverse a restricted  
18 hallway, past a restricted area, in order to get to  
19 the Gaming Board offices. They would have to be  
20 escorted by Philadelphia Park staff, and it would  
21 impede the public's ability to interact with the  
22 Gaming Board with complaints, emergencies or any other  
23 reason a patron may wish to talk to Gaming Board  
24 staff. Having filed that objection, I believe at this  
25 point it's incumbent upon Philadelphia Park to address

1 that objection, try to resolve those issues and offer  
2 something to the Board at this point.

3 CHAIRMAN:

4 Before we do that, and I'll turn it over  
5 to Philly Park to answer that issue, do you by any  
6 chance, just for purpose of transparency, have a  
7 picture of the floor so that the public and the  
8 audience can see it? Is there anything on the video?  
9 Do you have a copy of that in the video anywhere?

10 ATTORNEY KOHLER:

11 There is not, although Mr. Miller has  
12 circulated me a copy of an OEC exhibit which, in fact,  
13 is the floor plan. I do not have it on ---.

14 CHAIRMAN:

15 The Board --- or the public is not going  
16 to be able to see that.

17 ATTORNEY MILLER:

18 Mr. Chairman, we decided not to make a  
19 slide of the gaming floor and the back of the house  
20 because we were not sure that Philadelphia Park wanted  
21 the public to see, at this time, the configuration of  
22 those restricted areas and the rooms and the items  
23 that are in those restricted areas that are in the  
24 back of the house. Having said that, we do have a  
25 copy of the floor plan, which we will be introducing

1 as the OEC Exhibit One, a copy of which is provided  
2 to --- has been provided to the Board and to  
3 Philadelphia Park. We can have a slide of this  
4 diagram, this gaming floor, available to members of  
5 the public if Philadelphia Park would agree that it's  
6 not a confidential schematic.

7 (OEC Exhibit One marked for  
8 identification.)

9 CHAIRMAN:

10 Okay. Well, let's answer the questions  
11 first before we get to the issue. So, Mr. Kohler, Mr.  
12 Bonner, who's going to take the lead on that?

13 ATTORNEY KOHLER:

14 I'm going to call Mr. ---.

15 MR. GINTY:

16 Mr. Chairman, ---

17 CHAIRMAN:

18 Yes.

19 MR. GINTY:

20 --- I have a question.

21 ATTORNEY MILLER:

22 Yes, sir.

23 MR. GINTY:

24 This space also includes the State  
25 Police, does it?

1                   ATTORNEY MILLER:

2                   Yes, sir.

3                   MR. GINTY:

4                   So, it's our offices and those of the  
5 State Police?

6                   ATTORNEY MILLER:

7                   There's a group of offices, and I'm sure  
8 Mr. Bonner will address that, there's a group of  
9 offices which does include the Gaming Board office,  
10 the State Police. You enter those offices through a  
11 reception area. And once you get through that  
12 reception area, you then can access the State Police  
13 and the Gaming Board offices.

14                   MR. GINTY:

15                   Okay.

16                   ATTORNEY KOHLER:

17                   Chairman Fajt, I propose to call Mr.  
18 Bonner as a witness. But just to speak to this issue  
19 very briefly, we do have --- generally speaking, the  
20 floor plan for the gaming floor is not sensitive.  
21 There are some sensitive --- depending on what you put  
22 on that diagram and, to some extent, on what Mr.  
23 Miller has prepared, there's some sensitive issues as  
24 to where the armored trucks come in, where --- that we  
25 wouldn't want the public to have detail on. Certainly

1 we could --- if the Board wants, could stipulate to a  
2 post-hearing exhibit that has enough detail to address  
3 this issue without disclosing the location of  
4 sensitive areas.

5 CHAIRMAN:

6 We will take you up on that, but go ahead  
7 and swear --- or Mr. Bonner, you can do the testimony  
8 now.

9 ATTORNEY KOHLER:

10 I believe Mr. Bonner is already sworn  
11 in, ---

12 CHAIRMAN:

13 Sworn in, yes.

14 ATTORNEY KOHLER:

15 --- so I would call Mr. Bonner.

16 -----  
17 THOMAS BONNER, ESQUIRE, HAVING BEEN PREVIOUSLY SWORN,  
18 TESTIFIED AS FOLLOWS:

19 -----

20 DIRECT EXAMINATION

21 BY ATTORNEY KOHLER:

22 Q. Can you identify yourself and business address for  
23 the record?

24 A. Sure. Thomas Bonner. I'm the VP and General  
25 Counsel of Philadelphia Park. We're at 3001 Street

1 Road, Bensalem, Pennsylvania.

2 Q. Mr. Bonner, on Monday the BIE submitted an  
3 objection to our petition. Are you familiar with that  
4 objection?

5 A. I am, yes.

6 Q. And can you describe it?

7 A. Yes. My understanding from discussions with  
8 Gaming Board representatives is that I think the  
9 Gaming Board has two issues. One is the general  
10 location of the office space. And number two is the  
11 fact that, in order to get to the Gaming Board and  
12 State Police office space from the casino floor,  
13 individuals have to use a corridor which passes along  
14 restricted areas, including the cage area and the  
15 count room complex of the facility.

16 Q. And you don't dispute that that is the case?

17 A. No, no, I don't dispute that that's the case.

18 Q. And as I understand it, there's a history or a  
19 chronology of events related to the development of  
20 this pace. Can you just briefly go through that?

21 A. Yes. We --- when we developed the plan for the  
22 casino, part of that plan included a back-of-house  
23 office pod that was always located where it's located  
24 today. Relatively early on in the process, as the  
25 plans were being developed, we were in discussions

1 with the Gaming Board about the requirements for the  
2 office space. The Gaming Board and State Police have  
3 a document that lists the technical requirements for  
4 the offices, and we used the information in that  
5 document to actually lay out and design the office  
6 space. Early on there was actually a request from the  
7 Gaming Board to flip some of the spaces in that  
8 back-of-house area, to bring the Gaming Board and the  
9 State Police offices more to the front and closer to  
10 the casino area, which we complied with.

11 Q. And continuing with that chronology, can you  
12 continue to where we sit today with ---

13 A. Yes.

14 Q. --- development of that space?

15 A. When we initially developed the plan for the  
16 casino, the contemplation was that we would open with  
17 a greater number of slot machines than we presently  
18 have received approval to open with. For the original  
19 proposal that was presented to the Board, when it was  
20 presented the casino floor itself actually backed up  
21 to the office space, which is occupied by the Gaming  
22 Board and the State Police. Sometime in late 2008,  
23 early 2009, related partially to the need of our  
24 construction contractors to make certain installations  
25 with respect to mechanical equipment in the area,



1 certain redesign took place. Also, we made the  
2 decision at about that time to highlight restaurant  
3 and food and beverage facilities on our property. We  
4 began negotiations with Chickie's & Pete's, which is a  
5 very prominent outlet in Philadelphia. And one of the  
6 specific requirements that that tenant needs is an  
7 access from the outside into the restaurant in  
8 addition to any access to its restaurant from the  
9 casino floor. The location where we could provide  
10 that is the location where it currently sits, which  
11 used to be casino space. So, the offices that are  
12 built now for the Gaming Board and the State Police,  
13 which formerly backed up the casino space, now backs  
14 up to that restaurant space.

15 Q. Now, you testified that at the request of the  
16 Gaming Board we moved some of the space to meet that  
17 request. Once that was done, has the location or size  
18 or detail of that space changed?

19 A. No, the location has not changed. Some of the  
20 interior partitions and layout has changed in response  
21 to requests we received from both State Police and  
22 Gaming Board. We've made certain adjustments to the  
23 space to suit their request over the past year or so.

24 Q. Now, you've read Mr. Miller's objection. Is the  
25 scheme in the new facility, is it comparable in any

1 way to the current PGCB office space in our temporary  
2 facility?

3 A. It's similar in many ways. In our existing casino  
4 facility, patrons who are required to go to the Gaming  
5 Board offices actually walk right past the count room  
6 in our existing facility. Customers don't know that  
7 it's the count room. It's a solid door. There's a  
8 magnetic card swipe lock on it. There's no signage.  
9 It doesn't say count room, obviously. So, we have a  
10 similar situation in our existing casino with respect  
11 to customers being required to pass by a sensitive  
12 restricted area to get to the Gaming Board offices.

13 Q. Now, there's apparently a concern with the  
14 corridor leading to the Gaming Board offices in the  
15 new facility. Is there also a corridor in the  
16 existing temporary facility?

17 A. Yes. In the existing temporary facility --- I  
18 walked these distances yesterday so I could give you  
19 some sense of the differences we're talking about.  
20 From the existing --- in the existing casino, from the  
21 Gaming Board offices to the nearest entry to the  
22 casino it's about 60 paces that I took yesterday,  
23 about 60 paces, including a flight of steps. There's  
24 25, 26 stairs of steps from the second floor down to  
25 the first floor that you have to traverse. In the new

1 casino, to get from the Gaming Board offices into the  
2 main casino building area it's about 68 paces. It's a  
3 little bit longer, but it's not dramatically different  
4 from what we have in the current facility.

5 Q. Now, you mentioned a change of plans related to  
6 the placement of Chickie & Pete's and also related to  
7 things that had to be done to take care of  
8 construction and related installation of facilities.  
9 Was Gaming Board staff provided with plans, including  
10 the modifications that you discussed which resulted in  
11 this corridor that's at issue here?

12 A. I mean, I believe so. One of my personal  
13 objectives was to keep Gaming Board staff informed of  
14 developments to the property, specifically with  
15 request to the office space. I'd say as far back as a  
16 year ago I was transmitting copies of plans to the  
17 Gaming Board. We were having discussions about the  
18 layout and the equipment in their offices. I don't  
19 believe I ever specifically said, hey, by the way, the  
20 casino has been pulled back. You're not backing up to  
21 the casino anymore. But we were exchanging  
22 information, and I thought that I was communicating  
23 fully to the Board what was happening with respect to  
24 the offices and the general building design.

25 Q. Part of the objection that's been submitted

1 relates to having to pass by restricted security  
2 areas. In your view, should the Board be concerned  
3 with public access to the count room area from the  
4 corridor that we've been discussing?

5 A. As I mentioned a little while ago, I don't think  
6 that's a concern. We have that current situation now  
7 in the existing casino. There's never been an issue  
8 with respect to a patron trying to gain access to the  
9 count room area. As I said, they wouldn't even know  
10 that it's the count room area. Similarly, in the new  
11 casino, walking down the corridor, patrons would not  
12 know which door would be a count room, which door  
13 would be a mantrap door, which door would be a door  
14 into a cage area, so I think that's similar to the  
15 current situation. Additionally, patrons would have  
16 to be escorted either by a casino representative or by  
17 a governmental representative, either the Gaming Board  
18 or the State Police. So, anybody in that corridor  
19 area would be escorted. If a patron were to gain  
20 access to the corridor area without the appropriate  
21 escort, we have 24/7 surveillance, and we'd be able to  
22 detect that very quickly as well. So, I don't see it  
23 as a problem with respect to security of our assets  
24 and security of the operations. And again, it's very  
25 similar to the current situation in our existing

1 casino.

2 Q. Now, with all that said, is there a fix to the  
3 problem raised by Board staff as to the long-term  
4 scenario?

5 A. Yeah. I mean, we've had some discussions with the  
6 Gaming Board. We know that, assuming table games  
7 legislation is passed, we would build out the shell  
8 space that on the sketches you have, Board members, is  
9 the white area to the right, the rightmost part of the  
10 casino. That's a 15,000 square foot shell space, and  
11 we intend to build that out if and when table games  
12 legislation is approved. We think that in conjunction  
13 with that build-out, from an operational desire, we're  
14 going to want to provide access to the back-of-house  
15 for our employees. And we think that we probably, in  
16 conjunction with that build-out, would find a way to  
17 provide some additional corridor space to get  
18 employees from that area of the casino to the  
19 back-of-house, as opposed to having to walk all the  
20 way down to your left on your sheet past the cage.  
21 So, we think that in the not-too-distant future there  
22 is a fix to it. We just can't tell you today  
23 specifically what it would be or when it would be, but  
24 we do think that in the near future there is a  
25 resolution to the Board's concerns.

1 Q. Now, I think you indicated that you've had  
2 discussions with Board staff regarding this issue.  
3 And I assume that, if it were possible, you would ---  
4 Philadelphia Park would attempt to resolve those  
5 concerns now; is that right?

6 A. We would. We've had some discussions with the  
7 Board and some suggestions have been made, but to date  
8 the suggestions that have been made we don't think are  
9 going to work. One suggestion was to provide access  
10 to the Chickie's & Pete's space on a temporary basis.  
11 That site is going to be under construction from now  
12 until March or April, and it would be a hardhat  
13 literally through which it wouldn't be appropriate to  
14 bring patrons. So, one of the suggestions we looked  
15 at --- or the Board had suggested just --- it's not  
16 feasible, given the realities of our upcoming  
17 construction schedule.

18 Q. And maybe you were leading into this, but is our  
19 flexibility related to entering into construction to  
20 solve this problem now limited by the schedule that  
21 you talked about previously?

22 A. Yeah. We would have to put areas under  
23 construction to accomplish this. And the area --- the  
24 entire area will be under construction, and I don't  
25 think it would be feasible, nor would we want to be

1 taking members of the public through those kinds of  
2 spaces that would be under construction.

3 MR. SOJKA:

4 Can I ask a quick question?

5 CHAIRMAN:

6 Sure.

7 MR. SOJKA:

8 Some of us are getting now substantially  
9 confused with the documents we're looking at and the  
10 descriptions we're getting. And at least my problem  
11 is I'm looking at two large spaces that have nothing  
12 in them. And I assume one of them is Chickie &  
13 Pete's, but which one? The oddly-shaped one or the  
14 rectangle?

15 A. Commissioner, the oddly-shaped one that is  
16 farthest to the right is the Chickie's & Pete's space.

17 MR. SOJKA:

18 Okay. So, we had that correct. Then  
19 where would your build-out be? The build-out you're  
20 talking about, where would that be?

21 A. Okay. The far right top --- I'm sorry, the far  
22 right top is the casino shell space that would be  
23 built out. The space below that at the far right is  
24 the restaurant area.

25 MR. SOJKA:

1           Okay.

2           MR. COY:

3           What's next to Chickie & ---?

4 A.   To the left of Chickie's & Pete's is a shell space  
5 that we believe we will build out for another  
6 restaurant. Again, don't know when that would be  
7 done, but that's a future space. Again, most likely  
8 we might do that in conjunction with the build-out of  
9 the casino shell space, but we've not made those  
10 decisions yet, and I wouldn't want to represent that.

11          MR. SOJKA:

12           And the build-out would not then bring  
13 the gaming floor any closer to the State Police and  
14 the PGCB offices, they would still be back in  
15 this ---?

16 A.   That is correct. We wouldn't propose to be taking  
17 those offices.

18          MR. SOJKA:

19           So, the build-out is not really relevant  
20 to this issue?

21 A.   Well, we think the build-out might be because, as  
22 I had mentioned, Commissioner, we might build a back-  
23 of-house corridor that would --- that would connect  
24 the existing casino space ---

25          MR. SOJKA:



1 I see.

2 A. --- to the existing back-of-house corridor.

3 MR. SOJKA:

4 Got you. That would be external to the  
5 building?

6 A. No, sir. It could go in the shell space that is  
7 to the left of Chickie's & Pete's. It could go in  
8 another location yet to be determined.

9 ATTORNEY KOHLER:

10 I think the point is, Commissioner, that  
11 at least it appears --- of course, within the  
12 discretion of the General Assembly, but at least it  
13 appears that as a result of the passage of legislation  
14 we may be entering into a new construction phase  
15 shortly after we complete this one. And certainly  
16 that would be an opportunity --- you know, we want to  
17 solve this problem. Whether or not we think it's a  
18 serious problem or not is not pertinent. An objection  
19 has been raised. We'd like to solve this problem.  
20 That seems to us to be a golden opportunity to do  
21 that, and we will certainly try to do that. Our point  
22 being what Mr. Bonner's testimony is indicating, that  
23 you know, now is not the time for us to try to resolve  
24 this problem. We weren't aware of the problem until  
25 very recently, and I'm not faulting anyone for that,

1 but we are --- you know, we have a lot to get done in  
2 a short period of time, and adding task to it is, we  
3 don't think, going to be particularly productive for  
4 anyone.

5 CHAIRMAN:

6 Can we --- I don't want to cut members  
7 off, but can we stick to a little bit of structure  
8 here and let the office --- let's let Mr. Kohler  
9 finish his presentation, let Enforcement Counsel ask  
10 their questions, and then maybe the Board jump in. Is  
11 that okay?

12 MR. SOJKA:

13 Okay.

14 ATTORNEY KOHLER:

15 That would finish our presentation,  
16 Chairman Fajt. Thank you.

17 CHAIRMAN:

18 Enforcement Counsel, questions?

19 ATTORNEY MILLER:

20 Thank you, Mr. Chairman.

21 CROSS EXAMINATION

22 BY ATTORNEY MILLER:

23 Q. Good morning, Mr. Bonner.

24 A. Good morning, Mr. Miller.

25 Q. Mr. Bonner, you have in front of you or Counsel

1 has in front of you what's been previously marked as  
2 OEC Exhibit One; correct?

3 A. That's correct.

4 Q. Is that an exhibit an accurate depiction of the  
5 casino floor plan and the partial mezzanine floor plan  
6 of the new Philadelphia Park casino?

7 A. It is.

8 Q. And it is accurate as of this week; is that  
9 correct?

10 A. Yes. I believe it's --- well, I believe it's  
11 dated November 3. I can't read it, but this is the  
12 document that we've submitted to the Board for  
13 approval of the casino floor plan.

14 Q. Thank you. And the gaming floor is color coded on  
15 this document as yellow; is that correct?

16 A. That is correct.

17 Q. And restricted areas are color coded on this  
18 document in blue; is that correct?

19 A. Yes, that is correct.

20 Q. And would you agree that --- well, let me ask you  
21 this. If you take a look at the document on the  
22 right-hand side, just below Chickie & Pete's there is  
23 in pencil a Y. Do you see that? Difficult to see,  
24 but ---.

25 A. I don't see it. I'm sorry.

1 Q. Point it out to him, please.

2 A. Oh, okay.

3 CHAIRMAN:

4 Mr. Miller, I'm sorry, can you just show  
5 us where you're looking at, just raise it up and ---  
6 or have your ---.

7 A. I see it.

8 BY ATTORNEY MILLER:

9 Q. Is that the approximate position where there is a  
10 door entering the reception area into the Gaming Board  
11 offices?

12 A. Yes. That is where the reception area door is  
13 located.

14 Q. Okay. Now, to the left of that Y there is a  
15 hallway that goes to the left. And if you follow that  
16 hallway down, you'll see an X marked in pencil below  
17 an open-space area on the left side of the diagram.  
18 Do you see that?

19 A. I do see that.

20 Q. Okay. Is that --- where that X is marked, is that  
21 the area where the public would enter to get into the  
22 hallway to walk down to the Gaming Board offices? Is  
23 that the approximate area?

24 A. It's approximate. There are actually doors to the  
25 right of where you've drawn the X, and they would

1 enter through the door that is on the --- that is  
2 farthest to the right, in that shell space area.

3 Q. But that's the approximate area; correct?

4 A. That is --- yes, it is.

5 Q. And there's an arrow to the right of that X. Is  
6 that arrow along the hallway that the public or any  
7 other person would have to traverse in order to get to  
8 the Gaming Board offices?

9 A. Yes, that is.

10 Q. From the gaming floor, is there any other way to  
11 travel to the Gaming Board offices other than going  
12 through the doors in the approximate area of the X and  
13 then traversing the hallway?

14 A. No.

15 Q. Does that hallway pass by areas marked in blue  
16 which are, in fact, restricted areas?

17 A. Yes. If you were traveling from that area down to  
18 the Gaming Board offices, on the right there are areas  
19 marked in blue which are restricted areas.

20 Q. And in fact, that's the only way you can traverse  
21 from the gaming floor to the Gaming Board offices; is  
22 that correct?

23 A. Yes. That's the route, yes.

24 Q. If I'm a patron and I'm standing on the gaming  
25 floor, the only way I can get to the Gaming Board

1 offices is to go through that shell space, walk  
2 through that shell space, through those doors down  
3 near the X, and then traverse that hallway past the  
4 count room ---

5 A. Yes.

6 Q. --- and then enter the Gaming Board offices;  
7 correct?

8 A. That is correct.

9 Q. There is no direct access from the gaming floor to  
10 the Gaming Board offices; correct?

11 A. No, there is not.

12 Q. Okay. Now, when you originally put together the  
13 floor plan for this casino you said in your earlier  
14 testimony that the gaming floor extended further ---  
15 or closer to the Gaming Board offices, through that  
16 shell space next to Chickie & Pete's; is that correct?

17 A. Yes, that is correct.

18 Q. That was originally gaming floor; is that right?

19 A. Well, the Chickie's & Pete's and shell space area  
20 was a combination of casino floor and restroom areas  
21 when the space was originally designed.

22 Q. It was an area where patrons would normally be  
23 expected to be; is that correct?

24 A. Yes.

25 Q. It's not a restricted area?

1 A. No.

2 Q. So, even though you're in your temporary casino,  
3 you have our gaming floor offices located in a  
4 restricted area, you corrected that mistake in your  
5 new facility when you first designed it by having our  
6 offices closer to the casino floor; is that not true?

7 A. Well, there was no mistake to be corrected, in our  
8 opinion. We located the offices --- we located the  
9 Gaming Board offices in the general back-of-house  
10 office complex that includes our offices as well. And  
11 at the request of the Gaming Board, we put your  
12 offices in the location that was closest to the gaming  
13 floor.

14 Q. So, you were aware of the Gaming Board's desire to  
15 have the offices close to the gaming floor when you  
16 originally developed this plan; is that not true?

17 A. I think that's accurate.

18 Q. And in fact, the plan, as originally proposed by  
19 Philadelphia Park, was acceptable to the Gaming Board  
20 staff because the offices were close to the gaming  
21 floor; is that not true?

22 A. I don't know that. I don't know if that's the  
23 reason. I know that we had discussions about the  
24 offices, as I testified earlier, with respect to both  
25 location and specific layout within the offices, and

1 the indications that we got from the Gaming Board  
2 operations group was that it was acceptable.

3 Q. And you don't deny that the Gaming Board staff  
4 certainly made known to you that we wanted --- that  
5 the staff wanted the PGCB offices close to the gaming  
6 floor? You don't deny that that was conveyed to you,  
7 do you?

8 A. No, I don't deny that.

9 Q. Okay. Now, when did you file this Petition for  
10 Prerequisite Approval? Somewhere around October 14th;  
11 is that correct?

12 A. It was in the middle of October, yes.

13 Q. This diagram, in a much larger form, was an  
14 exhibit to that petition; was that not true?

15 A. Not this specific diagram but a very similar  
16 diagram was an exhibit to that petition.

17 Q. And there's certainly been changes to the gaming  
18 floor or yellow portion of this diagram, but is it  
19 fair to say that there were no changes, since your  
20 petition was filed, to the space where the PGCB  
21 offices are located?

22 A. Yes, that's correct.

23 Q. So, the only changes that were made at the request  
24 of staff were to the actual gaming floor itself,  
25 correct, and some other minor changes?



1 A. Yeah. Yes. What changed on this plan from what  
2 was filed to what we're looking at today were changes  
3 in the restricted areas and the casino floor, not the  
4 office --- not the back-of-house office area.

5 Q. So, that was the first time that your gaming floor  
6 plan and your casino floor plan was officially filed  
7 with the Pennsylvania Gaming Control Board; is that  
8 correct?

9 A. That's the first time it was officially filed,  
10 yes.

11 Q. Yes. So, that was the first time that the Gaming  
12 Board, would you agree, had the opportunity to  
13 officially comment on the casino floor plan; would you  
14 agree to that?

15 A. It may have been the first time they had the  
16 opportunity to comment officially. However, as I  
17 testified before, for the past year we've been  
18 providing copies of drawings of office space area to  
19 the Gaming Board.

20 Q. And in fact, there was a meeting of Gaming Board  
21 staff and Philadelphia Park staff about six weeks ago  
22 wherein --- at Philadelphia Park Casino, wherein it  
23 was made known to Philadelphia Park that the location  
24 of the offices, as depicted on OEC Exhibit One, was  
25 unacceptable; is that not correct?

1 A. No. The Gaming Board representatives made known  
2 to us that there was concern about the location of the  
3 Gaming Board offices. That was made known to us.  
4 There was no objection. There was no disapproval. We  
5 were made aware of the concern. By that time the  
6 offices were completed. They were finished. We had  
7 been making revisions to the offices, as requested by  
8 the Gaming Board, with respect to the finishes and the  
9 wiring and the location of desks over the past three  
10 or four months. So, based on that interaction,  
11 notwithstanding any unhappiness that there may have  
12 been with respect to the location of the offices, my  
13 assumption was if they're asking us to finish the  
14 offices, then they plan to use the offices.

15 Q. Were you not told, prior to filing this petition,  
16 by members of the Board staff that what you were  
17 proposing in your casino floor plan was different than  
18 you had originally planned and was unacceptable? Do  
19 you deny that you were told by members of the staff  
20 what I just stated?

21 A. Well, let me try to respond to your first  
22 question, Dale. The Gaming Board representatives made  
23 known to us that they were dissatisfied that the  
24 Gaming Board offices were not adjacent to the casino  
25 floor and that there was an intervening space, which

1 will be Chickie's & Pete's. Yes, I was made aware of  
2 that. I don't know if that answers your question  
3 fully.

4 Q. So, in your prior testimony, when you said you  
5 cooperated with the Gaming Board staff and you made  
6 the Gaming Board staff aware of these plans long in  
7 advance of the filing of the petition, is that  
8 incorrect?

9 A. No, it's not correct. I made them aware. I  
10 submitted plans. I met in the building and walked  
11 through the building probably eight months ago and six  
12 months ago with representatives of the Gaming Board.  
13 We walked through the office space. And the Gaming  
14 Board has been in our new building probably daily for  
15 the last number of months looking at things.

16 Q. Is it not true that back in August you appeared at  
17 a meeting in front of this Board and told the Board  
18 that the Gaming Board offices were just off the gaming  
19 floor; is that not correct?

20 A. That is correct. And I was mistaken.

21 Q. You were mistaken?

22 A. Yes.

23 Q. At that time, when you gave that testimony, you in  
24 fact, knew that the Gaming Board offices were not just  
25 off the gaming floor but were near a restricted area

1 through which the public had to be escorted? You knew  
2 that at that time; did you not?

3 A. I probably knew it at the time. I clearly  
4 misspoke. And I would suggest to the Board members  
5 that if the perception is that there was some attempt  
6 to mislead the Gaming Board with respect to what the  
7 actual conditions were, why would I do that, knowing  
8 that you have agents in the building every day and can  
9 see what's going on? I clearly misspoke. I made a  
10 mistake. I apologize for that. But the record is  
11 what the record is, and the drawings are what the  
12 drawings are.

13 Q. Now, Mr. Bonner, you said that you ---. I'm  
14 sorry. Were you --- you were finished?

15 A. I was, yes.

16 Q. You said that you were offering --- or you thought  
17 you could offer a solution to this problem by opening  
18 a corridor, is it, from the gaming floor to the PGCB  
19 offices. Is that an offer that you are making?

20 A. The Gaming Board representatives had asked us  
21 whether we could --- the Gaming Board representatives  
22 asked us to suggest some resolution to the concern  
23 that patrons have to walk by the restricted area. We  
24 then discussed what we've talked about today, which is  
25 we do intend to have additional construction in the

1 area. And when we have that construction, we will  
2 seriously consider and discuss with the Board how we  
3 might be able to provide access that the Board would  
4 find better than the current access and acceptable.  
5 And we are committed to that process.

6 Q. But you're not committing to resolving this issue  
7 by making the Gaming Board offices accessible to the  
8 public through non-restricted areas? You are not  
9 committing to that today, are you?

10 A. No, we can't make that commitment for a number of  
11 reasons. We have to create an opening in the casino  
12 wall that is adjacent to the shell space. It's tough  
13 to see on the drawing, but against the wall that  
14 separates the shell space to the left of Chickie's &  
15 Pete's is a row of ATMs, ticket redemption machines.  
16 Consideration has to be given to what the appropriate  
17 relocation might be. We don't know the best location  
18 for a corridor at this particular time. And  
19 construction of a door through the casino wall, which  
20 is where the heavy finishes are, is something that we  
21 have to give careful consideration to from a design  
22 perspective, none of which we've had the time to do  
23 and none of which we could commit to doing  
24 specifically without the interaction of our designers.  
25 So, they are the reasons that we can't commit to a

1 specific location. Nor can we commit to a specific  
2 time schedule right now because we don't know when the  
3 additional construction would commence.

4 Q. So, the answer is that you will not commit to any  
5 change in these plans until at least after the casino  
6 is open; is that correct?

7 A. Absolutely correct. We're less than a month away  
8 from opening the casino. That is correct.

9 Q. And is it not also correct that you will  
10 absolutely not consider moving the Gaming Board  
11 offices closer to the casino gaming floor?

12 A. There is no question that we will not consider  
13 that.

14 Q. So, I guess there's no question that we are still  
15 at an impasse; is that correct?

16 A. I don't think that's the case.

17 ATTORNEY KOHLER:

18 Chairman Fajt, I don't like to object at  
19 these hearings before the Board, but we indicated that  
20 from the beginning. I don't think there's any reason  
21 to go over the same ground over and over again,  
22 but ---.

23 CHAIRMAN:

24 I'm going to let Mr. Miller proceed.  
25 Thank you for your objection, though.

1                   ATTORNEY MILLER:

2                   Mr. Chairman, that's all we have.

3                   CHAIRMAN:

4                   Do you have a presentation or are you  
5 done with your presentation also?

6                   ATTORNEY MILLER:

7                   No, sir. We would present Paul Resch as  
8 a witness, assuming that Philadelphia Park has  
9 completed their presentation. Mr. Bonner is their  
10 witness.

11                  CHAIRMAN:

12                  Philadelphia Park finished?

13                  ATTORNEY KOHLER:

14                  Yes, Chairman.

15                  CHAIRMAN:

16                  Mr. Miller, you could proceed with your  
17 presentation. Just again for edification, we'll let  
18 OEC do their presentation, Philly Park will have a  
19 chance to cross examine their witnesses, and then  
20 we'll turn it over to the Board for questions.

21                  ATTORNEY MILLER:

22                  Thank you, Mr. Chairman. The OEC would  
23 present as a witness Mr. Paul Resch.

24                  MR. RESCH:

25                  Paul Resch, R-E-S-C-H, Director of Gaming

1 Operations for the Board.

2 CHAIRMAN:

3 And for the record, Mr. Resch did stand  
4 and was sworn in earlier, as I recall.

5 ATTORNEY MILLER:

6 That is correct, Chairman.

7 -----

8 PAUL RESCH, HAVING BEEN PREVIOUSLY SWORN, TSTIFIED AS  
9 FOLLOWS:

10 -----

11 DIRECT EXAMINATION

12 BY ATTORNEY MILLER:

13 Q. Mr. Resch, what are your duties with the Gaming  
14 Board?

15 A. I'm the Director of Gaming Operations at the  
16 Gaming Control Board, and my responsibilities include  
17 the internal control, review of all the slot machine  
18 Licensees, as well as compliance audits. And we also  
19 have racetrack gaming within our division, as well as  
20 we are the primary bureau that heads up the casino  
21 openings, the casino opening team.

22 Q. Mr. Resch, is it part of your job to review the  
23 plans of a casino prior to the opening of the casino?

24 A. That's correct. We have a Gaming Operations  
25 Liaison on our staff who specializes in review of the



1 casino design plans, including the gaming floor plans.  
2 He's participated in all but a few of the 12 openings  
3 that have --- of the 11 openings that have occurred in  
4 Pennsylvania to this date, and those duties fall  
5 within our purview among other staff and bureaus of  
6 the Board.

7 Q. And have you received and have you reviewed the  
8 plans of Greenwood Gaming's new Parx Casino?

9 A. Yes, we have.

10 Q. In particular, have you reviewed the plans with  
11 regard to the location of the Pennsylvania Gaming  
12 Control Board offices?

13 A. We have.

14 Q. Have you heard the testimony of Tom Bonner?

15 A. I have.

16 Q. And in the testimony of Mr. Bonner and in his  
17 depiction of the location of the offices where the  
18 Gaming Board is located, is that depiction  
19 substantially correct?

20 A. Yes. The location of our offices on --- I believe  
21 it's opt. one, updated two, is correct.

22 Q. And I'm going to show you what's been previously  
23 marked OEC Exhibit One. I'm asking you to take a look  
24 at it, please. When were you first made aware that  
25 the location of the Gaming Board offices would not be

1 adjacent to the gaming floor?

2 A. The exact date when we were aware that our offices  
3 would not be adjacent to the gaming floor, according  
4 to staff who participated in several meetings, I  
5 believe it was October of 2009. I think it was  
6 October --- early October 2009. And that was prior to  
7 seeing any of the gaming floor plans that depicted our  
8 office space as it relates to the casino floor and the  
9 other areas.

10 Q. And to access the Gaming Board's offices, is it  
11 true that members of the public would have to traverse  
12 a hallway past a restricted area?

13 A. That's correct.

14 Q. And is that a concern of the Bureau of Operations  
15 of the Pennsylvania Gaming Control Board?

16 A. Yes, it is.

17 Q. And why is that a concern?

18 A. The concern relating to the corridor that the  
19 public would need to traverse to access the Gaming  
20 Control Board offices, our concern is that the count  
21 room and the satellite cage, as well as the cage  
22 itself and the other sensitive restricted areas in the  
23 casino would have to be traversed by not only the  
24 Board staff and the State Police but the gaming public  
25 to gain access to our offices.

1 Q. Is the route that the public must traverse to gain  
2 access to the Pennsylvania Gaming Control Board  
3 offices consistent with the protection of the public  
4 and the security and integrity of gaming in  
5 Pennsylvania?

6 A. I don't believe that it is.

7 ATTORNEY MILLER:

8 Thank you, Mr. Resch.

9 CHAIRMAN:

10 Is that the end of your testimony?

11 ATTORNEY MILLER:

12 That's the end of Mr. Resch's testimony,  
13 yes, sir.

14 CHAIRMAN:

15 Do you have any other witnesses to call?

16 ATTORNEY MILLER:

17 We're going to call Mr. Thomas Sturgeon.

18 CHAIRMAN:

19 Okay. Before Mr. Resch leaves, does  
20 Philadelphia Park have any questions for that witness?

21 ATTORNEY KOHLER:

22 Just a few.

23 CHAIRMAN:

24 Please proceed.

25 CROSS EXAMINATION

1 BY ATTORNEY KOHLER:

2 Q. Mr. Resch, you agree that there are Gaming Board  
3 representatives on site at Philly Park every day; is  
4 that correct?

5 A. We do have staff full time at Philadelphia Park  
6 whose primary facilities are in the temporary  
7 facility, yes.

8 Q. But would you agree that they also frequently go  
9 over to the new facility and are there from time to  
10 time?

11 A. I don't know the specifics of their schedule, but  
12 I do know that they go over to the permanent facility  
13 from time to time and have over the last couple of  
14 months.

15 Q. And isn't it true that they would have been  
16 particularly concerned with the location of their  
17 space and access to their space as that construction  
18 project proceeded?

19 ATTORNEY MILLER:

20 I'm going to object. How would he know  
21 what they presumed or thought?

22 ATTORNEY KOHLER:

23 Half his testimony so far has been what  
24 they presumed or thought.

25 ATTORNEY MILLER:

1 I object to that comment.

2 CHAIRMAN:

3 I'm going to let Mr. Resch answer the  
4 question to the extent he has knowledge.

5 A. Could you restate the question, Mr. Kohler?

6 BY ATTORNEY KOHLER:

7 Q. Wouldn't you expect that the Gaming Board  
8 employees that are at the new facility from time to  
9 time would show particular concern with the location  
10 of the Gaming Board offices and access to those  
11 offices?

12 A. I would say that not having seen the gaming floor  
13 plan that's before the Board today with its petition,  
14 those concerns may not have manifested themselves to  
15 the staff had they seen the plans earlier.

16 Q. Now, you've been to the new site as well, haven't  
17 you, Mr. Resch?

18 A. Correct.

19 Q. And you've taken tours? I believe I've been on at  
20 least one of those.

21 A. I have.

22 Q. And on those tours --- and this certainly would  
23 have been true for employees on site, you were told  
24 where various components of the casino were located;  
25 is that true?

1 A. That's correct.

2 Q. And so you would have known, for example, where  
3 Chickie & Pete's was located and what was the activity  
4 under construction there?

5 A. We were informed that Chickie & Pete's was to be  
6 located within the casino itself.

7 Q. So, you certainly were aware that that wasn't  
8 going to be gaming floor under the existing plan?

9 A. That's correct.

10 Q. And this corridor that we've spoken frequently of,  
11 that corridor has been there for a long time, hasn't  
12 it?

13 A. The corridor has, yes, been under construction for  
14 quite sometime.

15 Q. And you also would have known exactly where the  
16 count room was going to be; isn't that true?

17 A. We were provided a tour and it was explained to us  
18 where the count room would be.

19 Q. So, you would have known that the count room  
20 actually --- that there's access to the count room  
21 from the corridor; isn't that correct?

22 ATTORNEY MILLER:

23 Mr. Chairman, I would ask that Mr. Kohler  
24 be specific as to the date of the tour, at least an  
25 approximate date of when this occurred, whether it was

1 yesterday or two years ago.

2 CHAIRMAN:

3 Noted. If you have those specifics,  
4 please so state. And Mr. Resch, if you have specifics  
5 on the tour dates, you should also put those in the  
6 record.

7 BY ATTORNEY KOHLER:

8 Q. The tour I recall, Mr. Resch, my recollection is  
9 was that --- that I specifically recall, and there was  
10 a lot of tours, was in May or June. Does that sound  
11 right?

12 A. We toured the facility in June of 2008. The exact  
13 date I don't have in front of me. But it was  
14 sometime ---.

15 Q. June 2009?

16 A. June 2009. It was in mid-June.

17 Q. Were you aware of any objections to the current  
18 plans from --- either by yourself or from employees on  
19 site at the time of that tour or any subsequent tours?

20 A. When you say the current plans, are you referring  
21 to the plan that's referred to as Exhibit One?

22 Q. I'm referring to the plan where the corridor, the  
23 Gaming Board offices and the count room were located  
24 where they are under OEC Exhibit One?

25 A. We were --- we've not been provided the floor plan

1 in its entirety prior to the receipt of this petition  
2 from Greenwood Gaming, which is referred to here as  
3 Exhibit One. The first we saw this floor plan in its  
4 entirety was October 14th, 2009, which was one day  
5 after the date I believe you signed for --- Mr. Kohler  
6 signed the petition. It was docketed the next day, I  
7 believe. So, we had not seen the entire floor plan  
8 for Philadelphia Park until that date, and I think  
9 that's --- I think that's part of the issue that's  
10 playing into the problem here.

11 Q. But your testimony is that you had toured the site  
12 and Gaming Board employees were on site and you were  
13 aware where these components were being constructed;  
14 is that right?

15 A. In a general sense, not having had the plans to  
16 look at and refer to as we do now. We were provided  
17 with several tours in which the locations of  
18 restricted areas and other areas of the casino was  
19 presented to us, but --- well, just leave it at that.

20 Q. But you and other Gaming Board employees are  
21 familiar with the temporary facility; is that correct?

22 A. I'm not as familiar with it as other staff who are  
23 here today.

24 Q. But you're certainly aware of where the Gaming  
25 Board offices are?



1 A. The offices are located on an upper level, off the  
2 gaming floor. I'm aware of that, yes.

3 Q. And you're aware of how you gain access to those  
4 offices?

5 A. Through some --- through a couple of flights of  
6 stairs and down a hallway.

7 Q. Right. And that's been in existence for  
8 approximately three years; ---

9 A. Uh-huh (yes).

10 Q. --- is that correct? And I think, as you pointed  
11 out, they actually aren't on the same floor. You  
12 actually have to go down a flight of stairs?

13 A. Uh-huh (yes).

14 Q. And you would also agree that there's restricted  
15 areas along that particular corridor as well?

16 A. I've not reviewed the plans recently, but I will  
17 accept that the count room is located along that  
18 corridor, as Mr. Bonner described. I've never  
19 personally been into the count room. My staff have.

20 ATTORNEY KOHLER:

21 Nothing further.

22 ATTORNEY MILLER:

23 Thank you. We would at this time present  
24 the testimony of Mr. Thomas Sturgeon.

25 CHAIRMAN:

1                   Mr. Sturgeon, would you stand to be sworn  
2 in?

3 -----  
4 THOMAS STURGEON, HAVING FIRST BEEN DULY SWORN,  
5 TESTIFIED AS FOLLOWS:

6 -----  
7                   ATTORNEY MILLER:

8                   Thank you.

9 DIRECT EXAMINATION

10 BY ATTORNEY MILLER:

11 Q.   Mr. Sturgeon, would you please state your full  
12 name and spell your last name?

13 A.   Thomas Sturgeon, S-T-U-R-G-E-O-N.

14 Q.   And Mr. Sturgeon, by whom are you employed?

15 A.   The Pennsylvania Gaming Control Board.

16 Q.   And what is your position with the Board?

17 A.   The Director of Casino Compliance.

18 Q.   Could you please briefly describe the nature of  
19 your duties as the Director of Casino Compliance?

20 A.   I'm responsible for the Casino Compliance  
21 Representatives who work in each casino, who  
22 ultimately are responsible for their regulatory  
23 control and making certain that all the regulations  
24 and internal controls are being enforced by the casino  
25 as they operate.

1 Q. Approximately how many Casino Compliance  
2 Representatives work for you, sir?

3 A. Well, we have seven in every facility, so we have  
4 about 70 employees at this point.

5 Q. And these Compliance Representatives are the  
6 Gaming Board's representative at each casino; correct?

7 A. That's correct.

8 Q. And the Gaming Board offices that we've been  
9 discussing here this morning, is it not true that  
10 those offices would be manned by your people?

11 A. That's correct.

12 Q. Now, Mr. Sturgeon, you are familiar with the  
13 current Philadelphia Park facility, are you not?

14 A. Yes. Yes, I am.

15 Q. And you're familiar with all the casinos in  
16 Pennsylvania; correct?

17 A. I am.

18 Q. Is it important to have the Gaming Board offices  
19 in a casino located close to the gaming floor?

20 A. It's important for a lot of reasons, but the first  
21 reason it's important is because about 18 months ago  
22 this Board made a determination that they wanted all  
23 of the Pennsylvania Gaming Control Board offices  
24 adjacent to the gaming floor. And since they made  
25 that declaration, every casino that opened, the last

1 four, they are absolutely adjacent to the gaming  
2 floor. I've heard testimony here today with regard to  
3 Philadelphia Park's temporary facility, but the truth  
4 of the matter is that when we opened Philadelphia Park  
5 and Mohegan Sun, some of the very early temporary  
6 facilities, there was a lot of latitude given to them  
7 at that time just simply to get gaming operational in  
8 Pennsylvania. But there was never an indication that  
9 those temporary facilities would be what we  
10 anticipated the permanent facilities to be in terms of  
11 office space and the location of the office space.

12 Q. Is it important for your staff, in order to do  
13 their jobs properly, to have an office which is close  
14 to the gaming floor?

15 A. It's very helpful. We have worked in some of the  
16 temporary facilities, where the office space was not  
17 adjacent to the floor, and it becomes inconvenient.  
18 Does it make it impossible? No, it doesn't. But it  
19 certainly makes it much more efficient, especially  
20 when you only have one person working at a time. And  
21 when you have one person working at a time, if they  
22 have the ability to respond to the gaming floor  
23 quickly and without a longer walk, it's more  
24 efficient.

25 Q. Have you had an opportunity to review the

1 Philadelphia Park gaming floor diagram and, in fact,  
2 visit the construction site of the Philadelphia Park  
3 Casino?

4 A. I have not visited there, but I was privy to this  
5 drawing last week.

6 Q. And so you have reviewed the diagram schematic of  
7 the casino floor plan; is that correct?

8 A. I have.

9 Q. Based on your review of that diagram, is it  
10 convenient or inconvenient for your staff to have  
11 their offices located in the position they're located  
12 on that diagram?

13 A. I had a discussion with Director Resch last week,  
14 and I objected to where these offices are in  
15 comparison to the gaming floor for the various reasons  
16 already aforesated.

17 Q. And after hearing all the testimony that's been  
18 presented here this morning, reviewing the diagram,  
19 looking at the slideshow, does that objection still  
20 stand?

21 A. The objection stands from my point of view, yes.

22 ATTORNEY MILLER:

23 Thank you, Mr. Sturgeon. Does  
24 Philadelphia Park have any questions?

25 ATTORNEY KOHLER:

1 No questions.

2 CHAIRMAN:

3 Mr. Miller, any other witnesses?

4 ATTORNEY MILLER:

5 We have no other witnesses, Mr. Chairman.

6 CHAIRMAN:

7 Okay. Philadelphia Park, any other  
8 witnesses? Any comments from you before we open it up  
9 for the Board?

10 ATTORNEY KOHLER:

11 I think we'll rest. I think this issue  
12 is clear for the Board. You understand our position.  
13 There's no point to regurgitate it again.

14 CHAIRMAN:

15 Thank you. Mr. Miller, any final  
16 statement from you before we open up questions from  
17 the Board?

18 ATTORNEY MILLER:

19 The only thing I would state at this  
20 point is our objection still stands. Nothing that was  
21 presented this morning changes it. The objection that  
22 we made in our pleading I think is appropriate. We do  
23 not change it at this point. And we ask that the  
24 Board not permit Philadelphia Park to open this new  
25 casino until this issue is resolved.

1                   CHAIRMAN:

2                   Okay. Board members, thank you for your  
3 patience. Mr. Ginty, especially you, I know you had a  
4 question early on, so why don't you start off, Jim?

5                   MR. GINTY:

6                   Mr. Bonner, when you appeared before us  
7 in August, August 31st, you clearly were going over a  
8 diagram and a floor plan. What was the status of the  
9 area we have now identified as Chickie's & Pete's and  
10 the adjacent shell space?

11                   ATTORNEY BONNER:

12                   At that time, that was space designated  
13 as Chickie's & Pete's, and the adjacent shell space  
14 was identified as shell space. We knew at that time  
15 that there was going to be a restaurant and space  
16 reserved for future construction.

17                   MR. GINTY:

18                   I truthfully am troubled by your  
19 statement. I mean, you understand that access to the  
20 gaming floor has become a very important issue to the  
21 Board?

22                   ATTORNEY BONNER:

23                   We certainly understand that, yes, sir.

24                   MR. GINTY:

25                   And you were responding to a concern that

1 Commissioner McCabe had in your testimony on the 31st.  
2 He had indicated a concern as to access to the floor.

3 ATTORNEY BONNER:

4 I accept that, Commissioner, yes.

5 MR. GINTY:

6 I just find it difficult that, you know,  
7 that all being the case, that your response of they're  
8 literally out the door and into the casino was really  
9 a serious thoughtful response to Commissioner McCabe's  
10 question.

11 ATTORNEY BONNER:

12 As I said, Commissioner, clearly I  
13 misspoke. I would hope that the Board would not  
14 accept that as an overt attempt to mislead the Board  
15 when the hard evidence is right there on the property.  
16 I can tell you this, Commissioner, I was not focused  
17 at the time, in August of 2009, on this particular  
18 issue because, quite frankly, nobody had articulated  
19 that issue the way it's been articulated within the  
20 last several weeks. Had I been focused on that, I  
21 probably would have been better prepared and had the  
22 actual layout in mind better when I made the statement  
23 that I made. I clearly was wrong. I can't undo what  
24 was said.

25 MR. GINTY:



1 I have no further questions.

2 CHAIRMAN:

3 Thank you. Commissioner McCabe?

4 MR. MCCABE:

5 If I could follow up because you and I  
6 had this discussion August 28th, 2009, where I had  
7 this concern about where the gaming offices were and  
8 their access to the floor. Up on the screen was a  
9 diagram that you pointed to. And I'll read you --- if  
10 you want, I'll read you your testimony. You say that  
11 they're literally out of the door and into the casino.  
12 That is a rendering of what the lobby will look like  
13 as you come into the casino. You're referring to  
14 a --- the diagram that you had presented to us at that  
15 time, and led me to believe, and it sounds like other  
16 Commissioners, that all our people had to do was open  
17 the door and they were right out the door to the  
18 casino floor. That was satisfactory to me. That's  
19 what we wanted. This now, I'm going to tell you,  
20 could be a showstopper. I'm not going to slow down  
21 the movement, the testing and all of that, but I'm  
22 quite perturbed that you're pushing the limit --- the  
23 envelope. And this isn't the first time you've  
24 changed things and made it look like we haven't done  
25 our job or our people haven't done our job, and I want

1 this fixed. It's that simple. I want our casino  
2 compliance people, our offices, to have what you  
3 testified to on August 28, 2009, direct access to the  
4 gaming floor. That's it. You know, I'm not going to  
5 go into a long thing. We don't need to go back and  
6 forth. I'm going to be real reluctant to let you open  
7 on the 17th unless I know this is either solved or  
8 will be solved shortly.

9 CHAIRMAN:

10 Other questions from Board members?

11 MR. ANGELI:

12 I have a question.

13 CHAIRMAN:

14 Commissioner Angeli?

15 MR. ANGELI:

16 Mr. Bonner, when you were talking about  
17 some possible solutions, you had talked --- looking at  
18 the longitudinal --- I know you don't have --- no one  
19 has the --- but when you look at the longitudinal  
20 access, there is that space --- there's that space to  
21 the right as you look at the diagram that nothing is  
22 in right now. And you were talking about the  
23 possibility that if the gaming floor expands, it will  
24 expand into that area?

25 ATTORNEY BONNER:

1                   Yes, sir. That's the space on the right  
2 that's in the upper portion, not the lower portion;  
3 correct?

4                   MR. ANGELI:

5                   Right. It's like a traffic-way there.

6                   ATTORNEY BONNER:

7                   Yes, sir.

8                   MR. ANGELI:

9                   Were you indicating that if the gaming  
10 floor expanded into that area there, there was a  
11 possibility of putting the offices back in there that  
12 would have direct access to the floor?

13                  ATTORNEY BONNER:

14                  No, sir, I was not suggesting that.

15                  MR. ANGELI:

16                  Okay.

17                  ATTORNEY BONNER:

18                  No, Commissioner.

19                  MR. ANGELI:

20                  Okay. So, that would all be gaming floor  
21 over there?

22                  ATTORNEY BONNER:

23                  That would all be gaming floor. What I  
24 was suggesting was there might be a way to construct a  
25 corridor along the Chickie & Pete's and the shell

1 space to the left to get from the casino through that  
2 area to the main corridor, which drops very close to  
3 the Gaming Board offices. We're not suggesting  
4 relocating the Gaming Board offices, Commissioner.

5 MR. ANGELI:

6 Okay. And I want to go back to what Mr.  
7 Sturgeon said. One of the --- things have been said  
8 here about the current temporary facility has a very  
9 similar situation. But we were very clear in the  
10 beginning, when we looked at the openings of the first  
11 casinos, that we were not, as a Board, happy with  
12 that. And from that point on we changed our  
13 perspective as that we wanted access onto the gaming  
14 floor. So, what we said on the first --- what we  
15 adhered to on the first couple openings of casinos is  
16 not the desire of the Board from the first temporary  
17 openings onward. So, we do --- and to reinforce what  
18 Mr. McCabe said, we do need access to the floor.

19 The comment that you made that I want to  
20 take issue with is that we would probably look at a  
21 solution. Probably is I don't think where we are at  
22 this particular point. We're looking for a solution.

23 ATTORNEY BONNER:

24 I agree, Commissioner. We're committed  
25 to working out a solution that is satisfactory to the

1 Gaming Board. We don't want to have a roadblock in  
2 the way. We wanted to have this resolved before  
3 today. We're taking who knows how much time. It's an  
4 issue that's important to both you and to us. Our  
5 goal is to resolve it to the satisfaction of both  
6 parties, and we're committed to finding a way in the  
7 short term to have this work out.

8 MR. ANGELI:

9 Thank you. I have no further questions.

10 CHAIRMAN:

11 Thank you. Other questions?

12 Commissioner Sojka?

13 MR. SOJKA:

14 Just one comment, and I think it's worth  
15 noting, and that is we've couched the discussion about  
16 escorting patrons past sensitive areas and the need  
17 for our people to get to the floor. But there is  
18 another component, and that is the easy access of the  
19 public to get to us because we're there to serve the  
20 public, and they should not be forced to go through  
21 long corridors and pass signage and all sorts of  
22 things to get to us, for example, to register a  
23 complaint. So, we want that access for more than  
24 convenience. It's part of serving the public and  
25 protecting the public interest.

1                   MR. BONNER:

2                   We understand that, Commissioner.

3                   MR. COY:

4                   And Mr. Chairman, from my point of view,  
5 I just want to indicate it's too bad that we have to  
6 spend this time, your time and our time, in doing  
7 this. I don't need to see another drawing. I don't  
8 need to visit. I will be satisfied when Paul Resch  
9 and Tom Sturgeon sit at that table and say they're  
10 okay.

11                   CHAIRMAN:

12                   Any other questions or comments?

13                   MR. GINTY:

14                   I'd like to follow up on ---

15                   CHAIRMAN:

16                   Commissioner Ginty.

17                   MR. GINTY:

18                   --- Commissioner Angeli. You indicated  
19 that when you extend that gaming floor out to that  
20 upper empty space, that you probably might look at a  
21 solution that would perhaps encompass putting a  
22 corridor in the Chickie & Pete shell area to access  
23 the offices. I don't see the relationship between  
24 extending into that upper space and putting that  
25 corridor in, which you previously just gave us every

1 reason that you can't do or don't want to do. But is  
2 there --- what's the relationship between extending  
3 the gaming floor into the upper empty space here and  
4 putting a corridor into the, you know, Chickie & Pete  
5 space?

6 MR. BONNER:

7 Well, when we expand --- assuming table  
8 games legislation is approved, Commissioner, when we  
9 expand and we're under construction, that would be the  
10 time to do any additional work. We anticipate that we  
11 may build out that shell space that is next to  
12 Chickie's & Pete's in conjunction with the build-out  
13 of the casino. So, that will be the appropriate time  
14 to do that. But to answer another --- and I'll answer  
15 that further if need be.

16 But to address one of the other  
17 questions, per discussions personally with Paul Resch,  
18 it was my understanding that the Gaming Board's main  
19 concern was the need to take patrons along a corridor  
20 that passes by sensitive restricted areas. By  
21 providing an alternate corridor in the areas we're  
22 discussing now, Commissioner Ginty, we would eliminate  
23 that concern. We still wouldn't have the offices  
24 adjacent to the casino floor, but there would not be a  
25 situation where patrons would be walking by a count

1 room or cage area.

2 MR. GINTY:

3 And I understand that is a possible  
4 compromise situation here, but I don't see why you  
5 can't do that now. I mean, it has --- I don't see ---  
6 you're under construction now. You know, I just don't  
7 see the relationship between extending the gaming  
8 floor out and waiting until you do that to do this.

9 ATTORNEY KOHLER:

10 The only relationship we're pointing out  
11 is that, you know, we now have our hands full with  
12 getting open on December 17th. Every second of every  
13 day is dedicated --- with incredible resource, is  
14 dedicated to doing all the things that need to be done  
15 by December 17th. With that said, it appears if a  
16 table games bill is passed we will start new  
17 construction shortly after we complete this multi-tier  
18 construction project. And we're asking the Board to  
19 permit us to address that --- to address this issue  
20 during that phase rather than this phase simply  
21 because we are under the strictest of schedules and do  
22 not have --- or fear we do not have the ability to  
23 take on additional tasks without risking a delay in  
24 opening.

25 MR. GINTY:



1           Okay. I'm sorry. I heard you.

2           ATTORNEY KOHLER:

3           No, you are correct that, you know, from  
4 a logistical standpoint, the build-out of the new  
5 space does not bring the gaming floor closer to the  
6 offices, but it is, from our perspective, the proper  
7 time and the time that we can commit to to resolving  
8 this problem with the Board.

9           MR. GINTY:

10           I'll just be honest with you. You knew  
11 how important this issue was not just to the staff but  
12 to the Board. I mean, we made that clear, you know,  
13 when you were here in August. And you know, I think  
14 you could have attended to this in August. And if you  
15 did, it would be done by now, so ---.

16           CHAIRMAN:

17           Commissioner McCabe?

18           MR. MCCABE:

19           One final thing. I bring to your  
20 attention the Act. And I want you to refer to that  
21 Act, Section 1207, paragraph 11, requires each slot  
22 machine License applicant to provide detailed site  
23 plans of its proposed licensed facility which shall be  
24 reviewed and approved by the Board for the purpose of  
25 determining the adequacy of the proposed security and

1 surveillance measures inside and outside the facility.  
2 Applicants will cooperate with the Board in making  
3 changes to the plan suggested by the Board and will  
4 ensure that the plans, as modified and approved, are  
5 implemented. So, you know, please do what we ask.

6 CHAIRMAN:

7 Any other questions from Board members?

8 ATTORNEY MILLER:

9 Mr. Chairman, as a matter of  
10 housekeeping, I would ask at this time that OEC  
11 Exhibit One be officially admitted into the record as  
12 part of this proceeding.

13 CHAIRMAN:

14 Thank you. So done. Mr. Kohler?

15 ATTORNEY KOHLER:

16 We'd move for admission of the PowerPoint  
17 presentation as well, Mr. Chairman. Thank you.

18 (Philadelphia Park Exhibit One marked  
19 for identification.)

20 ATTORNEY MILLER:

21 No objection.

22 CHAIRMAN:

23 And I would also like that to be put on  
24 the website. If we have to, you know, redact any  
25 sensitive information, we will work with you to do

1 that. But just for the transparency, so that the  
 2 public can actually see what we're talking about,  
 3 we'll try to do that this afternoon if we can. This  
 4 will conclude the public hearing. We're now going to  
 5 take a break for Executive Session so that we may  
 6 conduct our quasi judicial deliberations on these  
 7 matters. We will be back to finish the rest of our  
 8 meeting at the conclusion of our deliberations.

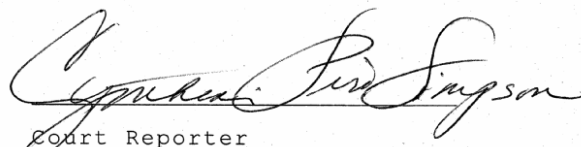
9 \* \* \* \* \*

10 PUBLIC HEARING CONCLUDED AT 11:30 A.M.

11 \* \* \* \* \*

12 CERTIFICATE

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

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 20 Court Reporter  
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