

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: GREGORY C. FAJT, CHAIRMAN
Jeffrey W. Coy, James B. Ginty, Gary A.
Sojka, Kenneth Trujillo, Kenneth T. McCabe
(via telephone, Raymond S. Angeli (via
telephone)
David Barasch Deputy Secretary of the
Department of Revenue, Representative, John
Lisko, Chief of Staff to Treasurer McCord

HEARING: March 3, 2010, 2:15 p.m.

LOCATION: PUC - Harrisburg
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17105

WITNESSES: Kevin O'Toole, Nanette Horner, Claire
Yantis, Richard Sandusky, Susan Hensel

Reporter: Cynthia Piro-Simpson

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A P P E A R A N C E S

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I N D E X

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P R O C E E D I N G S

CHAIRMAN FAJT:

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2 -----
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4 If I could ask everyone to please take a
5 seat. We'll now commence with our regularly-scheduled
6 public meeting. The first order of business is old
7 business and announcements. By way of announcements,
8 the Board held an Executive Session on Mach 2nd in
9 accordance with the Sunshine Act. The purpose of the
10 Executive Section was to --- Executive Session was to
11 discuss personnel matters, pending litigation, and to
12 conduct quasi judicial deliberations relating to
13 matters pending before the Board.

14 I would also like to announce that the
15 Pennsylvania Gaming Control Board will hold three
16 table games related to public hearings in March, which
17 include Parx Casino, Sands Bethlehem and Mount Airy
18 Casino, each of whom have petitioned the Board
19 requesting authorization to conduct table games.
20 Information pertaining to these hearings can be viewed
21 by logging onto the Gaming Control Board website or
22 you may pick up a printed copy which has been provided
23 for you in the entryway.

24 Having made all the announcements, our
25 next item of business is approval of the minutes and

1 transcripts of January 8th and January 27th Board
2 meetings.

3 MR. COY:

4 So moved.

5 CHAIRMAN FAJT:

6 May I have a motion, please?

7 MR. GINTY:

8 So moved.

9 CHAIRMAN FAJT:

10 Second. All in favor?

11 AYES RESPOND

12 CHAIRMAN FAJT:

13 Opposed? Motion passes. I should, as a
14 housekeeping matter, mention that Commissioner Angeli
15 and Commissioner McCabe are on the phone.

16 Moving onto new business, I'd like to
17 have Kevin O'Toole, our Executive Director, please
18 come up and provide your report. Kevin?

19 MR. O'TOOLE:

20 Good afternoon, Chairman, members of the
21 Commission. I'd like to give a brief update on the
22 Board's initiative in implementing table game
23 operations in Pennsylvania. As of today, seven
24 casinos have filed Petitions for Table Game Operation
25 Certificates. We do expect more this week and next

1 week. We have also begun the process of public input
2 hearings. We've conducted one public input hearing
3 for Mohegan Sun at Pocono Downs. And as Chairman
4 indicated just previously, we have three scheduled
5 public input hearings. Parx Casino is on March the
6 10th, Sands Bethworks is on March the 11th, and Mount
7 Airy is on March the 18th. And beyond that, we will
8 be scheduling more public input hearings.

9 At this time we are also in the process
10 of reviewing detailed dealer training programs
11 submitted by the Petitioners. As soon as those are
12 approved, the casinos will be able to begin training
13 for the position of dealer at each of the operating
14 casinos.

15 We also are --- completed the period for
16 receiving sealed bids for expert trainer in games
17 protection and games security for our staff and for
18 the Pennsylvania State Police, on-site casino
19 personnel. As that process moves forward, I expect to
20 have that training begin in early to mid-April.

21 Also, I would like to ask for the Board's
22 support in recognizing the week of March 7th to 13th
23 as Problem Gambling Awareness week. With me this
24 afternoon is Nanette Horner, our Director of the
25 Office of Compulsive & Problem Gambling. And Nanette

1 will describe a resolution for your consideration
2 regarding that event.

3 MS. HORNER:

4 Good afternoon. Next week is National
5 Problem Gambling Awareness Week, and that is a grass
6 roots approach to educating the public as well as
7 healthcare providers about problem gambling. And it's
8 also meant to raise awareness that hope and help are
9 available for people who suffer from gambling
10 problems. This will be the fourth year that the Board
11 has participated in Problem Gambling Awareness Week.

12 Most adults gamble for entertainment.
13 However, approximately one to three percent of the
14 U.S. population will have a gambling problem sometime
15 in their life. The Office of Compulsive & Problem
16 Gambling (OCPG) has developed materials about problem
17 gambling, the warning signs, where to call for help.
18 We have just recently adapted a public service
19 announcement that was created by the National Council
20 on Problem Gambling. The link to the PSA will be on
21 the Board's website. And we will also --- we have
22 facilitated a joint statement of the Pennsylvania
23 Secretaries of Health, Revenue and Agriculture to
24 recognize Problem Gambling Awareness Week. And we
25 will also have booths set up next week with

1 information and individuals from Pennsylvania Lottery,
2 Horse, Harness, Gaming Control Board and Department of
3 Health. The booths will be set up in Strawberry
4 Square on March 8th and 9th, at the Mini-Rotunda in
5 the Capitol on March 10th, and there will also be a
6 booth set up at the mall at Robinson in Pittsburgh on
7 March 10th. I'd be pleased to answer any questions
8 that you may have on Problem Gambling Awareness Week,
9 the OCPG, and then I would like to request a
10 resolution from the Board recognizing next week as
11 Problem Gambling Awareness week in Pennsylvania.

12 CHAIRMAN FAJT:

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

15 MR. GINTY:

16 Do we have a resolution?

17 MS. HORNER:

18 Yes. Would you like me to read the
19 resolution to the Board, into the record?

20 MR. GINTY:

21 Do we have time to read the resolution?

22 CHAIRMAN FAJT:

23 Sure. Why don't you read the pertinent
24 parts? I don't think you have to read the whole
25 thing.

1 MS. HORNER:

2 Okay. Whereas the legislative intent of
3 the Pennsylvania Racehorse Development & Gaming Act
4 recognizes in part that the public interest of the
5 citizens of the Commonwealth and the social effect of
6 gaming shall be taken into consideration in any
7 decision or Order made pursuant to the Gaming Act and
8 whereas the Gaming Act established a special fund to
9 be known as the Compulsive and Problem Gambling
10 Treatment Fund and requires that all money in the fund
11 should be expended for programs for public awareness,
12 prevention, research, assistance and treatment of
13 gambling addictions, and whereas problem gambling is
14 treatable and treatment is effective in minimizing the
15 harm to individuals, families and society as a whole.
16 Therefore, the Pennsylvania Gaming Control Board
17 hereby recognizes March 7 through 13, 2010 as Problem
18 Gambling Awareness Week. We encourage all citizens to
19 learn more about the signs of problem gambling and to
20 help spread the message about the availability of
21 treatment.

22 MR. GINTY:

23 Mr. Chairman, I move that we adopt the
24 resolution.

25 CHAIRMAN FAJT:

1 Second?

2 MR. SOJKA:

3 Second.

4 CHAIRMAN FAJT:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN FAJT:

8 Opposed? Motion passes. Thank you,
9 Kevin and Nan.

10 MS. HORNER:

11 Thank you.

12 MR. O'TOOLE:

13 Thank you.

14 CHAIRMAN FAJT:

15 Next up is Claire Yantis, our Human
16 Resources Director. Welcome, Claire.

17 MS. YANTIS:

18 Good afternoon, Chairman and Board
19 members. We have before you today a motion to
20 consider the hiring of three individuals in the Bureau
21 of Gaming Operations. Randolph Staback and Sirisha
22 Reddy are being recommended for the position of
23 Auditor, and Greg Hazzouri is being recommended for
24 the position of Senior Auditor. Both Mr. Staback, Ms.
25 Reddy and Mr. Hazzouri have completed the PGCB

1 interview process, background investigation and drug
2 screening and are being recommended for hire by
3 Director of Bureau of Gaming Operations, Paul Resch.
4 As such, I ask that you consider a motion to hire
5 these individuals as mentioned.

6 CHAIRMAN FAJT:

7 Can I have a motion, please?

8 MR. COY:

9 Mr. Chairman, I move the Board approve
10 the applicants for employment as proposed on the
11 condition that all applicants have completed the
12 necessary background investigations and drug testing.

13 MR. GINTY:

14 Second.

15 CHAIRMAN FAJT:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN FAJT:

19 Opposed? Motion passes. Thank you,
20 Claire. Next up is our Chief Counsel, Doug Sherman.

21 ATTORNEY SHERMAN:

22 Good afternoon, Chairman, members of the
23 Board. Our first two matters on the agenda relate to
24 Temporary Regulations, which Richard Sandusky will
25 present.

1 MR. SANDUSKY:

2 Good afternoon. The first matter I have
3 to present to the Board today is Temporary Regulation
4 125-113. This temporary regulation consists of the
5 rules for five additional table games, including Pai
6 Gow Tiles, Mini-Baccarat, Midi-Baccarat, and plain old
7 vanilla Baccarat. And the fifth game is Spanish 21,
8 which is as game which is very similar to Blackjack.
9 It's just they take the tens out of the deck. If the
10 Board members have any questions on the games, I'll
11 try and answer them. If not, I'd ask for a motion to
12 adopt this temporary rulemaking.

13 CHAIRMAN FAJT:

14 Any questions or comments from the Board?
15 Seeing that nobody wants to really know why they take
16 the tens out, I'll entertain a motion.

17 MR. GINTY:

18 Mr. Chairman, I move the Board adopt
19 Temporary Regulation Number 125-113, that the Board
20 establish a public comment period of 30 days for this
21 temporary regulation, and that the temporary
22 regulation be posted on the Board's website.

23 CHAIRMAN FAJT:

24 Second?

25 MR. SOJKA:

1 Second.

2 CHAIRMAN FAJT:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN FAJT:

6 Opposed? Motion passes.

7 MR. SANDUSKY:

8 The next item for Board consideration is
9 the adoption of a Final-form Regulation, numbered
10 125-91. This rulemaking was initially proposed to set
11 forth a new chapter of regulations pertaining to
12 shopkeepers and then had a couple of other
13 miscellaneous amendments. In response to the comments
14 we received on the shopkeeper reg, that triggered an
15 overall review of the Board's approach to shopkeepers
16 and vendors, and hence, we did not proceed with this
17 final rulemaking as quickly as we have with a number
18 of others. In light of Act One, which now makes
19 shopkeepers and vendors the same type of entity, i.e.
20 the new Gaming Service Provider, there is no longer a
21 need for a separate chapter related to the
22 shopkeepers. What remains in this Final-form
23 rulemaking are revisions to Chapter 438, pertaining to
24 labor organizations. Initially, the Board's
25 regulation required certain key individuals in labor

1 organizations to obtain a Gaming Permit. Because
2 these individuals are rarely at the casinos and are
3 not really intimately involved with gaming operations,
4 the Bureau of Licensing (BOL) now believes that
5 registration is more appropriate than requiring them
6 to get a permit. So this amendment would shift that,
7 which would reduce the regulatory requirements upon
8 the labor organizations.

9 The other piece in this really is to
10 create some symmetry in the reporting requirements
11 related to contracts. The Board regulations have
12 required contracts where a Slot Machine Licensee is
13 purchasing goods or services to be submitted to the
14 Board, and depending on the dollar threshold, will now
15 be subject to Board approval. But we did not have
16 anything in the regulations to address the issue where
17 it goes the other way, where the Slot Machine Licensee
18 may be providing some sort of good or service to
19 another entity. This surfaced initially at Mohegan
20 Sun, where they have rented out space to several
21 tenants, such as the Ruth Chris Steakhouse. So this
22 sort of creates that symmetry within the reporting
23 requirements for contracts. If there are additional
24 questions, I'd be happy to answer them. Otherwise,
25 we'd ask for a motion for adoption of this Final-form

1 rulemaking.

2 CHAIRMAN FAJT:

3 Any questions or comments from the Board?

4 Could I have a motion, please?

5 MR. SOJKA:

6 Yes. Mr. Chairman, I move that the Board
7 adopt Final-form Regulation Number 125-91 and that the
8 Final-form Regulation be posted on the Board's
9 Website.

10 CHAIRMAN FAJT:

11 Second?

12 MR. TRUJILLO:

13 Second.

14 CHAIRMAN FAJT:

15 All in favor?

16 AYES RESPOND

17 CHAIRMAN FAJT:

18 Opposed? Motion passes. Next, Richard?

19 MR. SANDUSKY:

20 The final item I have to present to the
21 Board today is another Final-form adoption, and this
22 is for Regulation 125-106. This rulemaking made a
23 number of amendments designed primarily to add
24 additional clarity and some operator flexibility to
25 our regulations, and as you may remember, addressed

1 two key issues of interest to the Slot Machine
2 Licensees, that is the ability to use fixed versus
3 non-fixed seating and display of Board credentials.
4 We did receive comments from Downs, Greenwood and WTA
5 during the proposed public comment period. Most of
6 those comments related to they had liked what we had
7 done in terms of display of credentials but would have
8 liked us to do more, i.e. require fewer employees to
9 display those credentials. It's the staff's position
10 that any individual who's going to be either in a
11 restricted area or on the gaming floor, which are the
12 critical areas for the integrity of gaming, we should
13 be able to identify those individuals either through
14 their Board credential or for some of them we added an
15 exception they could use a casino access badge with a
16 unique identifier. The bottom line in either case is
17 we believe it's important that the Board and the
18 Surveillance Department for the Slot Machine Licensee
19 be able to visually identify and confirm that the
20 individual, you know, who has that badge, who is on
21 the gaming floor or in a restricted area is permitted
22 to be there. If there are any other questions on any
23 of the other provisions, I'd be happy to answer them.
24 But given the length of this morning's thing, I didn't
25 think it's necessary to go into all of the others.

1 CHAIRMAN FAJT:

2 I think Commissioner Coy especially
3 always enjoys that further discussion; right, Jeffrey?

4 MR. COY:

5 I'll do without it today.

6 CHAIRMAN FAJT:

7 Can I have a motion, please?

8 MR. TRUJILLO:

9 Mr. Chairman, I move that the Board adopt
10 Final-form Regulation Number 125-106 and that the
11 Final-form regulation be posted on the Board's
12 Website.

13 MR. COY:

14 Second.

15 CHAIRMAN FAJT:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN FAJT:

19 Opposed? Motion passes. Thank you,
20 Richard.

21 MR. SANDUSKY:

22 Thank you.

23 ATTORNEY SHERMAN:

24 Today the Board has two Petitions and one
25 Rule to Show Cause before it for consideration. Two

1 of these matters were heard by the Board earlier,
2 during public hearings, specifically Keystone
3 Redevelopment Partners' Petition to Intervene in the
4 matter of the hearing on the Board's Rule to Show
5 Cause issued to Foxwoods or Philadelphia Entertainment
6 & Development Partners. And then the second matter
7 related thereto is the Rule to Show Cause itself. The
8 remaining Petition is scheduled to be considered upon
9 a documentary record. In each of these cases the
10 Board has been provided with the pleadings of all
11 appropriate parties, any documentary submissions, any
12 transcripts or other materials which would be
13 appropriate for the Board to rely upon.

14 The first Petition before the Board is
15 that of Keystone. It's their Petition to Intervene.
16 And the Board did hear argument earlier today on the
17 merits of that Petition to Intervene. The matter is
18 closed and appropriate for the Board's consideration.

19 CHAIRMAN FAJT:

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

22 MR. COY:

23 Yes, Mr. Chairman. I move, based on the
24 arguments and filings of Counsel, that the Board deny
25 Keystone Redevelopment's Petition.

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CHAIRMAN FAJT:

Second?

MR. GINTY:

Second.

CHAIRMAN FAJT:

All in favor?

AYES RESPOND

CHAIRMAN FAJT:

Opposed? Motion passes.

ATTORNEY SHERMAN:

The next matter before the Board is the Rule to Show Cause issued upon Philadelphia Entertainment & Development Partners regarding its failure to comply with Conditions Five and Six of the Board's September 1st, 2009 Order. Of course, that matter was the subject to a lengthy hearing today. The documentary submissions have been provided to the Board, and it's now ripe for the Board's consideration.

CHAIRMAN FAJT:

Questions or comments from the Board?
Could we have a reading of that motion, please?

ATTORNEY SHERMAN:

Yes. I have a Proposed Order to read into the record. The Order would be as follows: The

1 Board finds that Philadelphia Entertainment &
2 Development Partners has not met its burden by clear
3 and convincing evidence that it has achieved
4 substantial compliance with Conditions Five and Six of
5 the Board's September 1st, 2009 Order or otherwise
6 provided sufficient excuse for failing to do so.

7 The Board does, however, find that
8 progress has been made by submission to the Office of
9 Enforcement Counsel (OEC) of a term sheet and related
10 documents. The Board has not, at this point, received
11 sufficient evidence that warrants lifting the Order of
12 February 10th, 2010, and therefore said Order remains
13 in effect. The per diem sanctions continue to accrue
14 pending further order of the Board. The Board further
15 orders that Philadelphia Entertainment & Development
16 Partners shall submit definitive financing documents
17 to the Board and to the OEC by March 31st, 2010. The
18 OEC shall report to the Board during the meeting of
19 April 7th, 2010 as to the status of the receipt of
20 those documents. Philadelphia Entertainment &
21 Development Partners shall submit documents required
22 by Conditions Five and Six of the Board's September
23 1st, 2009 Order no later than April 26th, 2010. The
24 Board shall receive further evidence of this matter at
25 the Board's public meeting, scheduled for April 29th,

1 2010, at which time the Board shall assess the need
2 for further Board action to achieve compliance with
3 the Board's Order. That would be the end of the Order
4 which is proposed.

5 CHAIRMAN FAJT:

6 Thank you. Comments, questions from the
7 Board?

8 MR. TRUJILLO:

9 Mr. Chairman, I support this Order by the
10 Board and do so with the fairly clear understanding
11 that I have very grave concerns about whether a change
12 of control can or should ultimately be either
13 entertained --- well, certainly we could entertain it,
14 but whether a change of control will ever occur. And
15 so this Order, in my view, is --- continues to do what
16 we've been trying to do for months and ensure that
17 this licensed entity is in compliance, is moving
18 towards the development of a casino, as licensed. The
19 evidence that we heard today was, in my view,
20 interesting but completely lacking and certainly not
21 the clear and convincing evidence that this Board
22 needs in order to lift the sanctions or to lift that
23 Order. This does give them additional time to give us
24 additional information, and I remain --- I think all
25 of us remain with a very open mind to see what

1 happens. But in my view, this is a very grave issue.

2 CHAIRMAN FAJT:

3 Thank you. May I have a motion, please?

4 MR. COY:

5 Mr. Chairman, I move that the Board adopt
6 the Order just read by the Chief Counsel.

7 MR. GINTY:

8 Second.

9 CHAIRMAN FAJT:

10 All in favor?

11 AYES RESPOND

12 CHAIRMAN FAJT:

13 Opposed? Motion passes.

14 ATTORNEY SHERMAN:

15 The final Petition before the Board today
16 is A&H Equipment Company's Petition for Removal from
17 the Prohibited Vendor List. A&H filed a Vendor
18 Certification Application and Disclosure Information
19 Form with the Board on October 26th, 2007. On July
20 15th, 2008, A&H received a letter from the BOL's
21 Vendor Certification Unit informing it of deficiencies
22 in its application. A&H was also notified that it
23 failed --- if it failed to comply with the directive
24 to cure the deficiencies, it would result in the BOL
25 recommending that the Board deny its application and

1 place A&H on the Prohibited Vendor List. The
2 deficiencies, having not been cured, A&H was placed on
3 the Prohibited Vendor List by Board Order on June 3rd,
4 2009. On January 11th, 2010 A&H filed their Petition
5 for Removal from the Prohibited Vendor List, asserting
6 that they had corrected all of the deficiencies in
7 their application. On February 12th, 2010, the OEC
8 filed a response to the Petition in which it does not
9 object to the Board removing A&H from the list,
10 provided that A&H pay a \$1,500 civil penalty. The
11 Office of Chief Counsel (OCC) recommends the Board
12 grant A&H's Petition and remove the company from the
13 Prohibited Vendor List upon payment of the requested
14 civil penalty.

15 CHAIRMAN FAJT:

16 Any questions or comments from the Board?
17 Could I have a motion, please?

18 MR. GINTY:

19 Doug, don't take this personally.

20 ATTORNEY SHERMAN:

21 I was a little concerned that the exodus
22 was because of something I had said, but ---.

23 MR. GINTY:

24 Mr. Chairman, I move that the Board grant
25 the Petition of A&H Equipment for Removal from the

1 Prohibited Vendor List as described by the OCC.

2 MR. SOJKA:

3 Second.

4 CHAIRMAN FAJT:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN FAJT:

8 Opposed? Motion passes.

9 ATTORNEY SHERMAN:

10 Next, presenting withdrawals, reports and
11 recommendations and an emergency suspension, is Deputy
12 Chief Counsel Steve Cook.

13 CHAIRMAN FAJT:

14 Thank you, Doug. Steve, welcome.

15 ATTORNEY COOK:

16 Good afternoon. I, too, feel a bit
17 unloved, but I'll proceed in any event. The Board has
18 received three unopposed Petitions to withdraw
19 applications, which include four individuals or
20 businesses. The parties subject to these Petitions
21 are as follows: Kathleen Meci, Premium Plus, Inc.,
22 Diane Dickson, and Sysco Jamestown, LLC. The OEC has
23 no objections to these withdrawals, and as such, the
24 OCC submits them to the Board for consideration of a
25 motion to grant these withdrawals without prejudice.

1 CHAIRMAN FAJT:

2 Any questions or comments from the Board?

3 Could I have a motion?

4 MR. SOJKA:

5 Mr. Chairman, I move that the Board issue

6 Orders to approve the withdrawals or surrenders as

7 described by the OCC.

8 MR. COY:

9 Second.

10 CHAIRMAN FAJT:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN FAJT:

14 Opposed? Motion passes.

15 ATTORNEY COOK:

16 Next before the Board for consideration

17 are four Reports and Recommendations received from the

18 Office of Hearings and Appeals (OHA) relative to two

19 Vendor Certifications and two Gaming Employee Permits.

20 The Reports and Recommendations, along with the

21 evidentiary record for each hearing, have been

22 provided to the Board in advance of this meeting.

23 Additionally, in each case the persons involved have

24 been notified that the Board is considering their

25 Report and Recommendation today and that they have the

1 right to be present to briefly address the Board. If
2 any of these individuals are present today, they
3 should come forward when their name, or if applicable,
4 their business' name is announced.

5 The first Report and Recommendation
6 pertains to the Vendor Certification of HRE
7 Consulting. HRE's --- I'm sorry, HRE applied to be a
8 Registered Vendor after being retained by Sands
9 Bethworks as a Project Manager.

10 After receiving information that HRE
11 exceeded the \$200,000 per year limit to be a
12 Registered Vendor, the BOL informed HRE that its work
13 with Sands required them to file an application to be
14 a Certified Vendor. HRE thereafter filed a Petition
15 to Rescind and Notice to File Vendor Certification,
16 arguing that it was excluded from the Vendor
17 Certification requirements based upon an exemption for
18 architects contained in the Board's regulations, as
19 well as its receipt of less than \$200,000 from Sands
20 within any consecutive 12-month period. At
21 approximately the same time as the filing of this
22 Petition, HRE nevertheless filed a vendor ---
23 Certified Vendor Application.

24 The OEC filed an Answer to HRE's
25 Petition, stating that the exemption for architects is

1 unavailable to HRE and that HRE had received more than
2 \$200,000 from Sands during the 12-month period.

3 The OHA held a hearing on this matter on
4 October 20th, 2009. Prior to the Hearing, the OEC
5 withdrew its objection based upon the assertion that
6 HRE made more than \$200,000 in one year. Essentially,
7 there was an accounting issue, but it was cleared up
8 and eventually became clear that HRE did not reach the
9 Certified Vendor threshold. Nevertheless, HRE
10 continued to object to having to be a Registered
11 Vendor in the Commonwealth, saying that as an
12 architect licensed in the State of Texas, I believe,
13 and performing services in Pennsylvania, it was not
14 required to be licensed.

15 The OHA's Report and Recommendation
16 following this hearing recommended that HRE be
17 declared exempt from the Board's Vendor Certification
18 requirements.

19 The OEC filed exceptions to the Hearing
20 Officer's Report and Recommendation, stating that they
21 believe that if HRE's activities in Pennsylvania are
22 not sufficiently related to architecture and do not
23 require it to hold an architect's license in
24 Pennsylvania, then the activities are not sufficiently
25 related to architecture to enjoy the privilege of the

1 architecture exemption. Essentially, HRE was not
2 working as an architect in Pennsylvania but as a
3 project manager. The OCC recommends that the Board
4 reject the Hearing Officer's Report and Recommendation
5 and that HRE be required to maintain Registered Vendor
6 status in the Commonwealth, given its working not as
7 an architect but rather as a project manager.

8 CHAIRMAN FAJT:

9 Are there any representatives from HRE
10 here today? Any questions from the Board? Could I
11 have a motion, please?

12 MR. SOJKA:

13 Yes. I hope I'm understanding this
14 correctly. First of all, one key thing is that it was
15 not an accounting error, right, but it was a
16 projection error as to whether or not they would
17 make \$200,000?

18 ATTORNEY COOK:

19 I think it was a payment error. I think
20 the way the checks --- during the end of the 12-month
21 period there was a check cut that actually took them
22 out --- for a time period outside the 12-month error.
23 But it lapsed into the 12-month and it made it look
24 like they made just over \$200,000, but they, in fact,
25 made just under \$200,000.

1 MR. SOJKA:

2 So understanding that then, Mr. Chairman,
3 I move that the Board issue an Order to reject the
4 Report and Recommendation of the OHA regarding the
5 Vendor Certification of HRE Consulting as described by
6 the OCC.

7 CHAIRMAN FAJT:

8 Second?

9 MR. TRUJILLO:

10 Second.

11 CHAIRMAN FAJT:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN FAJT:

15 Opposed? Motion passes.

16 ATTORNEY COOK:

17 Next before the Board for consideration
18 is the Report and Recommendation pertaining to Janise
19 Johnson. Ms. Johnson was issued a Gaming Employee
20 Permit on February 11th, 2009 and was employed as a
21 Slot Host at the Harrah's Casino and Racetrack.

22 It is alleged that on April 20th, 2009,
23 Ms. Johnson picked up \$100 belonging to a patron, told
24 the patron that she could not give the money back to
25 him, walked away and put the money in her locker

1 rather than turning it in to security.

2 On April 21st, 2009, Ms. Johnson was
3 arrested by the Pennsylvania State Police Gaming
4 Enforcement Unit and charged with Theft of Property, a
5 second-degree misdemeanor.

6 On October 29th, 2009, the OEC filed an
7 Enforcement Action against Ms. Johnson, seeking the
8 revocation of her permit.

9 A hearing was held on December 29th, 2009
10 and both the OEC and Ms. Johnson appeared and provided
11 testimony and other evidence. At that hearing Ms.
12 Johnson testified that, in fact, she attempted to turn
13 the lost money into casino security, who would not
14 accept it as they could not locate a property receipt.
15 As Ms. Johnson's shift was ending, she thereafter
16 secured the \$100 in her locker until the following
17 day, when she intended to submit it to security.
18 Surveillance video seemed to corroborate Ms. Johnson's
19 testimony.

20 Based upon Ms. Johnson's testimony and
21 supporting surveillance video, the OCC recommends that
22 the Board adopt the Hearing Officer's Report and
23 Recommendation and Order that Ms. Johnson's Gaming
24 Permit remain in good standing.

25 CHAIRMAN FAJT:

1 Is Ms. Johnson here today? Seeing she is
2 not, I'll entertain a motion, please.

3 MR. TRUJILLO:

4 Mr. Chairman, I move that the Board issue
5 an Order to adopt the Report and Recommendation of the
6 OHA regarding the Gaming Employee Permit of Janise
7 Johnson, as described by the OCC.

8 MR. COY:

9 Second.

10 CHAIRMAN FAJT:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN FAJT:

14 Opposed? Motion passes.

15 ATTORNEY COOK:

16 The next Report and Recommendation before
17 the Board today pertains to Penn Perry, Inc. Penn
18 Perry submitted an Application for Vendor Registration
19 on March 17th, 2007. Penn Perry was a subcontractor
20 in the construction of the Meadows Racetrack and
21 Casino's temporary gaming facility.

22 The BOL's Vendor Certification Unit sent
23 Penn Perry a Failure to Correct Application
24 Deficiencies letter on February 4th, 2008, informing
25 them that their application was deficient for a

1 variety of reasons. Their letter also informed Penn
2 Perry that their failure to correct the deficiencies
3 would result in the BOL recommending that the Board
4 deny their Application and that they be placed on the
5 Prohibited Vendors List. Subsequently, the BOL sent
6 two additional letters outlining the deficiencies.
7 And thereafter, on April 15th, 2009, because of Penn
8 Perry's failure to cure these deficiencies, they were
9 placed on the Prohibited Vendors List.

10 Subsequently thereto, on September 11th,
11 2009, Penn Perry filed a withdrawal of its application
12 without prejudice. The OEC objected to this
13 withdrawal and asked that it be made with prejudice,
14 given the circumstances. Penn Perry requested a
15 hearing, failed to appear at that hearing. It,
16 therefore, proceeded without them. As a result of
17 that hearing, a Report and Recommendation was issued,
18 recommending that Penn Perry's withdrawal be with
19 prejudice, and the OCC would support that
20 recommendation.

21 CHAIRMAN FAJT:

22 Are there any representatives from Penn
23 Perry here today? Seeing none, could I have a motion
24 from the Board?

25 MR. COY:

1 Mr. Chairman, I move the Board issue an
2 Order to adopt the Report and Recommendation of the
3 OHA regarding the vendor withdrawal of Penn Perry, as
4 described by the OCC.

5 MR. GINTY:

6 Second.

7 CHAIRMAN FAJT:

8 All in favor?

9 AYES RESPOND

10 CHAIRMAN FAJT:

11 Opposed? Motion passes.

12 ATTORNEY COOK:

13 The last Report and Recommendation before
14 the Board is Robert --- or pertains to Robert
15 Mendicino. Mr. Mendicino submitted a Gaming Employee
16 Permit Application on September 20th, 2009, seeking
17 work as a beverage supervisor at the Harrah's Chester
18 Racetrack and Casino.

19 The OEC issued Mr. Mendicino a Notice of
20 Recommendation of Denial on November 3rd, 2009, based
21 on his failure to disclose certain information on his
22 Application.

23 Mr. Mendicino requested a hearing and was
24 notified that the hearing was scheduled for January
25 21st, 2010. However, he, too, failed to appear for

1 his hearing, and it was held in his absence.
2 Subsequently, a Report and Recommendation,
3 recommending Mr. Mendicino's Gaming Employee
4 Application be denied was issued and is now before the
5 Board. The OCC would recommend adoption of that
6 Report and Recommendation.

7 CHAIRMAN FAJT:

8 Is Mr. Mendicino here? Could I have a
9 motion from the Board, please?

10 MR. COY:

11 Mr. Chairman, I move the Board issue an
12 Order to adopt the Report and Recommendation of the
13 OHA regarding the Gaming Employee Permit of Robert
14 Mendicino, as described by the OCC.

15 MR. GINTY:

16 Second.

17 CHAIRMAN FAJT:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN FAJT:

21 Opposed? Motion passes.

22 ATTORNEY COOK:

23 Next for the Board's consideration is an
24 Emergency Suspension. Santos Rosado was issued a
25 Gaming Employee Permit on May 13th, 2009 and was

1 employed as a Player's Club Representative at Sands
2 Bethworks Casino.

3 On February 23rd, 2010, the Bureau of
4 Casino Compliance was notified by the Pennsylvania
5 State Police that Mr. Rosado had been charged with
6 numerous criminal offenses. Specifically, Mr. Rosado
7 was alleged to have conspired with another individual
8 to steal money from Sands through duplicating 18
9 Player's Club Cards with altered PIN numbers, which
10 contained a total of \$1,839 in promotional play. That
11 play was thereafter --- those cards were thereafter
12 given to a co-conspirator who played the cards and
13 subsequently cashed out \$1,439. Mr. Rosado and his
14 co-conspirator were subsequently charged with 90
15 criminal offenses. More than 50 of them, I believe,
16 were felonies, and his preliminary hearing is
17 scheduled for March 5th, 2010.

18 As a result of these charges, the OEC
19 filed a Request for an Emergency Order of Suspension
20 of Mr. Rosado's Employee Permit. On February 24th,
21 2010, the Executive Director signed that Order.

22 Board Regulations now require that a
23 Temporary Emergency Order be presented to the Board
24 for a full evidentiary hearing or that the matter be
25 referred to the OHA to conduct that hearing.

1 In this case, the OCC recommends the
2 matter be referred to the OHA for the hearing and that
3 the Emergency Order remain in place until that hearing
4 and a subsequent Report and Recommendation come back
5 before the Board.

6 CHAIRMAN FAJT:

7 Is Mr. Rosado present? Any questions
8 from the Board? Can I have a motion?

9 MR. COY:

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

15 MR. GINTY:

16 Second.

17 CHAIRMAN FAJT:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN FAJT:

21 Opposed? Motion passes.

22 ATTORNEY SHERMAN:

23 And that concludes the matters of the
24 OCC.

25 CHAIRMAN FAJT:

1 Thank you very much, Doug. Thank you,
2 Steve.

3 Next up is Susan Hensel, our Director of
4 Licensing. Welcome, Susan.

5 MS. HENSEL:

6 Thank you, Chairman Fajt and members of
7 the Board. The first matter for your consideration is
8 the approval of Principal and Key Employee Licenses.
9 Prior to this meeting, the BOL provided you with a
10 Proposed Order for three Principals and 29 Key
11 Employee Licenses for Chester Downs and Marina,
12 Presque Isle Downs, Washington Trotting Association,
13 Mount Airy, Sands Bethworks, GTECH Corporation and
14 ShuffleMaster. I ask that the Board consider the
15 Order approving these licenses.

16 CHAIRMAN FAJT:

17 Any questions or comments from
18 Enforcement Counsel?

19 ATTORNEY PITRE:

20 No objection.

21 CHAIRMAN FAJT:

22 Questions from the Board? Motion,
23 please.

24 MR. GINTY:

25 So moved.

1 CHAIRMAN FAJT:

2 Second?

3 MR. SOJKA:

4 Second.

5 CHAIRMAN FAJT:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN FAJT:

9 Opposed? Motion passes.

10 MS. HENSEL:

11 We also have for your consideration the
12 issuance of Temporary Principal and Key Employee
13 Licenses. Prior to this meeting, the BOL provided you
14 with an Order regarding the issuance of Temporary
15 Licenses for one Principal and 38 Key Employees. I
16 ask that the Board consider the Order approving these
17 licenses.

18 CHAIRMAN FAJT:

19 Enforcement Counsel?

20 ATTORNEY PITRE:

21 No objection.

22 CHAIRMAN FAJT:

23 Questions from the Board? Motion,
24 please?

25 MR. SOJKA:

1 So moved.

2 MR. TRUJILLO:

3 Second.

4 CHAIRMAN FAJT:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN FAJT:

8 Opposed? Motion passes.

9 MS. HENSEL:

10 Next our Gaming Permits and Non-Gaming
11 Registrations. Prior to this meeting, the BOL
12 provided you with a list of 141 individuals, including
13 83 initial and 58 renewals, who the Bureau has granted
14 Occupational Permits to and 79 individuals who the
15 Bureau has granted Registrations to under the
16 authority delegated to the BOL. I ask that the Board
17 adopt a motion approving the Order.

18 ATTORNEY PITRE:

19 No objection.

20 CHAIRMAN FAJT:

21 Questions from the Board? Motion.

22 MR. SOJKA:

23 So moved.

24 MR. TRUJILLO:

25 Second.

1 CHAIRMAN FAJT:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN FAJT:

5 Opposed? Motion passes.

6 MS. HENSEL:

7 In addition, we have Recommendations of
8 Denial for two Gaming Employees and one Non-Gaming
9 Employee. Prior to this meeting, the BOL provided you
10 with Orders addressing these Applicants, who the BIE
11 has recommended for denial. In each case the
12 Applicant failed to request a hearing within the
13 specified time period. I ask that the Board consider
14 the Order denying the Gaming and Non-Gaming
15 Applicants.

16 ATTORNEY PITRE:

17 We request that the Board deny the
18 applications.

19 CHAIRMAN FAJT:

20 Any questions from the Board? Could I
21 have a motion, please?

22 COMMISSION TRUJILLO:

23 Mr. Chairman, I move that the Board issue
24 Orders to approve the Denial of the Gaming Permits and
25 Non-Gaming Employee Registrations as described by the

1 BOL.

2 MR. COY:

3 Second.

4 CHAIRMAN FAJT:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN FAJT:

8 Opposed? Motion passes.

9 MS. HENSEL:

10 We also have withdrawal requests for
11 Gaming and Non-Gaming Employees. In each case the
12 Occupation Permit or Registration is no longer
13 required due to such circumstances as the employee
14 failing to report to work. For today's meeting I have
15 provided the Board with a list of 21 withdrawals for
16 approval and I ask that the Board consider the Order
17 approving this list of withdrawals.

18 ATTORNEY PITRE:

19 No objection.

20 CHAIRMAN FAJT:

21 Thank you. Questions from the Board?

22 Could I have a motion, please?

23 MR. COY:

24 So moved.

25 MR. GINTY:

1 Second.

2 CHAIRMAN FAJT:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN FAJT:

6 Opposed? Motion passes.

7 MS. HENSEL:

8 We also have withdrawal requests for Key
9 Employees. As with Gaming and Non-Gaming Employees,
10 in each case the Key Employee License is no longer
11 required. For today's meeting I have provided the
12 Board with a list of three withdrawals for approval.
13 I ask that the Board consider the Order approving this
14 list of withdrawals.

15 ATTORNEY PITRE:

16 No objection.

17 CHAIRMAN FAJT:

18 Questions from the Board? Could I have a
19 motion, please?

20 MR. COY:

21 So moved.

22 MR. GINTY:

23 Second.

24 CHAIRMAN FAJT:

25 All in favor?

1 AYES RESPOND

2 CHAIRMAN FAJT:

3 Opposed? Motion passes.

4 MS. HENSEL:

5 In addition, we have two Orders regarding
6 Gaming Service Providers. The first is to register
7 Gaming Service Providers. The BOL provided you with
8 an Order and an attached list of 31 registered Gaming
9 Service Provider Applicants. I ask that the Board
10 adopt a motion approving the Order registering these
11 Gaming Service Providers.

12 CHAIRMAN FAJT:

13 Cyrus?

14 ATTORNEY PITRE:

15 We recommend approval.

16 CHAIRMAN FAJT:

17 Thank you. Questions from the Board?
18 Could I have a motion?

19 MR. GINTY:

20 Chairman, I move that the Board issue an
21 Order to approve the Applications for Gaming Service
22 Provider as described by the BOL.

23 CHAIRMAN FAJT:

24 Second?

25 MR. SOJKA:

1 Second.

2 CHAIRMAN FAJT:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN FAJT:

6 Opposed? Motion passes.

7 MS. HENSEL:

8 Finally, there are Orders to declare the
9 following four Gaming Service Provider Applications
10 abandoned, Digital Job Site, Inc.; DSM Enterprises,
11 LLC; JMD Graphics, Inc.; and Kline's Services, Inc.
12 Records indicate that these Gaming Service Provider
13 Applicants filed applications even though they
14 received compensation below the threshold requiring
15 them to file. After filing their applications, they
16 failed to submit required documentation after being
17 given notice of deficiencies and an opportunity to
18 correct those deficiencies. Under our regulations the
19 board has the authority to declare an application
20 abandoned if the applicant fails to provide
21 information necessary to cure application
22 deficiencies. I ask that the Board consider the Order
23 declaring these applications abandoned.

24 ATTORNEY PITRE:

25 No objection.

1 CHAIRMAN FAJT:

2 Thank you. Questions from the Board?

3 Can I have a motion, please?

4 MR. GINTY:

5 So moved.

6 CHAIRMAN FAJT:

7 Second?

8 MR. SOJKA:

9 Second.

10 CHAIRMAN FAJT:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN FAJT:

14 Opposed? Motion passes.

15 MS. HENSEL:

16 Thank you.

17 CHAIRMAN FAJT:

18 Thank you, Susan. Next up is our

19 Enforcement Counsel, Cyrus Pitre.

20 ATTORNEY PITRE:

21 We have one Consent Agreement and one

22 Enforcement Action for the Board's consideration

23 today. Nan Davenport, Deputy Chief Enforcement

24 Counsel from the Central Region will present the

25 Consent Agreement.

1 CHAIRMAN FAJT:

2 Welcome, Nan.

3 ATTORNEY DAVENPORT:

4 Thank you. Good afternoon, Mr. Chairman
5 and members of the Board. Today we have the Board's
6 consideration of a Consent Agreement between the OEC
7 and Mount Airy #1, LLC.

8 CHAIRMAN FAJT:

9 Are there representatives from Mount Airy
10 present? Please come forward and state your name for
11 the stenographer.

12 ATTORNEY SHIFFER:

13 Yes. Don Shiffer, General Counsel. Good
14 morning --- or good afternoon, Mr. Chairman and
15 members of the Board.

16 CHAIRMAN FAJT:

17 Good afternoon. Go ahead, Nan.

18 ATTORNEY DAVENPORT:

19 Thank you. According to Section 12078 of
20 the Act, each licensed gaming entity shall prohibit
21 persons under 21 years of age from operating or using
22 slot machines. Pursuant to Chapter 513(a) of the
23 Regulations, an individual under 21 years of age,
24 whether personally or through an agent, may not
25 operate, use, play or place a wager on a slot machine

1 in a licensed facility. According to Section
2 465(a)(11)(b)(5) of the regulations, the security
3 department at a licensed facility shall provide
4 immediate notice to the Casino Compliance
5 Representatives (CCRs) and the Pennsylvania State
6 Police at the licensed facility upon detecting any
7 person who is required to be excluded or ejected from
8 the licensed facility, under Chapter 513(a) of the
9 Regulations.

10 This Consent agreement involves six
11 incidents that occurred between July 15th, 2009 and
12 November 21st, 2009 at Mount Airy, whereby six
13 individuals under the age of 21 gained access to the
14 gaming floor and played slot machines before being
15 apprehended by security, in violation of 58 Pa.C.,
16 Sections 513(a)(2)(a) and 513(a)(2)(b). With respect
17 to four of these incidents, Mount Airy security
18 officers and security supervisors failed to notify the
19 Mount Airy Surveillance Department, the Board's Casino
20 Compliance Representatives or Pennsylvania State
21 Police stationed at the facility of the presence of
22 underage individuals.

23 Following a series of meetings between
24 Mount Airy and the Bureau of Casino Compliance and the
25 OEC to discuss these incidents that are the subject of

1 the Consent Agreement, Mount Airy purchased eight
2 identification scanning devices at a cost of \$8,810 to
3 scan driver licenses and photographic identification
4 and to electronically record and store all the
5 pertinent information. In addition, Mount Airy
6 amended its security SOP in order to prevent underage
7 individuals from entering the gaming floor and to
8 ensure that any incidents are immediately reported to
9 the CCRs and to State Police.

10 As set forth in the Consent Agreement,
11 the parties have agreed that within five days from the
12 date of Board approval of the Consent Agreement, Mount
13 Airy shall pay a civil penalty in the amount of
14 \$100,000, half of which is payable within five days of
15 the approval by the Board and the remainder within 30
16 days. The OEC recommends that the Board approve this
17 Consent Agreement.

18 CHAIRMAN FAJT:

19 Thank you. Questions from the Board?

20 MR. SOJKA:

21 Just a comment, and that is, obviously,
22 this is a significant penalty for an underage gambling
23 situation, and I hope it sends a clear message to
24 Mount Airy but also to any other operators that pick
25 up this message, that proper reporting of such

1 incidents is considered to be absolutely vital to this
2 method of regulation, and so we take it extremely
3 seriously, hence the serious fine.

4 ATTORNEY DAVENPORT:

5 That is correct. That is why it's so
6 large a fine, especially considering that this is a
7 first penalty for Mount Airy. However, at least with
8 my four facilities in my area, this is the first one
9 that we've gone before the Board with a failure to
10 notify.

11 CHAIRMAN FAJT:

12 I have a question for Mr. Shiffer. What
13 reasons do you have to offer to this Board as to why
14 these incidents weren't reported?

15 ATTORNEY SHIFFER:

16 Mr. Chairman, I think that after
17 reasonable investigation of these matters, much of it
18 stemmed from lack of communication within the Security
19 Department as to a direct reporting line to the Board
20 and to surveillance. That issue has been resolved
21 through both an amendment to our security SOPs, as
22 well as training. And we're hopeful that this won't
23 occur again.

24 CHAIRMAN FAJT:

25 I accept that, but I also understand that

1 there was prior training on this same issue that
2 apparently didn't get through to your security folks.
3 And as Commissioner Sojka said, this is an issue
4 obviously we take very seriously. The underage gaming
5 is something that we are very cognizant of, don't have
6 a high tolerance for it, but the underreporting is
7 absolutely inexcusable. And I would like you to take
8 that message back to your staff and let them know
9 that, again, this is not something that we will
10 tolerate.

11 ATTORNEY SHIFFER:

12 Understood.

13 CHAIRMAN FAJT:

14 Thank you.

15 MR. MCCABE:

16 Mr. Chairman, I have a question.

17 CHAIRMAN FAJT:

18 Any other questions? Could I have a
19 motion, please?

20 MR. MCCABE:

21 Mr. Chair, can you hear me?

22 CHAIRMAN FAJT:

23 Yes. Go ahead.

24 MR. MCCABE:

25 Mr. Chair, can I ask a question?

1 CHAIRMAN FAJT:

2 Yes. Go ahead.

3 MR. MCCABE:

4 Don, what was done to the supervisor and
5 the security guards, if anything?

6 CHAIRMAN FAJT:

7 Ken, I don't think that we could hear
8 you. Could you state the question again, please?

9 MR. MCCABE:

10 What I asked of Mr. Shiffer is what
11 action was taken against those security guards and
12 their supervisor, if any.

13 ATTORNEY SHIFFER:

14 The actions that were levied against
15 those security guards included, in one case,
16 termination, in others, suspension and final written
17 warnings.

18 CHAIRMAN FAJT:

19 Thank you.

20 MR. MCCABE:

21 Thank you.

22 CHAIRMAN FAJT:

23 Did you hear that, Ken?

24 MR. MCCABE:

25 Yes. Thank you.

1 CHAIRMAN FAJT:

2 Any other questions? Could I have a
3 motion, please?

4 MR. SOJKA:

5 I think Mr. Shiffer wants to ---.

6 CHAIRMAN FAJT:

7 Oh, I'm sorry. Go ahead.

8 ATTORNEY SHIFFER:

9 Just along those lines, just to exemplify
10 the new protocol, we've had an incident where there
11 was an individual who had, you know, literally walked
12 by a security officer and was apprehended six or seven
13 feet afterwards by a secondary security officer. And
14 the failure of that security officer to identify that
15 patron, and this was about a week ago, resulted in
16 termination.

17 CHAIRMAN FAJT:

18 Thank you.

19 ATTORNEY SHIFFER:

20 We have a zero tolerance policy.

21 CHAIRMAN FAJT:

22 Thank you. Can I have a motion, please?

23 MR. SOJKA:

24 Yes. Mr. Chairman, I move that the Board
25 issue an Order to approve the Consent Agreement

1 between the OEC and Mount Airy #1, LLC, as described
2 by the OEC.

3 CHAIRMAN FAJT:

4 Second?

5 MR. TRUJILLO:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 AYES RESPOND

10 CHAIRMAN FAJT:

11 Opposed? Motion passes. Thank you.

12 ATTORNEY SHIFFER:

13 Thank you very much.

14 ATTORNEY MILLER:

15 Good afternoon, Chairman Fajt, members of
16 the Board. Dustin Miller, Assistant Enforcement
17 Counsel. There's one matter today relating to the
18 revocation of a casino employee. The records
19 pertinent to this matter have been provided to the
20 Board in advance of this meeting. Upon notification
21 of the complaint filed to revoke the registration and
22 the individual named in the complaint, the individual
23 chose not to respond to the matters set forth in the
24 complaint. In addition, the Applicant has been
25 notified that the Board is considering his revocation

1 today and that he has the right to be present to
2 address the Board. If the individual is present
3 today, he should come forward when his name is
4 announced.

5 The only request for revocation today
6 involves Ronald Benson. Mr. Benson had been employed
7 as a cook at Harrah's Chester Downs Casino and
8 registered as a Non-Gaming Employee.

9 The OEC filed an Enforcement Complaint to
10 revoke Mr. Benson's Non-Gaming Employee Registration
11 for failing to abide by his continual duty to inform
12 the Board of an arrest on December 29th, 2009. The
13 Enforcement Complaint was properly served upon Mr.
14 Benson to the address listed on his application by
15 both certified and first-class mail. Mr. Benson did
16 not respond in any way. Due to Mr. Benson's failure
17 to respond, the averments in the Enforcement Complaint
18 are deemed to be admitted as fact and his right to a
19 hearing has been waived.

20 On February 22nd, 2010, the OEC filed a
21 Request to Enter Judgment Upon Default. The matter is
22 now before the Board to consider the revocation of Mr.
23 Benson's Non-Gaming Employee Registration.

24 CHAIRMAN FAJT:

25 Is Mr. Benson present today? I think I

1 actually recognize everybody in the room, so I don't
2 see Mr. Benson.

3 MR. SOJKA:

4 At long last.

5 CHAIRMAN FAJT:

6 Right. At long last, that's true. Any
7 questions or comments from the Board? Could I have a
8 motion, please?

9 MR. TRUJILLO:

10 Mr. Chairman, I move that the Board issue
11 an Order to approve the revocation of the Non-Gaming
12 Employee Registration of Ronald Benson, as described
13 by the OEC.

14 MR. SOJKA:

15 Second.

16 CHAIRMAN FAJT:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN FAJT:

20 Opposed? Motion passes. Thank you,
21 Cyrus, Dustin and the rest of your staff.

22 Before we conclude, I just again want to
23 thank Ken and Ray for getting back on the phone and
24 also the Capitol Police and you in the audience. You
25 know, democracy isn't often pretty, but it's the

1 greatest system in the world. And today was a long
2 meeting, difficult at times, but we persevered, as we
3 always do, and got through it. So, thank you for your
4 patience and your professionalism.

5 In closing, the next scheduled public
6 meeting will be held on Tuesday, March 16th, at Temple
7 University's Harrisburg campus. Mickey is looking at
8 me, and if I didn't get that in there, she was going
9 to kill me. That's at Strawberry Square, Room 246 and
10 248. Again, March 16th, the Harrisburg campus of
11 Temple University.

12 Any final comments from the Board? If
13 not, could I have a motion to adjourn?

14 MR. COY:

15 So moved.

16 CHAIRMAN:

17 Second?

18 MR. SOJKA:

19 Second.

20 CHAIRMAN:

21 Thank you.

22

23 * * * * *

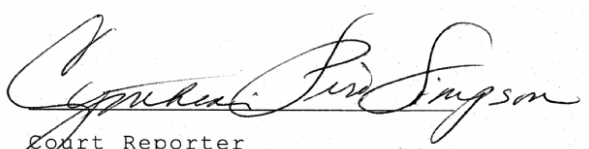
24 MEETING CONCLUDED AT 3:05 P.M.

25 * * * * *

CERTIFICATE

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I hereby certify that the foregoing proceedings, meeting held before the Pennsylvania Gaming Control Board, was reported by me on 03/03/2010 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