

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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IN RE: PHILADELPHIA ENTERTAINMENT AND DEVELOPMENT
PARTNER'S APPEAL ON THE BUREAU OF LICENSING'S
DETERMINATION THAT LEWIS KATZ SHOULD FILE THE
PRINCIPAL LICENSE APPLICATION

PUBLIC INPUT HEARING

BEFORE: GREGORY C. FAJT, CHAIRMAN

Raymond S. Angeli, Jeffrey W. Coy,
James B. Ginty, Kenneth T. McCabe,
Gary A. Sojka, Kenneth I. Trujillo

HEARING: October 6, 2010

LOCATION: Pennsylvania Gaming Control Board
North Office Building
Hearing Room One
Harrisburg, PA 17106

WITNESSES: NONE

Reporter: Cynthia Piro-Simpson

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P R O C E E D I N G S

CHAIRMAN:

We'll now call the matter of Philadelphia Entertainment and Development Partners, LP appeal of the Bureau of Licensing's Determination that Lewis Katz must file a Principal License Application.

Before we commence these proceedings we have two related preliminary matters, which must be addressed. Specifically the PEDP and Mr. Katz have filed two motions seeking confidentiality. First the motion essentially seeks to maintain as confidential the various pleadings which have been filed in this matter. Relative to this motion the Board --- the Board's Director of Hearings and Appeals on September 23rd, 2010 issued an interim report granting their request. It is now up to the Board to decide whether to keep that order in place or open the records in whole or in part to the public.

The second motion we just filed this past Friday and is captioned as a Motion to Close Hearing to protect confidential information. In essence this motion seeks to close the proceedings in which Mr. Katz and PEDP are appealing the Bureau of Licensing's Determination that Mr. Katz be licensed as a Principal

1 in the Foxwood's project. The Board members have
2 received these motions and have reviewed them. At
3 this point we're ready to hear from counsel for the
4 parties on the motions. Unless either party objects I
5 believe those are not overlapped between the two
6 motions that we can combine the two arguments. Is
7 both sets of counsel okay with that?

8 ATTORNEY GRACI:

9 Yes, Mr. Chairman. We were going to ask
10 that if you didn't suggest it.

11 CHAIRMAN:

12 Thank you and ---.

13 ATTORNEY ARMSTRONG:

14 Yes, Your Honor, Mr. Chairman. James
15 Armstrong on behalf of the Bureau of Licensing.

16 CHAIRMAN:

17 All right. Thank you.

18 ATTORNEY GRACI:

19 And by the way, Mr. Chairman, since I
20 didn't identify myself, Robert Graci, G-R-A-C-I of
21 Eckert Seamans and with me Roy Zimmerman on behalf of
22 Lewis Katz and PEDP.

23 CHAIRMAN:

24 Thank you and Mr. Katz --- or I'm sorry,
25 Mr. Graci and Mr. Jacoby you may begin.

1 ATTORNEY JACOBY:

2 Mr. Chairman, just to identify
3 myself ---.

4 CHAIRMAN:

5 Would you make sure your mic's on?

6 ATTORNEY JACOBY:

7 It is now. Thank you, Mr. Chairman. Mr.
8 Chairman, good morning. Good morning, to the panel.
9 My name is Fred Jacoby, J-A-C-O-B-Y. I'm co-counsel
10 for Philadelphia Entertainment and Development
11 Partners. Thank you.

12 CHAIRMAN:

13 Thank you. OEC, do you wish to start the
14 hearing now? Mr. Jacoby and Mr. Graci, you may begin.
15 I'm sorry.

16 ATTORNEY GRACI:

17 You have before you there, Mr. Chairman
18 and members of the Board, as the Chairman identified,
19 two motions that were filed serially. First was a
20 Motion to Protect as Confidential all the documents
21 and the exhibits that have been filed in relation to
22 this matter. There's also accommodating the appeal
23 which is also on the Board's agenda. At this time,
24 Mr. Chairman, I'd ask to introduce as exhibits for
25 purposes of this hearing all of the exhibits that have

1 been attached to the various filings on the motions.

2 CHAIRMAN:

3 I'm sorry, could you repeat that?

4 ATTORNEY GRACI:

5 I would ask to admit for purposes of this
6 hearing the various exhibits that have been attached
7 to the motions and the various responses.

8 CHAIRMAN:

9 So noted and we'll admit those.

10 ATTORNEY GRACI:

11 I see that Mr. Jacoby is distributing the
12 set of exhibits, but those are the exhibits that
13 actually pertain to the hearing. Some of which are
14 identical to the exhibits involved today. The genesis
15 of the Motion to Protect as Confidential, and it
16 relates as well as the Motion to Close the Hearing, is
17 that during the course and throughout the pleadings
18 and the attachments to the pleadings, there have been
19 a number of documents that contained information that
20 we believe is protected under Section 1206 of the
21 Gaming Act. We filed those --- and if I may those
22 matters relate to personal and professional
23 information, referring to Section 1206(f)1(i). That
24 might otherwise be obtained by the Board or Bureau as
25 part of this matter. Personal information including

1 family relationships and any issue of that sort,
2 proprietary information relating to PEDP and that will
3 include a number of things including strategies and
4 financial informational related to the affairs of the
5 Mr. Katz as well as to PEDP. All of those things we
6 believe are subject to confidentiality.

7 That is what led us in the first instance
8 when we filed our papers to label them as confidential
9 under the Board's rules and to obtain a profession of
10 confidentiality as the Board will provide until such
11 time as the Board to the contrary is entered. The
12 Enforcement Counsel in response to the Motion to
13 Protect Confidential Information in the pleadings
14 agreed that that information could be held as
15 confidential and ultimately the Director of the Office
16 of Hearings and Appeals issued an Interim Order
17 subject, of course, to an Order by this Board, which
18 hopefully will be issued today, that all of the
19 information contained in the pleadings and other
20 information will remain confidential. So, we ask that
21 because of the confidential information contained in
22 the pleadings that that Order be maintained and that
23 the information that may be introduced at any
24 proceeding today, likewise, be considered as
25 confidential and that would apply to not only the

1 documents that have been introduced into evidence, but
2 also any testimony that might relate to --- that might
3 be listed according to the hearing.

4 Turning to the question as to whether or
5 not the hearing should be closed, I think the same
6 principles apply. I'm going to restate what the
7 confidentiality rules within the statute and
8 regulations pertain to, but it is expected that
9 testimony that will be elicited, both in Direct
10 Examination or statements introduced by any witnesses
11 that we might call, as well as --- and particularly
12 and more importantly because I don't know what it is
13 because I can't anticipate a question by the Office of
14 Enforcement Counsel (OEC) and questions by members of
15 this Board that will directly go to information that's
16 confidential and subject to question as it relates to
17 either Mr. Katz or PEDP.

18 The rules as set forth in our motion
19 allow the Board to close hearings. The Board has in
20 fact in the past conducted hearings in Executive
21 Session. As far as I know with respect to any time
22 where Executive Session has been utilized is related
23 to either Applicants or Licensees. In this situation
24 I think this makes our position stronger. Mr. Katz is
25 neither an Applicant nor a Licensee. Mr. Katz is a

1 licensed entity representative, which means not that
2 he's licensed by this Board, but that he filed a
3 registration with this Board to represent a licensed
4 entity. So, he's not here as an Applicant. He's not
5 here as a Licensee. So, we believe his interest in
6 confidentiality is even stronger than it would be the
7 case if he was --- if we were dealing with either an
8 Applicant or a Licensee. And it is for those reasons,
9 and for the reasons set forth in our motions that we
10 ask that the Motion to Protect Confidentiality in all
11 the filings be sustained and the Interim Order be made
12 into a Permanent Order of this Board and likewise that
13 the hearing that is scheduled to be conducted on our
14 appeal be held in Executive Session and maintain as
15 confidential for the reasons that I stated.

16 CHAIRMAN:

17 Thank you. Mr. Armstrong?

18 ATTORNEY ARMSTRONG:

19 Thank you, Chairman. Good morning. I'll
20 answer to the initial Motion of Confidentiality in
21 that we thought it was reasonable for the Board to
22 extend the confidentiality to Mr. Katz in this matter.
23 Since we were asking him to be an Applicant, I believe
24 he did not fit into that definition at the time that
25 this litigation was --- being asked to file an

1 application. This could be problematic at the time of
2 the hearing in regard to whether or not Mr. Katz has
3 to file a Principal Application at this time.
4 Respectfully defer to your judgment as to whether or
5 not these documents and all of the testimony that will
6 transpire today will in fact, should in fact, remain
7 confidential.

8 If you view my answer to the Motion to
9 Close this hearing I brought up the fact that you're
10 also obligated under the Gaming Act to put --- to
11 maintain confidential information from cross
12 investigations to applications for third party and
13 such matters as that. By as the agency of the State
14 you're also obligated under the Sunshine Act to have
15 public hearings. I believe the Board has a balance in
16 those two assuming obligation there and make a
17 determination as to whether or not to close the
18 hearing. I would recommend that you not close the
19 case and it be open to the public and at such time it
20 becomes a problem with regard to confidential
21 information. Objection was sustained because
22 confidential information is going to reveal and if it
23 becomes too problematic you can always adjourn this
24 matter and then reconvene in a closed session?

25

CHAIRMAN:

1 Thank you.

2 ATTORNEY GRACI:

3 Mr. Chairman, I have three responses I
4 can express to the Sunshine Act. There's no question,
5 obviously, you have Sunshine in your meetings all the
6 time. You give notice and follow that statute to the
7 extent it's applicable. The Sunshine Act specifically
8 provides that the agency may hold an Executive Session
9 under Section 708 of the Sunshine Act and that allows
10 for --- conducting an Executive Session, as I recall,
11 as it --- to the extent that matters that are
12 otherwise privilege might be disclosed. And in this
13 situation we believe that the information likely to be
14 elicited here will relate to matters that are held and
15 states --- if the hearing would violate the privilege
16 and leads to disclosure of information or
17 confidentiality protected by law and that's Section
18 708(a)(5) of the Sunshine Act. The Gaming Act at
19 Section 1206 has what I believe is a non-exclusive
20 list of types of information that are subject to
21 confidentiality under the statute and the Board's regs
22 reiterate those provisions.

23 I say it's not confidential --- in one of
24 my pleadings counsel challenged that, but for instance
25 it says a non-public personal information including,

1 and then it has a list. It doesn't say limited to, it
2 just says including. So, there may other things. So,
3 it's a non-exclusive list. Much of the information
4 that we expect will be elicited today, including
5 information that we're prepared to present and what I
6 expect the Board may ask based on questions that were
7 asked by the Board previously, based on questions that
8 were asked by Enforcement Counsel previously, that
9 could very well spill over into that --- into those
10 areas.

11 I think it would be highly impractical to
12 do this on a Q and A basis and listen to a question
13 have you hear me make an objection and then if you
14 agree with me then go into Executive Session. That
15 would extraordinarily disruptive. And I reiterate, if
16 we were here talking about a Licensee or even an
17 Applicant which has been the situation where I
18 understood before that the Board has entertained these
19 types of sessions. I think that situation's
20 different, but if Mr. Armstrong's correct that there
21 is to be a balance between the open and --- described
22 by the Sunshine Act and it relates to the litigant
23 before you, here the balance is in favor of the
24 litigant because he is neither a Licensee nor an
25 Applicant. I would think that the balance might go

1 the other way if you're talking about a Licensee
2 because then you're talking about all the transparency
3 that I've heard this Board talk about since it's very
4 inception. That's not the case here and I think in
5 order to protect the interests of the private
6 individual that the balance tips in his favor and that
7 for that reason the hearing should be closed and the
8 information should be maintained as confidential.

9 I know that that might be a hard pill to
10 swallow for members of the media who are critical of
11 my client, but that's something that's derived from
12 this and frankly a lot of the information that's in
13 the media has been inaccurate. Just this weekend
14 there was a report that Mr. Katz is an investor, he is
15 not. Lord knows that that's not a truthful statement,
16 but it repeats and repeats and repeats. Even that
17 information --- just to point out, that is inaccurate,
18 that Mr. Schneider is not licensed, but he is and has
19 been. So, that shouldn't drive a train and I know it
20 won't drive a train with this Board, but his interests
21 and the interests of PEDP with respect to confidential
22 information and information protected by statute and
23 information that can't otherwise be exposed. I think
24 it's going to come up during this hearing and to the
25 extent it does comes up it can't be public. So, I

1 renew my request to make permanent the Interim Order
2 of the Director and to close this hearing. Thank you,
3 Mr. Chairman.

4 CHAIRMAN:

5 Thank you. Questions from the Board
6 from? Mr. McCabe.

7 MR. MCCABE:

8 Yes, Mr. Graci, my first question is you
9 make the statement that you either an Applicant nor a
10 Licensee, but we need to determine, first, whether he
11 fits into one of those categories before we go to this
12 next step of determining confidentiality and open or
13 closed hearing.

14 ATTORNEY GRACI:

15 I'm going answer the question with a
16 simple, no and then explain. I say no, Mr. McCabe,
17 because he is clearly neither an Applicant nor a
18 Licensee. The Bureau of Licensing believes that he
19 should be an Applicant to file an application and also
20 to be licensed as a Principal. At this point he's
21 neither and that's what the whole appeal is about
22 whether or not he is somebody who should be required
23 to file a Principal License. As I indicated in my
24 introductory remarks, or my initial argument I should
25 say, he is a licensed --- licensed and how do you say

1 it --- Licensed Entity Representative. That doesn't
2 mean he's licensed by the Board. As the Board is well
3 aware the statute requires that the persons advising
4 Licensees on matters that might come before the Board
5 and have to register with the Board. He's done that.
6 He's a lawyer and he provides advice to counsel,
7 that's yet another opinion --- reason why, quite
8 honestly, that the information at the hearing should
9 be closed and sealed, but that's why I don't think ---
10 no, you're not making a determination as to whether or
11 not he's a Licensee or an Applicant, you're making the
12 determination as to whether or not he has to be
13 licensed and at that point --- and we, at that point,
14 would either require by order of the Board to file an
15 Application, but at this point he's neither of those
16 things. And again, Commissioner McCabe, that's why I
17 think the balance tips in his favor.

18 MR. MCCABE:

19 My second question is, we have an
20 obligation to the public to be as transparent as
21 possible, abide by the Sunshine Act. Why did your
22 client --- why do we need to keep the entire hearing
23 confidential? I can understand certain information
24 maybe presented to us needs to be kept confidential,
25 but explain to me why we should way more your client's

1 confidentiality than our obligation to the public to
2 stay transparent and to stay open with the Sunshine
3 Act?

4 ATTORNEY GRACI:

5 Well, I believe the answer, Commissioner
6 McCabe, found in the Sunshine Act itself, was an issue
7 of authority when there's a possibility disclosure of
8 information is confidential by law or privilege or
9 some other reason to conduct the proceedings in the
10 Executive Session. That's not evading or even
11 avoiding the Sunshine Act, that's complying with the
12 Sunshine Act. It is their information that --- could
13 we ask question one and not have a problem and then
14 have a problem with question two, yes. And then come
15 back and maybe three and four there isn't a problem,
16 but five is. You might be here for an awfully long
17 time. I think the statute envisions practicality.
18 I'm sure there are instances --- for instance, you
19 conduct Executive Sessions regularly, you come out and
20 talk about it where you say we discussed personnel
21 matters. I'm sure not every itty-bitty piece of
22 information that you're discussing during that session
23 is absolutely confidential, but you don't do it
24 intermittently. You have an Executive Session and
25 what might have been held here is some agreement to

1 that statement outside of the --- but the Board
2 scheduled this for a hearing and we're here, but you
3 know, we're exercising our right and my client's right
4 to ask that the hearing be closed and I do not see any
5 practical way to conduct any meaningful hearing if
6 we're doing one question here and one question
7 whenever you go.

8 MR. MCCABE:

9 I'd like to hear what counsel has to say
10 to that. Thank you.

11 ATTORNEY ARMSTRONG:

12 I believe that the statute and the
13 regulations permit a lot of balance to you, what is
14 confidential information and what isn't confidential
15 information. And frankly what we have before us this
16 morning I don't know how could that be considered
17 confidential information under the statute. That's
18 why I would recommend that the hearing remain open to
19 the public. As we come across the information that
20 Mr. Graci can argue to you and sustain an objection
21 that it's confidential and then you can rule that's is
22 confidential, and you can't go there. And if it does
23 become too cumbersome, the objections, or we find
24 ourselves going down that road where it could
25 potentially reveal confidential information, in a

1 public hearing, reconvene into Executive Session.

2 Can't keep it from the public.

3 CHAIRMAN:

4 Commissioner Coy.

5 MR. COY:

6 Mr. Graci, I'm just curious, could you
7 repeat the classification under which you put Mr. Katz
8 in terms that you stated?

9 ATTORNEY GRACI:

10 Licensed Entity Representative.

11 MR. COY:

12 Did you garner those words from a
13 statute?

14 ATTORNEY GRACI:

15 Yes, sir.

16 MR. COY:

17 And they are --- it is a category created
18 by the statute?

19 ATTORNEY GRACI:

20 Yes, sir.

21 MR. COY:

22 Thank you.

23 ATTORNEY GRACI:

24 Defined I believe in Section 1202.

25 MR. ANGELI:

1 I just noticed that --- in your packet
2 you got control over the license and the
3 representation registration.

4 ATTORNEY GRACI:

5 Yes, that's Harrah's Exhibit G as it
6 relates to this hearing. I don't know that --- for
7 purposes of this hearing, Mr. Chairman, I'm going to
8 ask that all of those exhibits be admitted as well.
9 Those are actually prepared for this hearing on the
10 appeal but they may be worthwhile if we're this close
11 as well, so I ask that they be admitted.

12 MR. ANGELI:

13 I just have a few quick questions. Do we
14 think that Mr. Katz is something other than a Licensed
15 Entity Representative?

16 ATTORNEY GRACI:

17 I'm glad that you supplemented that, too.

18 ATTORNEY ARMSTRONG:

19 We know that as of July 8th we filed a
20 registration form to be a Licensed Entity
21 Representative.

22 MR. ANGELI:

23 Prior to July 8th he had no status with
24 the Board. Do we think he's something other than
25 a ---?

1 ATTORNEY ARMSTRONG:

2 We think that he has in the past with
3 fulfilling his responsibility that he should be a
4 Principal Licensee, that's what this whole thing is
5 about. Thank you.

6 CHAIRMAN:

7 Before we get too far afield we will
8 admit those documents, Mr. Graci.

9 ATTORNEY GRACI:

10 Thank you, Chairman.

11 CHAIRMAN:

12 Other questions from the Board?
13 Commissioner Trujillo.

14 MR. TRUJILLO:

15 Mr. Graci, as I understand your argument
16 to the line on 1206(f)(1), what I'm struggling with is
17 first you would agree with me, and I think that we are
18 not talking about getting an Application for a license
19 or permit here today, are we?

20 ATTORNEY GRACI:

21 Yes, we are not dealing with a --- that's
22 correct, Mr. Trujillo.

23 MR. TRUJILLO:

24 Then you'll agree with me we're also not
25 here having a discussion or that this is not a hearing

1 --- that we're anticipating is not one that relates to
2 a Slot Machine License Application character required,
3 does it?

4 ATTORNEY GRACI:

5 No, it is not, Commissioner, and if I can
6 anticipate your line of inquiry, though the
7 introduction to Section 1206(f)(1) states the
8 following information submitted by an Applicant
9 Permittee or Licensee pursuant to these sections. It
10 continues or obtained by the Bureau --- I'm sorry,
11 retained by the Board or the Bureau as part of another
12 investigation from any source shall be confidential
13 and then it continues, if you look at for
14 instance ---.

15 MR. TRUJILLO:

16 I don't have it in front of me, but let
17 me ask my question.

18 ATTORNEY GRACI:

19 Certainly. Thank you.

20 MR. TRUJILLO:

21 So what it says and I'll quote it, the
22 following information submitted by an Application,
23 Permittee or Licensee pursuant to Section 1310(a),
24 paren, relating to Slot Machine License Application
25 and Approval Requirements, close paren, or 1308 A.1

1 relating to applications for license or permit, close
2 paren, or obtained by the Board or the Bureau --- and
3 this is the part that I think you would be referring
4 to. This is the specific part, which is as part of a
5 background or other investigation from any other
6 source shall be confidential and withheld from the
7 public. So, if we're not talking about a license
8 machine --- a Slot Machine License Application
9 situation nor an Application for license or permit and
10 as I understand it Mr. Katz has not undergone the
11 background investigation; correct?

12 ATTORNEY GRACI:

13 He has not --- I'm sorry, he is not
14 undergoing a background investigation, no.

15 MR. TRUJILLO:

16 So, the information that would be
17 submitted within this hearing is not part of a
18 background or other investigation.

19 ATTORNEY GRACI:

20 No, I disagree with that. It's not for
21 background investigation, but it's for an
22 investigation by this Board and the Bureau of
23 Licensing to determine whether or not he is subject to
24 licensure. I believe that the or other investigation
25 from any source is the operative language for the

1 present purposes.

2 MR. TRUJILLO:

3 What investigation is being conducted?

4 ATTORNEY GRACI:

5 As to whether or not he's subject to
6 being licensed, whether or not he's subject to being
7 licensed.

8 MR. TRUJILLO:

9 So, this proceeding in your view is an
10 investigation?

11 ATTORNEY GRACI:

12 I think it will lead to information
13 obtained by the Board or the Bureau from this source
14 that has to be elicited here from either witnesses on
15 my side or the other side with questions that are
16 asked from my side or Enforcement Counsel or the
17 Board. That's why I say, Commissioner Trujillo, it
18 does not fit neatly because he is not any one of these
19 things and that's why when we refer to the Sunshine
20 Act provision it deals with matters that would violate
21 --- Executive Session matters that would violate a
22 lawful privilege that will lead to disclosure of
23 information on confidentiality protected by law. I
24 can't fathom that you could be required to hold
25 information confidential for somebody who's filed an

1 application, but where you're trying to make any
2 determinations --- let's get back to the question that
3 Commissioner McCabe asked earlier, as to whether or
4 not the person has to file an application that is not
5 currently under the jurisdiction of the Board and
6 that's when a person submits an application or is a
7 Licensee or a Permittee, he has submitted himself to
8 the jurisdiction of the Board. In this case he has
9 not and I think that's all the more reason why the
10 balance tips in his favor as opposed to that of an
11 Applicant where you have in fact --- the Licensee when
12 you have in fact closed hearings and taken information
13 in an Executive Session.

14 MR. TRUJILLO:

15 Mr. Graci, Mr. Katz is not a stranger to
16 this transaction. You yourself have told us today,
17 and counsel has told us, that he has submitted a
18 Registration as a Licensed Entity Representative, so
19 if it's not like we are suggested some stranger off
20 the street submit an application. I don't think you
21 mean to suggest that he is some stranger to this
22 transaction. Are you?

23 ATTORNEY GRACI:

24 No, my pleadings all indicate that the
25 --- that the role that he has played in this

1 transaction and we believe that it fits within the
2 definition, which is placed at the top of your
3 registration form that he is an attorney, agent or
4 lobbyist acting on behalf of or authorized to
5 represent the interests of an Applicant, Licensee,
6 Permittee or other person authorized by the
7 Pennsylvania Control Board to engage in any act or
8 activity regarding a matter before or recently
9 presented to come before the Board. That's what he
10 has done. He's not a stranger, but I don't think
11 you're suggesting, Commissioner Trujillo, and I think
12 it will be --- quite frankly I think it will be ---
13 I'm trying to think of the right word. It will not be
14 consistent with the statute that you require every
15 Licensed Entity Representative to file an application
16 as a Principal.

17 ATTORNEY PITRE:

18 I'm sorry to interrupt. If the Board ---
19 would it please the Board, could we take a short
20 recess, I think we may have had this whole thing
21 worked out, but Mr. Katz would like to speak with his
22 attorney.

23 CHAIRMAN:

24 Sure. We'll take a 15 minute recess.

25 ATTORNEY PITRE:

1 That'll be perfect.

2 CHAIRMAN:

3 We'll back at 11 o'clock. It's been
4 suggested by the Board that we will hold this hearing
5 in abeyance, you guys can go and talk, but we're going
6 to continue with other board business, so when you
7 come back we'll convene.

8 PUBLIC MEETING HELD

9 CHAIRMAN:

10 Okay. We're going to jump out of our
11 regular meeting and back into the public hearing
12 portion of our meeting today. I see we have OEC,
13 counsel for PEDP and Mr. Katz in front of us. Who
14 wants to go first and make a statement? Mr. Graci?

15 ATTORNEY GRACI:

16 I'll do that, Mr. Chairman. Thank you
17 again for indulging us. Mr. Chairman and members of
18 the Board, Mr. Katz has agreed in the filing a
19 Principal Licensing Application we therefore withdraw
20 the appeal in the two pending motions that are before
21 the Board.

22 CHAIRMAN:

23 Thank you, Mr. Graci. OEC, your
24 comments?

25 ATTORNEY ARMSTRONG:

1 No comments other than we have no
2 objection.

3 CHAIRMAN:

4 Thank you. Mr. Graci?

5 ATTORNEY GRACI:

6 Please let me note for the record that
7 the Interim Order presented by the Director will
8 remain in effect?

9 CHAIRMAN:

10 On the confidentiality we have a ---
11 we're going to entertain a motion here on that issue
12 specifically. So, no other comments from Enforcement
13 Counsel?

14 ATTORNEY MILLER:

15 Motion on the confidentiality of the
16 pleadings.

17 CHAIRMAN:

18 Yeah, we're going to address both the
19 pleadings and the attachments to the pleadings, yes.
20 And any other comments from either one?

21 ATTORNEY GRACI:

22 No, sir.

23 CHAIRMAN:

24 Okay. Any other comments from the Board?
25 Could I have a motion on the pleadings and the

1 attachments thereto, please?

2 MR. MCCABE:

3 Yes, Mr. Chair. I move that the exhibits
4 to the various pleadings in this matter be maintained
5 as confidential, but that the body of all pleadings be
6 not treated as confidential.

7 CHAIRMAN:

8 Is there a second?

9 MR. COY:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed? Motion passes. Thank you and
16 that will conclude this issue and also the public
17 hearing.

18 * * * * *

19 HEARING CONCLUDED

20 * * * * *

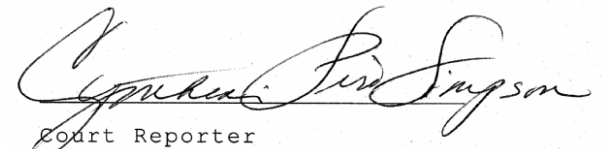
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22 CERTIFICATE

23 I hereby certify that the foregoing
24 proceedings, hearing held before the Pennsylvania
25 Gaming Control Board, was reported by me on 10/06/2010

1 and that I Cynthia Piro Simpson read this transcript
2 and that I attest that this transcript is a true and
3 accurate record of the proceeding.

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Cynthia Piro Simpson
Court Reporter