

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: GREGORY C. FAJT, CHAIRMAN
Raymond S. Angeli, James B. Ginty,
Keith R. McCall, Anthony C. Moscato,
Gary A. Sojka, Kenneth I. Trujillo; Members
Christopher Craig, Representing Robert M.
McCord, State Treasurer
Robert Coyne, representing Daniel P.
Meuser, Secretary of Revenue
Matthew Meals, representing George Greig,
Secretary of Agriculture

MEETING: Wednesday, July 20, 2011
11:20 a.m.

LOCATION: Hearing Room 1
Keystone Building
400 North Street
Harrisburg, PA 17120-0211

WITNESSES: David Rhen, Susan Hensel, Michael Sklar,
Leanne Asbury, Mr. Burgley

Reporter: Rhonda K. Thorpe

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CHAIRMAN:

Just as a matter of housekeeping, we have a photographer here in house who is going to be outside, walking around taking some photos. So, thank you for being here. By way of announcements, the Board held an Executive Session yesterday for the purpose of discussing pending litigation and to conduct quasi judicial deliberations relating to matters being considered by the Board today. Additionally a second Executive Session was held just prior to our reconvening here. The purpose of that Executive Session was to deliberate on each of the matters heard earlier today.

Finally by way of announcements, I'm sorry to say that this may well be Commissioner Angeli's last meeting as a Member of the Board. And as a result of that fact, I and the fellow Board Members wanted to take a moment to publicly thank Ray for your service to the Commonwealth in this capacity as a Board Member for almost six years. I'm sure that many people in this room know that in addition to serving on the Board, Ray has a very long and impressive history both in this Commonwealth and

1 outside the Commonwealth.

2 He was a career Army Officer, who served
3 two tours of duty in Vietnam, where he received a
4 Purple Heart and a Bronze Star. Ray also served as
5 Secretary to the Department of Community --- the
6 Department of Community Affairs under Governor Casey
7 and has been President of Lackawanna College since
8 1994. Ray is the only serving Member of the Board who
9 was sitting during the December 20th, 2006 vote to
10 award all of the permanent Category 1 and Category 2
11 licenses. And I think it was Commissioner Coy ---
12 somebody coined the term, that this is not the
13 beginning of the end, exactly, so ---.

14 MR. SOJKA:

15 But actually that's Winston Churchill,
16 but that's okay.

17 CHAIRMAN:

18 Ray, let me just say on a personal note
19 that, you know, you have always been the quiet leader
20 type. And as the Chairman of the Board, I can tell
21 you that I have really appreciated your input. I tell
22 people that Ray is the ultimate Board Member. He is
23 low maintenance and he's insightful and just a
24 tremendous, tremendous person. And we will certainly
25 miss you. I know Ray told me earlier that this is

1 embarrassing for him; he doesn't like this kind of
2 thing. I certainly understand that, but, Ray, if you
3 would, just so we can get a photo, come up to the
4 front. I'd like to give you a citation on behalf of
5 the Board. Thank you.

6 Just real quickly, this is a citation
7 that's pretty standard that all the retired Board
8 Members get, signed by all of the Members of the
9 Board. And again, Ray, you are the quintessential
10 gentleman. And you've been a great Board Member. You
11 served this Commonwealth well, both as Secretary of
12 DCA and also as a member of the Gaming Control Board.
13 You served your Country well, my friend. Thank you
14 very, very much. A quick photo.

15 MR. ANGELI:

16 I was hoping that you would do this later
17 in the agenda when everybody left and there was only
18 about six people out there. But first of all, Mr.
19 Chairman, thank you very much for your comments. I
20 can honestly say this has been one of the greatest
21 experiences I really had the privilege of being
22 involved with. It's also been my extreme pleasure to
23 work with an outstanding staff and Board. In my many
24 years of managing experience, this staff is second to
25 none. And I really appreciate the efforts and work

1 that's been done here.

2 It's also been my honor to work with the
3 Board Members present and past. And with that the
4 oversight responsibility of --- and I think it's a
5 really grand experience and it's been going well, so
6 far. I think it would be redundant to outline the
7 many benefits to Pennsylvania residents as to what is
8 involved because of gaming. I'll just briefly say
9 that this Board and this organization and all the past
10 members really have made tough decisions. And
11 continue to make the right decisions no matter how
12 difficult that's been in spite of relentless tiring of
13 opinions to the contrary.

14 I would certainly watch with interest the
15 continued growth of the industry and oversight and I
16 want to thank you all very much for allowing me to be
17 part of this. Thank you.

18 CHAIRMAN:

19 Thank you. Thank you very much, Ray.
20 Next up is Dave Rhen with a financial update.
21 Welcome, Dave.

22 MR. RHEN:

23 Good morning.

24 CHAIRMAN:

25 Good morning.

1 MR. RHEN:

2 I'm here to present the ---.

3 CHAIRMAN:

4 Yes. Spell your name for the
5 stenographer.

6 MR. RHEN:

7 R-H-E-N. For Budget Manager. I'm here
8 today to present the expenditure report for fiscal
9 year 2010-'11, which was just completed June 30th. We
10 still continue to receive invoices and process
11 expenses from the prior year. In order to give you
12 the most up to date figures, I'm including costs for
13 last Friday July 15th, when fiscal year '10-'11
14 expenses stood at \$33.9 million. Of this total, \$27.2
15 million was incurred for payroll expenses and \$6.8
16 million was incurred for operating expense. I
17 anticipated an additional \$200,000 to \$300,000 for
18 post operating expenses as we receive those final
19 invoices for the year. By category the large shopping
20 expenses for the fiscal year were rentals and leases
21 with total expenses of \$1.9 million, followed by
22 services at \$1.7 million. And other operating
23 expenses at \$1.5 million.

24 As I normally do, I'd like to report on
25 last months expenses. For the month June,

1 expenditures totals were \$2.7 million, they were
2 almost \$2.1 in operating expense were \$6.7 million ---
3 or \$.7 million. The largest expenses in June,
4 \$280,000 in special services, \$193,000 for other
5 operating expenses and \$54,000 for IT software and
6 equipment purchases.

7 Finally, I'd like to mention the fiscal
8 year of '11-'12 budget was passed and was appropriated
9 at \$35.5 million. This amount would be sufficient to
10 meet our operational needs for the coming fiscal year.

11 CHAIRMAN:

12 Thank you, Dave. Does the Board have any
13 questions? Dave, I have one quick question. If I did
14 my math right, we now stand at \$33.9 million in fiscal
15 year span for '10-'11. You anticipated, I should say
16 about \$300,000, that takes us to \$34.2 for the '10-'11
17 fiscal year. And our procreation I believe the last
18 fiscal year was \$35.8?

19 MR. RHEN:

20 That's correct. Actually, we're at
21 \$34.99 --- or \$33.99, we're almost at \$34, so about a
22 million and a half, estimated.

23 CHAIRMAN:

24 And so your answer --- my question is,
25 what is our final surplus for the last fiscal year?

1 MR. RHEN:

2 Approximately a million and a half.

3 CHAIRMAN:

4 Okay. Thank you.

5 MR. RHEN:

6 Okay.

7 CHAIRMAN:

8 Thanks, Dave. Moving right along, we
9 have our Office of Enforcement Counsel (OEC) --- Chief
10 Counsel, sorry. Sorry. Susan.

11 ATTORNEY SHERMAN:

12 And we remain separate.

13 CHAIRMAN:

14 Right. Actually, I think we're at
15 qualified regulation.

16 ATTORNEY SHERMAN:

17 All right. Chairman and Members of the
18 Board, our first agenda items are by way of three
19 regulations. One being a Final-form Regulation, a
20 Proposed Regulation and a Temporary Regulation, which
21 Assistant Chief Counsel Susan Yocum will present.

22 ATTORNEY YOCUM:

23 Good afternoon, Chairman Fajt and
24 Commissioners. The first Rulemaking for you
25 consideration today is Final-form Rulemaking #125-141.

1 And with this Rulemaking that addresses the separation
2 between the adjudicatory functions of the Board and
3 the investigatory functions of the Bureau of
4 Investigations and Enforcement (BIE) and the OEC.
5 Included in this Rulemaking are provisions that
6 require the OEC to independently determine the scope
7 and the contents of the information that is included
8 in all background investigation reports that are
9 submitted to the Board for consideration regarding a
10 person's suitability and eligibility for a license,
11 permit, certification or registration.

12 This also covers the prohibition on acts
13 such as communications and the handling of those
14 communications. During the public comment period, the
15 agency did receive from our comments Greenwood and
16 Mohegan Sun, as well as the Independent Regulatory
17 Review Commission. We have included several of those
18 discussions from the commentators, including adding a
19 definition of an on record proceeding. And specifying
20 that the Board will provide an officer that acts in an
21 adjudicatory function, not only during the ongoing
22 proceeding, but also in matters related to an ongoing
23 proceeding. For revisions made in this Rulemaking, it
24 reflects current Agency practice. Be happy to answer
25 any questions.

1 CHAIRMAN:

2 Thank you. Any questions from the Board?
3 Can I have a motion please?

4 MR. ANGELI:

5 Mr. Chairman, I move that the Board adopt
6 Final-form Rulemaking #125-141, as described by the
7 Office of Chief Counsel (OCC).

8 MR. GINTY:

9 Second.

10 MR. CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion passes.

15 ATTORNEY YOCUM:

16 The next Rulemaking for your
17 consideration is Proposed Rulemaking #125-156. This
18 will update the Board's practice and procedures
19 regulations for clarity and to more accurately reflect
20 the current agency practices and procedures. This
21 also addresses the issue of confidentiality in a
22 filing of motions and petitions with the Board. This
23 will require Petitioners that file a motion for
24 petitions that have confidential information to also
25 supply a redacted version that will be available for

1 immediate public review. This Rulemaking will also
2 update the section on service report slot systems
3 under 461(a). Service report slot systems are a
4 relatively new technology in the gaming industry.
5 Several of the Applicants have expressed interest in
6 utilizing this new technology. This regulation
7 details those system requirements and access to those.

8 CHAIRMAN:

9 Thank you. Any questions from the Board?
10 Can I have a motion please?

11 MR. GINTY:

12 Mr. Chairman, I move that the Board adopt
13 Proposed Regulation #125-156, as described by the OCC.
14 And that the Board establish a public comment period
15 of 30 days for this regulation and the Proposed
16 Regulation be posted on the Board's website.

17 MR. MCCALL:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion passes.

24 ATTORNEY YOCUM:

25 Last Rulemaking for your consideration is

1 Temporary Rulemaking #125-157. The Board had
2 previously approved the use of match play coupons.
3 This regulation updates that procedure a little bit
4 and allows the operator to use a computerized system
5 rather than a manual based system. It also allows
6 operators to use a gaming service provider to print
7 and mail match play coupons, provided that the
8 operator itself is still responsible for ensuring
9 those match play coupons are not mailed to any persons
10 either self excluded or on the exclusion list.

11 This Rulemaking is also on the blackjack
12 regulation to allow for hand dealing and allow the
13 patron to touch the cards.

14 CHAIRMAN:

15 Thank you. Any questions? Can I have a
16 motion?

17 MR. MCCALL:

18 Mr. Chairman, I move that the Board adopt
19 Temporary Regulation number 125-157, as described by
20 the OCC. And that the Board establish a public
21 comment period for 30 days for this regulation and
22 that the Temporary Regulation be posted on the Board's
23 website.

24 CHAIRMAN:

25 Second?

1 MR. MOSCATO:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? The motion passes.

8 ATTORNEY YOCUM:

9 Thank you.

10 CHAIRMAN:

11 Thank you, Susan.

12 ATTORNEY SHERMAN:

13 Today the Board has three matters related
14 to Petitions before it for consideration. Each of the
15 matters was heard by the Board earlier either by way
16 of public hearing or during oral argument. In advance
17 of the meeting, the Board has been provided with all
18 pleadings, briefs or other evidentiary material that
19 make up the record of each matter. I'll briefly
20 summarize each matter before asking the Board to
21 entertain a motion.

22 The first matter before the Board is the
23 --- are the motions to strike the Petition of Gregory
24 Rubino and Passport Realty, LLC, which sought to Allow
25 Objections to the Renewal of the License to Presque

1 Isle Downs. The Board had heard those two matters in
2 consolidated fashion. Briefly summarized, as the
3 Board heard, Mr. Rubino and Passport Realty had
4 requested that the Board allow them to present
5 objections in the Slot Machine License Renewal
6 Application at Presque Isle Downs because Mr. Rubino
7 was the subject in one of Presque Isle's conditions on
8 its current License.

9 The OEC and Presque Isle have both moved
10 to strike that Petition on the basis that Mr. Rubino
11 and Passport Realty are not parties to the Presque
12 Isle Renewal process, as well as on other grounds,
13 which were articulated earlier. That matter is now
14 appropriate for the Board's consideration.

15 CHAIRMAN:

16 Thank you. Any questions or comments
17 from the Board? Can I have a motion please?

18 MR. MOSCATO:

19 Mr. Chairman, I move that the Board grant
20 the motion to strike the Petition of Gregory Rubino
21 and Passport Realty, LLC, as described by the OCC.

22 CHAIRMAN:

23 Second?

24 MR. SOJKA:

25 Second.

1 CHAIRMAN:

2 All in favor.

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion passes.

6 ATTORNEY SHERMAN:

7 The next matter is Presque Isle Downs'
8 Petition for Approval to Modify its Facility to add
9 and operate a poker room. As the Board heard, Presque
10 Isle is requesting to add a 2,028 square foot poker
11 room, containing nine poker tables. The poker room
12 will be located on the second floor of the Grandstand
13 Facility. If the Board is inclined to grant the
14 relief, OEC has requested 13 conditions be amended to
15 that grant of the poker room and unless there are any
16 questions, the Board I think is in a position to vote
17 on that motion to add the poker room.

18 CHAIRMAN:

19 Any questions or comments from the Board?

20 Can I have a motion please?

21 MR. SOJKA:

22 Yes, Mr. Chairman. I'll move that the
23 Board Grant the Petition of Presque Isle Downs, as
24 described by the OCC and subject to the conditions
25 requested by the OEC.

1 CHAIRMAN:

2 Second?

3 MR. TRUJILLO:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE

8 CHAIRMAN:

9 Opposed? The motion passes.

10 ATTORNEY SHERMAN:

11 The final Petition before the Board is
12 U.S. Playing Cards Petition for Reconsideration
13 related to relief previously granted by the Board,
14 relative to USPC's Petition requesting a waiver of the
15 principal licensure requirement for members of the
16 Jarden Corporation's Audit Committee. As we discussed
17 Jarden is the parent company of USPC. USPC I think
18 had some testimony revealed it compromised of .3
19 percent of Jarden's overall business. I think there
20 was extensive discussion and review of that earlier in
21 the proceeding by the Board so it's now ripe for the
22 Board's consideration.

23 CHAIRMAN:

24 Thank you. Any questions or comments
25 from the Board. Can I have a motion, please?

1 MR. TRUJILLO:

2 Mr. Chairman, I move that the Board grant
3 the Petition for Reconsideration of U.S. Playing
4 Cards, as described by the Chief Counsel. That the
5 Board vacate its Order of June 13th, 2011 and then
6 instead a new Order be granted, issue granted subject
7 to U.S. Playing Cards continuance involving reporting
8 requirements to Jarden Corporation's outside auditors,
9 as described in the Petition for Reconsideration. As
10 well as Jarden's Audit Committee document, it reviews
11 the U.S. Playing Card information submitted on no less
12 than an annual basis. I further move that the Board
13 Grant U.S. Playing Card's request for confidentiality
14 of the exhibits, as described in its Petition.

15 MR. ANGELI:

16 Second.

17 CHAIRMAN:

18 Second by Mr. Angeli. All in favor?

19 ALL SAY AYE

20 CHAIRMAN:

21 Opposed? The motion passes.

22 ATTORNEY SHERMAN:

23 The next presenting Report and
24 Recommendations and Emergency Suspensions is Deputy
25 Chief Counsel Steve Cook.

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CHAIRMAN:

Thanks. Proceed.

ATTORNEY COOK:

Morning. Next before the Board for consideration are six Reports and Recommendations issued by the Office of Hearings and Appeals (OHA) relative to the three Non-Gaming Registration applications, one Petition to carry a firearm, one Key Employee License and one Gaming Employee Permit application. The Reports and Recommendation, along with the complete evidentiary record, was provided to the Board in advance. Additionally, the people indicated in the Reports and Recommendations have been notified that the matter would be heard today, that they have the opportunity to come and briefly address the Board.

The first Report and Recommendation today pertains to Warren Eubanks. Mr. Eubanks submitted a Non-Gaming Employee Registration Application on March 11th, 2011 seeking work as a Slots Attendant at the Parx Casino. On April 5th, 2011, the OEC issued a Notice of Recommendation for Denial based on Mr. Eubanks failure to disclose his criminal history on his application, the recency and nature of his criminal history, as well as his failure to cooperate

1 with the Board in respect to his background
2 investigation.

3 It was discovered, during BIE's
4 background investigation, Mr. Eubanks had failed to
5 disclose his extensive arrest history from 1977
6 through 2010. After receiving Notice of
7 Recommendation for Denial, Mr. Eubanks requested a
8 hearing, which was held March --- I'm sorry, May 24th,
9 2011 before the OHA. Both OEC and Mr. Eubanks
10 appeared and offered testimony at the hearing. Mr.
11 Eubanks' testimony being that he did not report his
12 arrest history because he thought it would cost him
13 his employment at Parx. At the conclusion of the
14 hearing, the Hearing Officer issued a Report and
15 Recommendation recommending that Mr. Eubanks
16 application be denied. That Report and Recommendation
17 is presently before the Board.

18 CHAIRMAN:

19 Any questions or comments from the Board?
20 Is Mr. Eubanks here today? Okay. Can I have a motion
21 please?

22 MR. ANGELI:

23 Mr. Chairman, I move the Board issue an
24 Order to adopt the Report and Recommendation of the
25 OHA regarding Non-Gaming Employee Registration of

1 Warren Eubanks, as described by the OCC.

2 MR. GINTY:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The Motion passes.

9 ATTORNEY COOK:

10 Medina Lott is the next Report and
11 Recommendation before the Board. This matter was
12 heard by the Board originally at a June 8th, 2011
13 meeting. At that point in time contradictory evidence
14 was heard as to Ms. Lott's criminal history and the
15 matter was tabled pending further review. This issue
16 has now been resolved and by way of background, Ms.
17 Lott submitted an application for a Non-Gaming
18 Employee Registration seeking work as a beverage
19 server at Harrah's Chester Downs and Marina.

20 She had disclosed in her application that
21 she had been arrested and convicted in 2006 for a
22 summary offense of retail theft and was required to
23 perform community service as a result of that
24 conviction. Additionally during a background
25 investigation BIE discovered in 2007 this woman was

1 charged with two additional counts of retail theft,
2 however --- and one count receiving stolen property,
3 in which she received an ARD disposition for those
4 matters.

5 On February 18th, 2011, the OEC issued a
6 Notice of Recommendation of Denial based upon the
7 nature and recency of Ms. Lott's criminal history, as
8 well as the failure to disclose her 2007 arrest, which
9 resulted in the ARD. Ms. Lott requested a hearing,
10 which was held on April 26, 2011. Both she and OEC
11 appeared and offered evidence. Ms. Lott admitted to
12 her arrest, explaining that she was young at the time,
13 she now realizes that her actions were wrong.

14 With respect to her alleged failure to
15 report her 2007 arrest, Ms. Lott indicated that she
16 intended to report, but she didn't have all of the
17 information available to her and the Board's computer
18 application did not allow her to continue without some
19 required fields filled in, so she wasn't able to
20 actually complete the application and therefore left
21 the areas blank. Subsequent to Ms. Lott's hearing,
22 the Hearing Officer issued a Report and
23 Recommendation, recommended that her application be
24 denied, primarily because of the recency of her 2006
25 arrest and conviction.

1 The Hearing Officer did find merit in Ms.
2 Lott's explanation for not reporting her 2007 arrest.
3 And the Board --- the OCC believes that the Board
4 can't consider that arrest in and of itself because of
5 the ARD disposition. So at this point in time the
6 Report and Recommendation recommending the Denial of
7 Ms. Lott primarily based upon her 2006 conviction for
8 retail theft.

9 CHAIRMAN:

10 Thank you. Is Ms. Lott here today? Are
11 there questions or comments from the Board?

12 MR. GINTY:

13 I have a couple, ---

14 CHAIRMAN:

15 Yes.

16 MR. GINTY:

17 --- Mr. Chairman.

18 CHAIRMAN:

19 Commissioner Ginty.

20 MR. GINTY:

21 Just the Hearing Officer found that she
22 should not be held responsible for failure to report
23 the ARD because our system would not accept the
24 information she had in hand?

25 ATTORNEY COOK:

1 That's correct.

2 MR. GINTY:

3 Secondly, we cannot as a matter of law
4 consider the subsequent ARD offenses?

5 ATTORNEY COOK:

6 That's correct. Under the Gaming Act, a
7 person is required to report criminal arrests that
8 result in ARD; however, if reported the Board can't
9 take the actual ARD into account or use it against a
10 person under the criminal history record.

11 MR. GINTY:

12 Notwithstanding the fact that we see it?

13 ATTORNEY COOK:

14 Correct.

15 MR. GINTY:

16 We cannot consider it?

17 ATTORNEY COOK:

18 Correct.

19 MR. GINTY:

20 And as I understand it Ms. Lott had just
21 turned 18 at the time of the initial offense?

22 ATTORNEY COOK:

23 I believe --- yes, she was 18 in one
24 month.

25 MR. GINTY:

1 She's about 23 now?

2 ATTORNEY COOK:

3 Correct.

4 MR. GINTY:

5 I have no further questions.

6 CHAIRMAN:

7 Thank you, Commissioner Ginty.

8 Commissioner Trujillo.

9 MR. TRUJILLO:

10 I have more of a comment than a question.
11 As I mentioned yesterday, I'm very concerned about
12 this --- the positions that this put applicants ---
13 potential applicant in. The notion --- particularly
14 we have an 18, 20, 22 year old that the judicial
15 system is complicated enough for most folks, as though
16 if somebody is pleading or taking on an ARD
17 disposition to a minor event in their life --- major
18 event in their life, but a minor infraction when
19 they're 18, 20, 22, 24, whatever it is. In my
20 experience when I was a prosecutor very often people
21 didn't know exactly what it was that they were doing.
22 They may say they're guilty, but oftentimes would not
23 know that they could plead guilty, on probation,
24 though they've been arrested and this is a crazy thing
25 that makes it very easy for folks to be confused. And

1 particularly if they're told that you have ARD, that
2 you're not going to have a record, the record would be
3 expunged. And then we're asking them if they've ever
4 been arrested after they've been told in the future
5 this would not impact their lives.

6 I'm very concerned, I think that we're
7 almost creating by that type of process, a situation
8 where people almost inviting them to do wrong and to
9 not write the information that we're asking for. So,
10 this --- I'll make this comment. Not directly as it
11 applies, but most recently in Philadelphia I know that
12 for instance that there is a policy change on how
13 small amounts of marijuana would be handled. Much of
14 it would be handled through ARD dispositions and I
15 suspect that we will see people who will have had some
16 sort of a --- and it will be treated as summary
17 offensives, not even a misdemeanor in any way.

18 So, I suspect that we're going to have
19 people who are going to go through ARD dispositions,
20 they'll come in and they'll fill out an application
21 and the application will ask them if they've ever been
22 arrested and convicted of a criminal offense. And
23 they're put instead in an option dilemma and I think
24 that that is a dilemma that's being created and
25 they're prejudice and I think for which they have no

1 fault. So, I just would urge anybody who is
2 interested in what I believe is an injustice in trying
3 to find and create ways in dealing with those.
4 Perhaps somebody may want to make some change in the
5 law at some point. Thank you, Mr. Chairman, that's
6 all I have.

7 CHAIRMAN:

8 Thank you. Any other questions from the
9 Board? Can I have a motion, please?

10 MR. GINTY:

11 Yes, Mr. Chairman, I move that the Board
12 issue an order to reject the Report and Recommendation
13 of the OHA, regarding the Non-Gaming Employee
14 Registration of Medina Lott, as described by the OCC,
15 and Ms. Lott be granted the Non-Gaming Employee
16 Registration.

17 MR. MCCALL:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion passes.

24 ATTORNEY COOK:

25 Next for the Board's consideration is a

1 Report and Recommendation related to Eduardo Ortiz.
2 On March 23rd, 2011, Mr. Ortiz submitted a Non-Gaming
3 Employee Application seeking work as a shift manager
4 for internal maintenance at Sands Bethworks. Mr.
5 Ortiz indicated on his application that he had been
6 arrested. However, during BIE's investigation found
7 Mr. Ortiz had several arrests spanning a 20-year
8 period from 1985 to 2005. The OEC issued a Notice of
9 Recommendation of Denial based upon Mr. Ortiz's
10 failure to disclose his history. After receiving the
11 notice, Mr. Ortiz requested a hearing. It was held on
12 May 24th, 2011 before the OHA. And although he
13 received proper notice, Mr. Ortiz did not attend the
14 hearing and it was therefore held in his absence.
15 Subsequent thereto the Hearing Officer issued a Report
16 and Recommendation recommending the Denial of Mr.
17 Ortiz's Non-Gaming Application based upon his non-
18 disclosure of his criminal history. This Report and
19 Recommendation is before the Board.

20 CHAIRMAN:

21 Thank you. Is Mr. Ortiz present today?
22 Any questions from the Board? Can I have a motion
23 please?

24 MR. MCCALL:

25 Mr. Chairman, I move that the Board issue

1 an Order to adopt the Report and Recommendation of the
2 OHA regarding the Non-Gaming Employee Registration of
3 Eduardo Ortiz, as described by the OCC.

4 CHAIRMAN:

5 Second?

6 MR. MOSCATO:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? The Motion passes.

13 ATTORNEY COOK:

14 Robert DeBarth is the next matter before
15 the Board, by way of Report and Recommendation. Mr.
16 DeBarth filed a letter with the Board on February
17 10th, 2011 requesting that the Board grant him
18 permission to carry his firearm into a licensed casino
19 in Pennsylvania. Mr. DeBarth states in his letter
20 that he has a Pennsylvania License to carry concealed
21 weapon for over 20 years. He carries large sums of
22 money and when he travels to the licensed facility he
23 should be able to arm himself for purposes of
24 protection. He further indicated in his letter that
25 the issue of leaving the firearm in his vehicle even

1 if unloaded, he thought that was a risk, a greater
2 risk than carrying it.

3 The letter was referred to the OHA to be
4 treated as a Petition for Relief of the Board's
5 regulations, which require unless compelling reasons
6 are shown that people other than licensed law
7 enforcement officers not carry firearms in a casino.
8 The OHA subsequently served the OEC who responded to
9 the letter objecting to the Request of Relief. And as
10 such a hearing was scheduled and held on June 14th,
11 2011. Mr. DeBarth, although he received notice of the
12 hearing, did not attend the hearing. And as a result
13 he didn't put on any evidence to show the compelling
14 reason needed to overcome our regulation.

15 As a result, the Hearing Officer issued a
16 Report and Recommendation denying his request and that
17 Report and Recommendation is presently before the
18 Board.

19 CHAIRMAN:

20 Thank you. Is Mr. DeBarth here today?
21 Any questions from the Board? Can I have a motion
22 please?

23 MR. MOSCATO:

24 Mr. Chairman, I move that the Board issue
25 an Order to adopt the Report and Recommendation of the

1 OHA regarding the Petition of Robert DeBarth, as
2 described by the OCC.

3 CHAIRMAN:

4 Can I have a second?

5 MR. SOJKA:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 ALL SAY AYE

10 CHAIRMAN:

11 Opposed? The motion passes.

12 ATTORNEY COOK:

13 The next Report and Recommendation before
14 the Board is Darrell Fittimon. Mr. Fittimon was
15 issued a Gaming Employee Permit in December of 2006 to
16 work as a Guest Safety Officer at Harrah's Chester.
17 Mr. Fittimon was promoted in November of 2008 to the
18 position of Security Shift Supervisor at Harrah's. He
19 was given a Temporary Key Employee credential from the
20 Board to work in that capacity until a Key Employee
21 Application was submitted and the requisite background
22 investigation completed.

23 On January 9, 2009, he submitted those
24 forms. Subsequently the OEC issued a Notice of
25 Recommendation of Denial based on the allegation that

1 Mr. Fittimon lacks the financial stability or
2 suitability to hold a Key Employee License. We
3 proposed the position based primarily on debt issues
4 and Federal Tax obligations that this gentleman had.

5 A hearing was held on May 5th, 2011 with
6 both the OEC and Mr. Fittimon appearing and offering
7 evidence. Mr. Fittimon testified that he had money
8 withheld from each paycheck to pay off his outstanding
9 tax obligation. He continues to make payments for
10 child support, he holds two jobs, has no criminal
11 history, has successfully performed his job as
12 Security Shift Manager since 2008.

13 In essence Mr. Fittimon testified and put
14 on evidence that he had financial issues, but was
15 attempting to get out from under them. As a result of
16 the evidence received a Report and Recommendation was
17 issued recommending that this gentleman be granted his
18 Key Employee License or that at least that he be
19 referred back to hearing --- the OEC so they can
20 complete their suitability report. And it was
21 subsequently it was determined it should be issued.
22 And that Report and Recommendation is present before
23 the Board.

24 CHAIRMAN:

25 Is Mr. Fittimon here today? Any

1 questions from the Board?

2 MR. SOJKA:

3 Yes.

4 CHAIRMAN:

5 Commissioner Sojka.

6 MR. SOJKA:

7 Yes, I have again some questions and also
8 a little bit like Commissioner Trujillo, I want to
9 make somewhat of a statement because this case has
10 represented a significant problem for me as I try to
11 work through this situation. It strikes me that the
12 reason that we worry about a person's financial
13 suitability is essentially a three-fold issue. First,
14 we look at their ability to manage their affairs as
15 sort of a character issue. You know, are they
16 organized enough, are they responsible enough
17 themselves to stay out of financial difficulty.

18 Secondly, and special to this business,
19 to Gaming Regulation, persons in some serious
20 financial difficulty, people with financial
21 obligations if they're having significant problems
22 meeting, not the trivial matters with your core
23 issues, like supporting a family, child support,
24 personal maintenance and so on, can be vulnerable to
25 persons who might prey on their financial

1 vulnerability to get them to do something that they
2 might not otherwise do. And thirdly, we are very
3 concerned about tax issues, to make sure that people
4 are current on their taxes and that's to kind of
5 measure their citizenship and their obligation to the
6 State and the Nation.

7 In the case of Mr. Fittimon, I have
8 little trouble with the first part. He in my opinion
9 has provided an adequate explanation for why he's in
10 this financial difficulty. I of course worry about
11 Mr. Fittimon's vulnerability and someone might take
12 advantage of it, but we have a record that he has been
13 performing and that he has no criminal record and that
14 he's doing his job. So, I'm willing to dismiss that.
15 But I have this lingering concern about taxes.

16 So, if I'm to vote to essentially allow
17 Mr. Fittimon to continue with his license, I'd like to
18 have some indication that maybe before the three year
19 renewal period or at least making a special issue at
20 three year renewal period, to make sure that Mr.
21 Fittimon is current with his taxes and is making every
22 effort to pay those taxes. So, my question then to
23 you, Mr. Cook, is can we condition this issue relating
24 to taxes?

25 ATTORNEY COOK:

1 I believe a condition can be imposed upon
2 this gentleman's license, were the Board to grant it,
3 that he could give periodic reports as to the status
4 of the tax situation.

5 MR. SOJKA:

6 And again for our records, I want to make
7 sure the Recommendation that we would either adopt or
8 reject is to allow Mr. Fittimon to get his license.

9 ATTORNEY COOK:

10 That is true, I believe in this
11 particular ---.

12 MR. SOJKA:

13 They bind him to it.

14 ATTORNEY COOK:

15 Well I believe in this case OEC and BIE
16 want to complete their investigation and send the
17 suitability report back down to --- for licensing
18 because a Key Employee is both a Gaming and Non-Gaming
19 Employee. So, granting the Board recommendation will
20 have the result of ---

21 MR. SOJKA:

22 Continuing.

23 ATTORNEY COOK:

24 --- continuing the process of
25 investigation in completing the suitability report and

1 have him go through the main process, which the
2 Board's direction would certainly include a
3 Conditional License on the tax issue.

4 CHAIRMAN:

5 Any other questions or comments from the
6 Board? Seeing none, I'll entertain a motion.

7 MR. SOJKA:

8 Yes, Mr. Chairman. I'll try to do that.
9 I move that the Board issue an Order to adopt the
10 Report and Recommendation of the OHA, with the
11 condition that attention be paid to Mr. Fittimon's
12 current tax status and efforts to pay his taxes. And
13 that's with regard to his Key Employee License, as
14 described by the OCC.

15 CHAIRMAN:

16 Second?

17 MR. TRUJILLO:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion passes.

24 ATTORNEY COOK:

25 The final Report and Recommendation

1 before the Board today pertains to Jasmine Reed. On
2 February 15th, 2011, Ms. Reed submitted her
3 application for a Gaming Employee Permit to work as a
4 table games dealer at Harrah's Chester. The OEC
5 issued a Notice of Recommendation of Denial on April
6 21st, 2011, based on their finding that Ms. Reed was
7 not current and is in arrears in tax obligations for
8 the Commonwealth. Specifically having failed to file
9 tax returns for several years.

10 Prior to Enforcement action or
11 Recommendation of Denial being commenced Ms. Reed was
12 advised by BIE in how to remedy the situation, exactly
13 what information she would have to present at the
14 hearing, she requested on the Recommendation of
15 Denial. As a result she did request a hearing, it was
16 held on June 2nd, 2011. However receiving notice of
17 the hearing, Ms. Reed did not appear, did not provide
18 any evidence, and therefore the tax issue that was
19 identified remains and has not been flushed out or
20 defended or dealt with in any way by Ms. Reed. As a
21 result the Report and Recommendation issued by the OHA
22 recommends that her application be denied.

23 CHAIRMAN:

24 Is Ms. Reed here today? Any questions or
25 comments from the Board? Can I have a motion please?

1 MR. TRUJILLO:

2 Mr. Chairman, I move that the Board issue
3 an Order to adopt the Report and Recommendation of the
4 OHA regarding the Gaming Employee Permit of Jasmine
5 Reed, as describe by the OCC.

6 CHAIRMAN:

7 Second?

8 MR. ANGELI:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion passes.

15 ATTORNEY COOK:

16 Next for the Board's consideration are
17 two Emergency Suspensions. The first of which
18 pertains to Antoinette Johnson, who was issued a
19 Non-Gaming Employee Registration on July 27, 2010, was
20 employed as a beverage server at Chester Downs. On
21 June 21st, 2011, the Pennsylvania State Police
22 notified the Board's BIE that Ms. Johnson had been
23 arrested and charged with six felony counts and
24 several misdemeanors related to burglary and assault
25 --- related to an alleged burglary and assault.

1 As a result of these charges the OEC
2 filed a request for Emergency Order of Suspension,
3 which the Executive Director signed on July 5th of
4 2011. The Board regulations require that the
5 Temporary Emergency Order be presented to the Board
6 within ten days and the Board will determine whether
7 they will hear the matter at a hearing itself or
8 whether it be referred to the OHA. This matter --- we
9 would recommend the matter be referred to the OHA for
10 a full evidentiary hearing and that the Emergency
11 Order of Suspension remain in place until the matter's
12 dealt with by the Board.

13 CHAIRMAN:

14 Is Ms. Johnson here today? Any questions
15 or comments from the Board? Can I have a motion
16 please?

17 MR. ANGELI:

18 Mr. Chairman, I move that the Board issue
19 an Order to extend the Emergency Suspension of
20 Antoinette Johnson's Non-Gaming Employee Registration.
21 And that the matter be referred to the OHA for a
22 hearing to determine the validity of the Emergency
23 Suspension.

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion passes.

6 ATTORNEY COOK:

7 The next and final matter under the OCC
8 report is another Emergency Suspension. This one
9 pertaining to Vanessa Francies. Ms. Francies was
10 issued a Non-Gaming Employee Registration on March
11 17th, 2010. She was employed as an EVS Attendant at
12 Chester Downs. On June 27th, 2011, the Pennsylvania
13 State Police Gaming Enforcement Office notified BIE
14 that Ms. Francies was arrested and charged with 16
15 counts of receiving stolen property and 6 counts of
16 unlawful taking. As a result of these charges the OEC
17 again requested an Emergency Suspension from the
18 Executive Director which Mr. O'Toole signed on July
19 11th, 2011. As indicated earlier the question before
20 the Board now is to conduct an evidentiary hearing.

21 We would recommend again that this matter
22 be referred to the OHA to have a hearing and issue a
23 Report and Recommendation that will come up to the
24 Board at a later meeting. And that in the interim
25 that the Board has the opportunity to fully address

1 each matter and the Suspension remain in place.

2 CHAIRMAN:

3 Is Ms. Francies here today? Any
4 questions or comments from the Board? Can I have a
5 motion please?

6 MR. GINTY:

7 Mr. Chairman, I move that the Board issue
8 an Order to extend the Emergency Suspension of Vanessa
9 Francies' Non-Gaming Employee Registration and the
10 matter be referred to the OHA for a hearing to
11 determine the validity of the Emergency Suspension
12 Order.

13 MR. MCCALL:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion passes. Thank you,
20 Steve.

21 ATTORNEY SHERMAN:

22 That concludes the matters of the OCC.

23 CHAIRMAN:

24 Thank you, Doug. Next we have Susan
25 Hensel, Director of Licensing. Susan, I see your

1 first order of business is Board consideration of the
2 Renewal of Presque Isle's License. I note for the
3 record since the Board has now unanimously voted to
4 grant OEC and Presque Isle's motions to strike the
5 Petition of Mr. Rubino and Passport Realty, which
6 sought to object to Presque Isle's Renewal, that the
7 Renewal is in fact ripe for Board consideration. And
8 with that, Susan, you may begin.

9 MS. HENSEL:

10 Thank you, Chairman Fajt and Members of
11 the Board. As you stated the first order of
12 consideration is the Renewal of the Presque Isle
13 Downs, Inc., Category 1 License. The License Renewal
14 Hearing for this entity has been held and the record
15 is now closed. As a result the License Renewal is now
16 ready for Reconsideration. No issues regarding
17 Presque Isle Downs have been identified by either the
18 BIE or the Bureau of Licensing, which would preclude
19 renewal of a Category 1 License.

20 I provided you with a draft Order for
21 this entity and ask that the Board consider the Order
22 to Renew the Category 1 License for Presque Isle
23 Downs.

24 CHAIRMAN:

25 Thank you, Susan. Any questions or

1 comments from Enforcement Counsel?

2 ATTORNEY PITRE:

3 No questions, no comments and no
4 objection.

5 CHAIRMAN:

6 Any questions or comments from the Board?
7 Can I have a motion please?

8 MR. MCCALL:

9 Mr. Chairman, I move that the Board
10 approve the Renewal of Presque Isle Downs Slot Machine
11 License, as described by the Bureau of Licensing.

12 CHAIRMAN:

13 Second?

14 MR. MOSCATO:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 ALL SAY AYE

19 CHAIRMAN:

20 Opposed? The motion passes.

21 MS. HENSEL:

22 The next matter for consideration is the
23 approval of a Table Games Manufacturer License for
24 Tech Art, Inc. Tech Art, Inc., is currently
25 Conditionally Licensed as a Table Technician

1 Manufacturer. Tech Art manufactures a whole card
2 reader which is used in the game of blackjack to
3 verify that the dealer has blackjack. The BIE has
4 completed its investigation of the Company and the
5 Bureau of Licensing has provided casework background
6 investigation and suitability report. No issues were
7 identified that would preclude licensure. I have
8 provided you with a draft Order of Tech Art, Inc.
9 I'll ask that the Board consider the Order.

10 CHAIRMAN:

11 Thank you. Any questions or comments
12 from OEC?

13 ATTORNEY PITRE:

14 We have no objection.

15 CHAIRMAN:

16 Thank you. Questions from the Board?
17 Can I have a motion please?

18 MR. MOSCATO:

19 Mr. Chairman, I move the Board approves
20 the Table Games Manufacture License of Tech Art,
21 Incorporated, as described by the Bureau of Licensing.

22 CHAIRMAN:

23 Second?

24 MR. SOJKA:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion passes.

6 MS. HENSEL:

7 We also have for your consideration the
8 approval of Principal and Key Employee Licenses.
9 Prior to this meeting the Bureau of Licensing had
10 provided you with a Proposed Order for one Principal
11 and two Key Employee Licenses for Chester Downs and
12 Marina, LLC, and Aristocrat Technology, Inc. I ask
13 that the Board consider the Order of approving these
14 Licenses.

15 CHAIRMAN:

16 Any objections from the OEC?

17 ATTORNEY PITRE:

18 No objection.

19 CHAIRMAN:

20 Questions from the Board? Can I have a
21 motion please?

22 MR. SOJKA:

23 Yes, Mr. Chairman. I'll move that the
24 Board approve the issuance of Principal and Key
25 Employee Licenses, as described by the Bureau of

1 Licensing.

2 CHAIRMAN:

3 Second.

4 MR. TRUJILLO:

5 Second.

6 CHAIRMAN:

7 All in favor

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion passes.

11 MS. HENSEL:

12 Next are Temporary Principal and Key
13 Employee Licenses. Prior to this meeting the Bureau
14 of Licensing provided you with an Order regarding the
15 issuance of Temporary Licenses for 2 Principal and 17
16 Key Employees. I ask that the Board consider the
17 Order approving these Licenses.

18 CHAIRMAN:

19 Any objection from OEC?

20 ATTORNEY PITRE:

21 We have no objection.

22 CHAIRMAN:

23 Questions from the Board? Can I have a
24 motion please?

25 MR. TRUJILLO:

1 Mr. Chairman, I move that the Board
2 approve the issuance of Temporary Principal and Key
3 Employee Credentials, as described by the Office ---
4 Bureau of Licensing.

5 CHAIRMAN:

6 Thank you. Can I have a second?

7 MR. ANGELI:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion passes.

14 MS. HENSEL:

15 There are also Gaming Permits and
16 Non-Gaming Registrations. Prior to this meeting, the
17 Bureau of Licensing provided you with a list of 764
18 individuals who the Bureau has granted Occupation
19 Permits to and 168 individuals the Bureau has granted
20 Registrations to under the authority delegated to the
21 Bureau of Licensing. I ask that the Board adopt the
22 motion approving the Order.

23 CHAIRMAN:

24 Any objection from OEC?

25 ATTORNEY PITRE:

1 No objection.

2 CHAIRMAN:

3 Questions from the Board? Can I have a
4 motion please?

5 MR. ANGELI:

6 Chairman, I move that the Board approve
7 the issuance of Gaming Employee Permits and Non-Gaming
8 Employee Registrations, as described by the Bureau of
9 Licensing.

10 MR. GINTY:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE

15 CHAIRMAN:

16 Opposed? The motion passes.

17 MS. HENSEL:

18 In addition we have withdrawals of
19 Licenses for Key Employees, Gaming and Non-Gaming
20 Employees. In each case the License number and
21 registration is no longer required. For today's
22 meeting I have provided the Board with a list of 5 Key
23 Employees and 31 Gaming and 8 Non-Gaming withdrawals,
24 for approval. I ask that the Board consider the
25 Orders approving this list of withdrawals.

1 CHAIRMAN:

2 Any objection from the OEC?

3 ATTORNEY PITRE:

4 No objection.

5 CHAIRMAN:

6 Questions from the Board? Can I have a
7 motion please?

8 MR. GINTY:

9 Mr. Chairman, I move that the Board
10 approve the withdrawals, as described by the Bureau of
11 Licensing.

12 MR. MCCALL:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion passes.

19 MS. HENSEL:

20 The next matter for your consideration is
21 the approval of Gaming Junket Enterprise License for
22 JB Junket and Tours, LLC. The BIE has completed its
23 investigation of this Company and the Bureau of
24 Licensing has provided you with the background
25 investigation and suitability report. No issues were

1 identified that would preclude Licensure. I have
2 provided you with a draft Order approving a Gaming
3 Junket Enterprise License for JB Junket and Tours,
4 LLC, and ask that the Board consider the Order.

5 CHAIRMAN:

6 Any objection from the OEC?

7 ATTORNEY PITRE:

8 No objection.

9 CHAIRMAN:

10 Questions from the Board? This is our
11 first Junket Licensee?

12 MS. HENSEL:

13 There was nothing in the report.

14 CHAIRMAN:

15 Thank you. Any other questions? Okay.

16 Can I have a motion please?

17 MR. MCCALL:

18 Mr. Chairman, I move that the Board issue
19 an Order to approve the Gaming Junket Enterprise
20 License of JB Junket and Tours, LLC, as described by
21 the Bureau of Licensing.

22 CHAIRMAN:

23 Second?

24 MR. MOSCATO:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion passes.

6 MS. HENSEL:

7 In addition, we have an Order to Certify
8 the following Gaming Service Providers; AMA Systems,
9 LLC, American Interiors, Inc., Arraya Solutions, Inc.,
10 Bracalente Construction, Inc., Carnegie, PA, LLC,
11 Eastern Exterior Walls System, Inc., Hot Dog Hall of
12 Fame, Innerwireless, Inc., JR MSPD, LLC, Kronos, Inc.,
13 Singer Equipment Company, Southwest Aluminum and Glass
14 Company, Inc., Southwest Surveillance Group, Tierney
15 and Partners, Inc., and U.S. Food Service, Inc. I ask
16 that the Board consider the Order approving these
17 Gaming Service Providers for Certification.

18 CHAIRMAN:

19 Any objection from the OEC?

20 ATTORNEY PITRE:

21 No objection.

22 CHAIRMAN:

23 Any questions from the Board? Can I have
24 a motion please?

25 MR. MOSCATO:

1 Mr. Chairman, I move that the Board issue
2 an Order to approve the Application for Gaming Service
3 Provider Certifications, as described by the Bureau of
4 Licensing.

5 CHAIRMAN:

6 Second?

7 MR. SOJKA:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion passes.

14 MS. HENSEL:

15 Next we have an Order regarding Gaming
16 Service Provider Registrations. The Bureau of
17 Licensing provided you with an Order and a list of 12
18 registered Gaming Service Providers. I ask that the
19 Board adopt the Motion approving the Order of
20 registering these Gaming Service Providers.

21 CHAIRMAN:

22 Any objection from OEC?

23 ATTORNEY PITRE:

24 No objection.

25 CHAIRMAN:

1 Any questions from the Board? Can I have
2 a motion please?

3 MR. SOJKA:

4 So moved.

5 CHAIRMAN:

6 Second?

7 MR. TRUJILLO:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion passes.

14 MS. HENSEL:

15 Finally we have 17 Gaming Service
16 Provider Applications that the Bureau is requesting be
17 abandoned. Fifteen (15) of these companies filed
18 applications, but fail to complete the application
19 despite the Bureau of Licensing's multiple efforts to
20 contact the companies. The final two companies also
21 failed to complete their applications and are to the
22 best of the Bureau of Licensing knowledge of the
23 business. Under the regulations, the Board has the
24 ability to consider an application abandoned if the
25 applicant fails to provide information necessary to

1 cure application deficiencies. I ask that the Board
2 consider the Order declaring these applications
3 abandoned. The companies are AKS Commercial
4 Installations, Architectural Railings and Grilles,
5 Inc., Baco Enterprises, Inc., Casillas, Inc., Casino
6 Training Enterprises, LLC, CSB Technology Partners,
7 LLC, David Yakabouski Flooring, McFarland-Johnson,
8 Inc., TOMCAT USA, Inc., Alpine H2O, Inc., Imperial
9 Security, Phillips Corps d/b/a Equipco, Prepcheck Food
10 Safety and Sanitation Services, Inc., Sterling Testing
11 Systems, Incorporated, The Home Depot Supply, Inc.,
12 Gebruder Hepp doing business as Hepp Germany and
13 Mikohn Signs and Graphics, LLC. I ask that the Board
14 consider the Orders abandoning these applications.

15 CHAIRMAN:

16 Any objection from OEC?

17 ATTORNEY PITRE:

18 No objection.

19 CHAIRMAN:

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

22 MR. TRUJILLO:

23 Mr. Chairman, I move the Board issue the
24 Orders to approve the abandonment of the Gaming
25 Service Provider Applications, as described by the

1 Bureau of Licensing.

2 MR. ANGELI:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion passes.

9 MR. HENSEL:

10 That concludes the Bureau of Licensing's
11 presentation.

12 CHAIRMAN:

13 Thank you very much. Next up is our
14 Chief Enforcement Counsel, Cyrus Pitre. And I see Nan
15 Davenport is also here, welcome. As we begin with
16 Enforcement Counsel, I just want to remind anyone who
17 addresses the Board to please state and spell your
18 name for the stenographer before beginning. I see the
19 first item today, proposed Consent Agreement between
20 the OEC and Mount Airy #1, LLC. I also see that their
21 representative's here from Mount Airy. So both of you
22 are lawyers? I note Ms. Asbury, are you a lawyer?

23 MS. ASBURY:

24 No, I'm the Director of Security.

25 CHAIRMAN:

1 Okay. Could you please stand to be sworn
2 in?

3 -----
4 LEANNE ASBURY, HAVING FIRST BEEN DULY SWORN, TESTIFIED
5 AS FOLLOWS:

6 -----
7 CHAIRMAN:

8 Thank you. Enforcement Counsel, you may
9 begin.

10 ATTORNEY DAVENPORT:

11 Thank you. Good afternoon, Chairman and
12 Commissioners. My name is Nan Davenport,
13 D-A-V-E-N-P-O-R-T. I'm the Deputy Chief Enforcement
14 Counsel for the OEC. Today we have for the Board's
15 consideration a Consent Agreement between the OEC and
16 Mount Airy #1, LLC. According to section 1518(a)(13)
17 of the Gaming Act, it shall be unlawful for an
18 individual under 21 years of age to enter or remain in
19 any area of a licensed facility where slot machines
20 are operated or the play of table games is conducted.
21 According to section 1518(a)(13.1) of the Act, it
22 shall be unlawful for an individual under 21 years of
23 age to wager, play or attempt to play a slot machine
24 or table games at a licensed facility.

25 Section 513a.2(d) of the Board's

1 regulations provide that an individual under 21 years
2 of age may not collect in any manner or in any
3 proceeding, whether personally or through an agent,
4 winnings or recover losses arising as a result of any
5 gaming activity. As set forth in the Consent
6 Agreement, on February 19th, 2011, seven individuals
7 between 16 and 17 years of age gained access to Mount
8 Airy's gaming floor after showing the security officer
9 fake identification indicating that they were over 21
10 years of age.

11 In each case the Mount Airy security
12 officers failed to use an identification scanner to
13 verify the individual's identification and only
14 visually inspected the identification before stamping
15 the minors' hands, didn't think that they were over 21
16 years of age. One of the minors sat down at a
17 blackjack table and played a total of two hands before
18 he was apprehended by the Mount Airy Manager. Five
19 other minors sat down at blackjack tables and played a
20 total of 167 hands over approximately 50 minutes
21 before the one minor who was apprehended, alerted in a
22 text message that he had been apprehended. The other
23 minors cashed their chips at Mount Airy's main cage
24 and then left the gaming floor.

25 Pennsylvania State Police assigned to

1 Mount Airy's Gaming Office, apprehended the other six
2 minors in Mount Airy's parking lot. Mount Airy
3 terminated the two security officers who failed to use
4 that identification scanner to verify the individual's
5 identification. As set forth in the Consent
6 Agreement, we agree that Mount Airy should pay a civil
7 penalty in the amount of \$160,000, 1/3 of which is
8 payable within 20 days of the day of approval by this
9 Board. And 1/3 is payable 30 days thereafter and the
10 balance 30 days --- by 30 days thereafter. The OEC
11 recommends that the Board approve this Consent
12 Agreement.

13 CHAIRMAN:

14 Thank you. Are there any comments from
15 Mount Airy?

16 ATTORNEY SKLAR:

17 Thank you, Mr. Chairman and Members of
18 the Board. Michael Sklar, S-K-L-A-R, on behalf of
19 Mount Airy. I'm not going to sit here and try to make
20 any excuses, it's completely unacceptable what
21 happened. And I asked that Leanne Asbury, the
22 Director of Security be present today to describe for
23 you some measures that they've implemented subsequent
24 to this incident to make sure that this type of
25 incident doesn't happen again in the future.

1 MS. ASBURY:

2 Good afternoon, Chairman and Members of
3 the Board. I am Leanne Asbury, A-S-B-U-R-Y, Director
4 of Security at Mount Airy Casino. On February 19th,
5 the seven individuals that did gain access onto the
6 casino floor, were underage, they were hand stamped by
7 the security officers, as well as the security
8 officers did visually inspect their identification,
9 however, failed to scan the identifications.

10 The security then implemented resource
11 control, such as identification scanners, the black
12 lights, in order to use that guide and reference for
13 instances such as this. With the security officers
14 unfortunately not identifying the individuals as
15 underage, they were subsequently suspended and then
16 terminated at a later date for the incident. The 4:00
17 p.m. to midnight shift was the shift that this
18 occurred on, so what we have implemented with security
19 is a new way of coming in and out at the main casino
20 and the front lobby.

21 Where it was a two way in and out, it is
22 now a one way. You can only come in one way and go
23 out one way. It's not on both sides, so that way both
24 security officers that are there, one security officer
25 will take the ID and the other security officer will

1 scan the identification, another security officer will
2 issue the hand stamp. So that way it provides some
3 due diligence, as well as vigilance to ensure that any
4 identifications that are scanned are legitimate and
5 they are acceptable, obviously, you know, through the
6 four forms that we do accept.

7 We also actually implemented the curfew
8 policy to deter anybody under the age of 21 on
9 property from Monday through Thursday, curfew policy
10 is at 10:00 p.m. Anyone that is under the age of 21
11 that attempts to go to the dining area or anything at
12 Mount Airy, will be told that they simply cannot.
13 They have to stay at the lower level. If they're
14 hotel guests they have to stay in their hotel room.
15 But it also will tell when a guest signs in with their
16 children on Fridays and Saturdays it is midnight. So,
17 unfortunately with the incidents that occurred here,
18 we are continuing to practice due diligence to ensure
19 that minors do not gain access to the floor.

20 Now this incident happened on President's
21 Day weekend, a high volume weekend. I can definitely
22 assure you that we will not have any incidences of
23 minor infractions before, as well as the new wave of
24 entering one way in and out, assisted in ensuring
25 that. And we did also gather quite a few fake

1 identifications where the State Police are contacted.

2 Again, unfortunately with all this, they
3 do sign off, sections sign off on accountability.
4 They are very well aware of the severity as well as
5 Mount Airy, probably nationwide --- we are aware of
6 the severity of the consequences of underage gambling.
7 So, it's not going to be condoned. So, I'm not here
8 to make any excuses for it.

9 CHAIRMAN:

10 Thank you. Any questions or comments
11 from the Board? Commissioner Sojka.

12 MR. SOJKA:

13 I'm curious, again as to what happened to
14 those young people after they were apprehended? They
15 were caught by the State Police in your parking lot.
16 It just cost you --- or it might cost you a ton of
17 money. Are you getting any help to deter that kind of
18 action beyond your own efforts?

19 MS. ASBURY:

20 Well, what happened with that incident
21 the commander did actually see that individual on
22 site. I don't think he was of age. So, we took them
23 off the floor, we notified the Gaming Control Board,
24 State Police that the 16 year old confessed that he
25 had other friends out there. Once he was, quote,

1 broke down, gathered up the other individuals, were
2 rounded up the Pennsylvania State Police. And what
3 they did was they did fine them under the Gaming Act
4 for underage gambling as well as trespass. What their
5 outcome was I'm not sure. Mount Airy has now also
6 implemented, under myself, that if an individual is
7 caught gambling, we do trespass them, as well their
8 parents because parents are, you know, when they're 16
9 to 18 years of age they're also held accountable for
10 their children. So we do send out a certified
11 trespass letter under the Title 18.

12 MR. SOJKA:

13 Thank you.

14 CHAIRMAN:

15 Other questions or comments?

16 Commissioner Trujillo.

17 MR. TRUJILLO:

18 What were the security guards fired for?

19 What was the precise nature of the firing?

20 MS. ASBURY:

21 They were terminated for failure to abide
22 by internal controls, using identification scanners to
23 scan each and every ID.

24 MR. TRUJILLO:

25 And so as I understand it, the breakdown

1 ultimately as best I can tell --- that breakdown then
2 is not because you didn't have internal controls and
3 did not meet the requirements that they be scanned,
4 but the security guards didn't do what they're
5 supposed to do?

6 MS. ASBURY:

7 Correct.

8 MR. TRUJILLO:

9 And so is there an issue, I mean, given
10 the number of issues in the past, is there something
11 that we're missing here that it's difficult to find
12 security guards who can do this or ---? I'm just
13 really amazed at how we're hearing it at this level.
14 So, I didn't hear anything more about what you're
15 doing with the security guards, including training to
16 make sure this doesn't become a problem.

17 MS. ASBURY:

18 There's a continued training for the new
19 hires, 90 day probationary period where they will go
20 over, as well as myself go over identification checks
21 and driver's license checking, that's also posted at
22 each entrance, as well as scanners, the black light,
23 how to use the resources and controls that we do
24 provide. After the 90 day probationary period, each
25 of them may have a make it, break it period where, you

1 know, hopefully they will make it and will continue to
2 go on, but to state the classification of continuing
3 to practice due diligence and vigilance and to
4 communicate effectively with the shift managers.

5 MR. TRUJILLO:

6 And were these two individuals, had they
7 completed their 90 day probation?

8 MS. ASBURY:

9 Yes.

10 CHAIRMAN:

11 I'm sorry. Yes, Mr. Sklar.

12 ATTORNEY SKLAR:

13 I just wanted to comment in response to
14 Commissioner Trujillo. I think that the ---
15 ultimately at each casino, commonly and certainly at
16 the casinos that we represent, that the security
17 officers certainly understand what the proper
18 procedures are. But like anything, they're human and
19 for whatever reason --- there's no excuse --- they
20 just don't follow the procedures. From the casino's
21 perspective, we're certainly aware of the penalty and
22 the fines are getting, you know, much more
23 significant. I think Commissioner Ginty at one of our
24 prior Consent Agreement hearings --- I think it was
25 actually Mount Airy, we got into a discussion about on

1 the --- really what needs --- we think what needs to
2 happen. On the other side there needs to be a penalty
3 --- more severe penalty on the underage.

4 Right now the Gaming Act provides that
5 applying a \$200 to \$1,000 and certain community
6 service, in terms of enforcement there certainly been
7 instances for example at The Rivers, where an underage
8 did go before the magistrate and no fine was levied
9 and he was given ten hours of community service. So,
10 not much of a deterrent. So, I think that there needs
11 to be a balance in, you know, like we discussed.
12 We've certainly been engaged by lobbyists to make
13 efforts to get a more severe penalty and we're working
14 on it. But certainly from the casino's perspective,
15 we don't condone this and we understand the penalties.

16 CHAIRMAN:

17 Ms. Davenport.

18 ATTORNEY DAVENPORT:

19 I just wanted to comment to one of the
20 things that I think was set forth in the Consent
21 Agreement, I just want to bring up, was through the
22 nature of the training of the security officers,
23 there's also numerous missed opportunities by a
24 bartender, by table games staff, dealers, the cage,
25 individuals. That I think the training needs to be

1 more widespread, it should be everyone. All the
2 employees of the facility are responsible for
3 identifying and preventing underage individuals from
4 being on the floor and playing.

5 CHAIRMAN:

6 Commissioner Ginty. Thank you.

7 MR. GINTY:

8 Just a couple of points. Mr. Sklar,
9 thank you for your efforts. You know, we have
10 certainly provided disincentives to the casinos in
11 terms of being lax here. And those disincentives keep
12 getting larger. So, I mean I think we have to look at
13 other qualities. One is what happens after you catch
14 somebody, with respect to if their parents,
15 grandparents are involved. I would hope you would
16 report that, parents and grandparents, to the OEC and
17 the OEC had an opportunity to post those people for
18 the exclusion list. My curiosity, these security
19 jobs, just not at Mount Airy, but other places, are
20 very good jobs. And you know, I find it difficult to
21 understand how some of these security people can
22 endanger their jobs, endanger themselves by being lax.
23 So, I'm curious what type of excuse did they give you
24 for not scanning these licenses?

25 MS. ASBURY:

1 One excuse from the one security officer
2 was that he agrees with the above statement, but he
3 also did card 450 plus people and he was trying to get
4 everyone through that appeared to be 30 years of age
5 or younger, he was trying to turn people away left and
6 right for false IDs. That was the excuse that he gave
7 us at his disciplinary and the other officer did not
8 comment. He wasn't there actually.

9 MR. GINTY:

10 I mean when you have --- and I know this
11 was a holiday weekend, I think you mentioned?

12 MS. ASBURY:

13 It was President's Day.

14 MR. GINTY:

15 Okay. And do you beef up your security
16 so that, you know, you don't have one or two security
17 people trying to check, you know, hundreds as they
18 come in the door?

19 MS. ASBURY:

20 I do.

21 MR. GINTY:

22 I have no further questions.

23 CHAIRMAN:

24 I have a couple questions. Ms. Asbury,
25 how long have you been on the job?

1 MS. ASBURY:

2 Since 2006.

3 CHAIRMAN:

4 As Staff reported, how long were these
5 folks on the gaming floor?

6 MS. ASBURY:

7 Approximately 50 minutes.

8 CHAIRMAN:

9 Fifty (50) minutes?

10 MS. ASBURY:

11 Except for the one individual who was
12 apprehended after two hands.

13 CHAIRMAN:

14 Okay. And you brought up a point that I
15 was going make and that is what we heard from casinos
16 all over Pennsylvania, is that this security issue is
17 a top to bottom issue. And everybody in a casino has
18 to be trained, the wait staff, the bartenders, the
19 cashiers, the maintenance men and obviously security
20 guards. And this is really troubling to me. Sixteen
21 (16) to 17 year olds, this is not a 19, 20 year old
22 person who, you know, may have facial hair and look
23 older than they are, have makeup on and look older
24 than they are, these are kids. These are kids,
25 they're 16 years old. I am just absolutely befuddled

1 how that can happen, absolutely befuddled.

2 And, you know, a termination is great, it
3 should happen, but the message needs to be sent from
4 the top of the organization down, everybody needs to
5 have training on identifying these kids. I mean how
6 they can walk on a gaming floor for five minutes
7 without being spotted by somebody is troubling to me.
8 And I'm going to approve the fine. You know what? I
9 don't think it's enough. I don't think it's enough.
10 And the message out there to other people on this
11 issue, you've heard it before these fines are going to
12 continue to go up and the more egregious the
13 circumstances, i.e. 16, 17 year olds --- 14 year olds
14 that get on, the fines will be stifling. Any other
15 questions from the Board? Can I have a motion please?

16 MR. ANGELI:

17 Mr. Chairman, I move that the Board issue
18 an Order to approve the Consent Agreement between the
19 OEC and Mount Airy #1, LLC, as described by the OEC.

20 MR. GINTY:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion passes. The OEC's
2 second item is a proposed Consent Agreement between
3 OEC and Mountainview Thoroughbred Racing Association,
4 its operators are Hollywood Casino. I see that there
5 is a representative from Hollywood here today. And
6 thank you for being here. Enforcement Counsel, you
7 may begin.

8 ATTORNEY MATELEVICH-HOANG:

9 Good afternoon, Chairman Fajt and Members
10 of the Board. I'm Billie Jo Matelevich-Hoang. That's
11 M-A-T-E-L-E-V-I-C-H, hyphen, H-O-A-N-G, on behalf of
12 the OEC. We have today for the Board's consideration
13 a Consent Agreement between the OEC and Mountainview
14 Thoroughbred Racing Association doing business as
15 Hollywood Casino.

16 The Agreement involves one incident of
17 underage gaming. The incident involves a 20 year old
18 male who entered Hollywood's gaming floor on November
19 30th, 2010. The underage male was on the gaming floor
20 for approximately 2 hours and 36 minutes. While on
21 the floor he played 84 hands of blackjack and played
22 the slot machines for six minutes. Throughout the
23 incident he was carded by Hollywood staff on at least
24 three occasions. Two of Hollywood staff believe that
25 he used a fake ID.

1 As result of the incident, Hollywood
2 Casino has purchased additional ID scanners,
3 instituted and continues to promote their
4 Finders/Keepers and 100 days \$100 program. And
5 pursuant to the Consent Agreement, Hollywood has also
6 agreed to continue its policies and provide trainings
7 and reinforcement to their employees regarding
8 underage gaming, which will minimize the opportunity
9 for similar --- similar incidents to occur in the
10 future.

11 In addition, the parties have agreed that
12 within five days of the Board's Order, Hollywood shall
13 pay a civil penalty in the amount of \$40,000 for the
14 underage incident. This fine is consistent with fines
15 levied against other licenses litigated in the past.
16 And if approved, it will be the second time for
17 Hollywood as it pertains to underage gaming since its
18 Renewal on January 8th, 2010. The OEC asks that the
19 Board approve the Consent Agreement, as presented
20 today and we would be happy to answer any questions
21 the Board may have.

22 CHAIRMAN:

23 Thank you, Billie Jo. Any comments from
24 ---? Mr. Burgley (phonetic).

25 MR. BURGLEY:

1 Yes, excuse me. Chairman Fajt and
2 Members, I appreciate the opportunity to address this
3 issue. The more I sit and think about, you know, the
4 last few weeks, I would sit and talk to you guys about
5 this issue. I thought about the usual presentation
6 that regurgitates all the numbers and yet they are
7 significant, the reality is I think, quote,
8 responsibility for this. And I just want to talk to
9 you about it about the heart of the matter. And if I
10 do anything with my comments, I would hope that I
11 leave you with the understanding that we take this at
12 the highest level. We take this very, very, very
13 seriously.

14 You know, when my director of security
15 has to call me at anytime particularly late at night
16 and tell me there was a breakdown on this issue. I
17 promise you that is not a conversation that he wants
18 to have. And I can also tell you that the tone on our
19 property to post a situation like this, there is a
20 high level of anxiety.

21 Mr. Sojka, I heard you talk to Mr. Buro
22 about expense management. And I can tell you that if
23 you had asked me those questions, I would have given
24 you the same comments that he did. As a matter of
25 fact I could probably say that the overall majority,

1 if not all the CEOs that would be asked that question
2 would leave you the same comments because we are
3 hardwired to manage expenses at every line.

4 When you think about the gaming process
5 that we go through to get licensed for this industry,
6 I can also tell you that we are hardwired to manage
7 the integrity of our business. And when you balance
8 the two of those together, I can sit here and tell you
9 that I have never rejected a requisition that was
10 dedicated to this issue. As a matter of fact, I
11 pushed at every opportunity to invest in this issue
12 and to hopefully ensure --- to ensure that to the best
13 of our ability doesn't happen.

14 With that said as was spoken, we sat here
15 last year and gave the same presentation, as I sit
16 here again and I would like to tell you that I promise
17 you and guarantee that I won't be here again and in
18 the future. I don't know that I can do that, but what
19 I can guarantee you is that we will take this at the
20 very highest level and spare no expense whether it be
21 marketing, whether it be HR programs, whether it will
22 be labor, whatever line item it may be. We will spare
23 no expense to try to minimize this as best we can.

24 An example of that in relation to this
25 situation, we just instituted this to our security.

1 What I don't want to do is to manage this with a stick
2 with these folks because I don't know at the end of
3 the day that it's the best way to get their attention
4 because they are never going to bat 1,000. They are
5 going to foul a ball at some point and to keep beating
6 them, I don't think is beneficial. What I would
7 rather do and what we put out here is a program 100
8 for 100. And what that is, is if a security team, the
9 whole department goes 100 days without an event such
10 as this, we pay each of them \$100 bucks. If we can do
11 that for a year, that's the increment of this fine.
12 It will be approximately \$40,000. Quite honestly, I
13 would much rather pay them the \$40,000 to minimize
14 this rather than to pay a fine, honestly. So, it
15 holds responsibility, don't like it all. But I take
16 responsibility.

17 CHAIRMAN:

18 Thank you. Any questions or comments
19 from the Board? Commissioner Trujillo.

20 MR. TRUJILLO:

21 And I appreciate that, I know you do take
22 it seriously. My only concern I think with what Ms.
23 Davenport said earlier, which is clearly it's not just
24 one side. You can't just flip a switch; you got to
25 find other ways to use it as well as on the ground.

1 And I understand that upper management gets it very,
2 very well and I think you understand that the security
3 guards get it very well. Now as Chairman Fajt was
4 saying and to me, it's such a --- such a systemic
5 issue that it does involve more than just the security
6 guards, it involves the bartenders, it involves
7 everybody else. And so to me and the matter here
8 before, the number I heard is \$160,000, they're
9 breaking up the payment in three payments.

10 I think we are getting their attention,
11 but with that \$160,000 I, like you, would much rather
12 see it go to the employees in awarding them for
13 catching them before it happens. And I commend you
14 for trying to come up with innovative ways that you
15 can carry it on 100 for \$100 or whatever. I'm
16 convinced that beyond the security guards --- and most
17 recently I went up Mohegan Sun and just to walk around
18 and see the entry points. And I can see very easily
19 how somebody can turn and two seconds later somebody
20 walks in the door. It's a little harder for me to
21 believe when people don't scan or don't look at
22 somebody's in front of them and then they don't do
23 what they're supposed to do.

24 But to get back to Ms. Davenport's point,
25 I think it really goes way beyond security. It goes

1 beyond the top and beyond the security guard. And
2 it's the rest of the team that I think has to be an
3 effort that is rewarded even at the level --- higher
4 levels beyond the security guards, whether it's the
5 bartender that reports a suspicious potential. They
6 ought to be rewarded too somewhat. So, I appreciate
7 your sincerity and just like Chairman Fajt, I think
8 all of us here are frustrated at something that
9 appears to be missing. And we understand there's
10 going to be a one or two, but when it comes and ---
11 that's what I'm very concerned.

12 And I also appreciate, I noted that you
13 all heard last year, the message that we don't want
14 your business and the billboard that you used. I
15 thought that was --- it's one of the creative ways and
16 hopefully you continue to reach the marketing gurus
17 not only the marketing but for prevention of this.
18 Thank you.

19 CHAIRMAN:

20 Commissioner Sojka.

21 MR. SOJKA:

22 Again, we keep replaying this scenario
23 and I am impressed with your sincerity. And your
24 arguments about watching costs in this environment is
25 to me compelling. And even in this case, plus the one

1 we just looked at and realizing that our
2 responsibility is to regulate this industry and you'll
3 note that we take this seriously and you take it
4 seriously. But following on Chairman Fajt's comments,
5 these numbers are getting astronomical. They're now
6 getting to a point where they could begin to seriously
7 damage bottom lines.

8 And so I think it's time for all of us to
9 step back and take a slightly different view that's
10 been touched by Commissioner Ginty. I heard him
11 mention it earlier. I think we could put some of this
12 in a slightly different frame, if we realize that we
13 have out there in the world a self centered population
14 that is becoming a parasite on your industry. And
15 this situation occurs in many other kinds of
16 situations. I certainly don't want to equate gaming
17 with some of them other --- well, use as an example.
18 But we know in the world of prostitution, people
19 jumping all over prostitutes and robbers and things
20 and they don't stand out. But you put away a few of
21 the customers and it goes away.

22 The same we know is true in the drug
23 industry. That something happens to point of
24 pressure. It has to be more on the people who would
25 take advantage of these things rather than people who

1 are trying to regulate it. And I'm going to continue
2 to ask what's going to happen to these people who get
3 caught. And in the case of Mount Airy, we have one or
4 two of those people who were 16 and 17 and they have
5 that minor thing to worry about. We got a 20 year old
6 here. I don't know what happened to him, I don't know
7 what the police are doing to him, but I want ask the
8 Enforcement Counsel, can we at least consider putting
9 that person that's 20 years old on our exclusion list?

10 ATTORNEY PITRE:

11 It's funny you should mention that.
12 That's the step that I want to take and if the Board's
13 on board with that, I'd be happy to start lining them
14 up and placing them on that exclusion list. And so
15 that they have to petition the Board when they become
16 adults to go inside the casino.

17 MR. SOJKA:

18 And again, I mean, I don't want to be
19 depriving the casinos with future customers, but the
20 point is this is useful if it is heard by the
21 community. If underage people start to get the idea
22 that this isn't a lark, this isn't a joke, this is
23 wanting to see what we can get away with. It's
24 costing this industry piles of money and it's going to
25 cost them more because our obligation is to do as the

1 Chairman says, up the fines. We wouldn't have any
2 other choice. So, I'd love to see the word get out
3 that this is not something you do lightly or you think
4 it's fun because you'll get more than your fingers
5 slapped if you get caught. I think that would help us
6 a lot.

7 MR. BURGLEY:

8 We wholeheartedly agree and not to make
9 any excuses or not, one of our advertising --- as our
10 billboard said, you will be prosecuted and we are
11 still using that billboard and we continue to move
12 that billboard throughout our --- throughout our area.
13 With that said, I have no way of knowing --- there's
14 no reporting process that comes back to me and tells
15 me what actually happened to this individual. But
16 what I have done there and I have done some due
17 diligence through my security folks to find out. To
18 the best of my knowledge, none of these folks have
19 been charged with a crime that the Act --- the Act
20 states.

21 So, any deterrent the last thing in the
22 world I want to see or we want to see is a young
23 person get in trouble for something like this.
24 However, as long as there is no consequences, we're
25 going to continue to fight this.

1 MR. SOJKA:

2 One possibility, I have no idea the legal
3 likelihood or the commercial impact. But you, you
4 know, to the degree that you just been forced to cough
5 up money, do you have redress through the civil courts
6 to try to recover this money through suit?

7 MR. BURGLEY:

8 We talked about it, but I never really
9 yet pushed the envelope.

10 MR. SOJKA:

11 Frankly I'd rather the perpetrator who's
12 trying to beat the law, pay the fine rather than you
13 who's trying to uphold the law.

14 CHAIRMAN:

15 Any other questions or comments? I'll
16 just make one last comment, Mr. Sklar, you're still
17 there and you had mentioned earlier about lobbying,
18 you know, the legislature. I mean I get this is
19 something that, you know, they should be made aware
20 of. I know that there are legislative representatives
21 here for most of our meetings, but, you know, that's
22 something that we would state with the industry if
23 your folks want to pursue that. Okay. Any other
24 questions or comments? Okay. Can I have motion
25 please?

1 MR. GINTY:

2 Chairman, I move that the Board issue an
3 Order to approve the Consent Agreement between the OEC
4 and Mountainview Thoroughbred Racing Association, as
5 described by the OEC.

6 MR. MCCALL:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? The motion passes. Our third
13 Consent Agreement today is between the OEC and WMS
14 Gaming. I see Ms. Jones is here on behalf of WMS and
15 Enforcement Counsel, you may begin.

16 ATTORNEY SACAVAGE:

17 Good afternoon, Chairman Fajt, Members of
18 the Board. My name's Alexandra Sacavage,
19 S-A-C-A-V-A-G-E, on behalf of the OEC. We have today
20 for the Board's consideration a Consent Agreement
21 between the OEC and WMS Gaming. The Agreement
22 involves a March 31st, 2011 incident where WMS shipped
23 software to Presque Isle Downs Casino for use in the
24 Commonwealth that contained a label indicating it was
25 approved software. Upon installation it was

1 discovered the actual software was unapproved for use
2 in the Commonwealth.

3 The error was discovered before release
4 for public play and the software was removed from the
5 games affected. Upon investigation it was discovered
6 that an error was made while running the software.
7 WMS has provided procedure to improve additional
8 process controls for memory drives programming,
9 including detailed instructions to only download
10 software from a holder exclusively containing approved
11 software. Any memory device programmer responsible
12 for this error has been reprimanded and the incident
13 has been documented in the employee file. Finally,
14 WMS' network operations group will implement specific
15 access controls which will only allow for authorized
16 personnel to have access to the software that might
17 contain pending, but unauthorized software.

18 This will eliminate the possibility for
19 any memory device programmer to download software from
20 any other source but the appropriate holder. In
21 addition, the parties have agreed that WMS pay a civil
22 penalty in the amount of \$5,000 for this incident. If
23 approved this will be the first fine for WMS
24 pertaining to unauthorized software since their
25 license renewal.

1 CHAIRMAN:

2 Thank you. Any comments from WMS?

3 MS. JONES:

4 No. Good afternoon, Chairman and Board
5 Members, we would just urge you to adopt the Consent
6 Agreement.

7 CHAIRMAN:

8 Thank you. Any questions from the Board?

9 MR. SOJKA:

10 I think it's clear that some of us are
11 extremely concerned about this business of oversight
12 of software connectivity, technological integrity from
13 someone and certainly I think I find it very --- even
14 though I understand steps are being taken and this is
15 the first time. It probably wouldn't be even
16 impossible to maybe think this through in terms of
17 internal controls and so after the fact, so I'm
18 inclined to be somewhat understanding.

19 But this is also an opportunity to say
20 something about this system because the Licensee, on
21 the other end, the casino and our own lab people, were
22 right on top of this thing. It did not get --- no
23 inappropriate software was utilized, the public didn't
24 get exposed to it, no money changed hands because the
25 fact we had the right kind of oversight. And I think

1 in addition to yelling and tearing our hair when
2 things go wrong, we ought to notice once in awhile
3 when things are in place and they work right. So, I
4 think that should be noted.

5 CHAIRMAN:

6 Thank you. Any other comments? Can I
7 have a motion please?

8 MR. MCCALL:

9 Mr. Chairman, I move the Board issue an
10 Order to approve the Consent Agreement between the OEC
11 and WMS Gaming, as described by the OEC.

12 CHAIRMAN:

13 Second?

14 MR. MOSCATO:

15 Second.

16 CHAIRMAN:

17 All those in favor?

18 ALL SAY AYE

19 CHAIRMAN:

20 Opposed? The motion passes. Thank you.
21 Our last Consent Agreement proposed today are both
22 with Holdings Acquisition Company, LP, although we
23 will handle each Consent Agreement separately. The
24 first of these two Consent Agreements addresses our
25 favorite topic of the day, underage gaming. And I see

1 Mr. Sklar and a representative from Holdings
2 Acquisition are here today and with that Enforcement
3 Counsel you may begin.

4 ATTORNEY MANIFESTO:

5 Thank you. Good afternoon, Chairman Fajt
6 and Members of the Board. My name is Beth Manifesto,
7 M-A-N-I-F, as in Frank, E-S-T-O. I'm here today to
8 request the Board to approve a Consent Agreement to
9 address three specific underage gaming incidents.
10 I'll give a very brief factual representation of each.
11 The first occurred on March 6th of this year at
12 approximately 5:45 in the morning. The underage
13 individual I'll call SNB entered The Rivers Casino
14 with two adult males. She was not stopped or carded
15 by security at that time. She gamed at 11 slot
16 machines for almost an hour. After having entered the
17 casino and been on the property for an hour and 40
18 minutes, security did approach the female. At that
19 time she produced an expired identification. When
20 they questioned her she stated the ID was not hers and
21 she was actually 19 years of age. The incident was
22 reported to the Bureau of Casino Compliance by The
23 Rivers.

24 The second incident occurred when an
25 individual on his 21st birthday entered The Rivers

1 Casino. He produced his Pennsylvania Driver's License
2 and requested a duplicate player's card be given to
3 him. The Rivers employee looked into the mailing
4 information and found he had received his initial
5 player's card when he was 20 years old on September
6 23rd of 2010.

7 Subsequent review revealed the underage
8 male had engaged in table games play at The Rivers on
9 the following dates; September 23rd, November 4th,
10 November 5th, November 8th, November 10th, November
11 11th and November 19th and December 5th of 2010. And
12 he also gamed on April 9th, which was the date that he
13 was caught at the casino. The total gaming time was
14 31 hours and 26 minutes. The last incident occurred
15 at 12:31 in the morning on June 21st of this year. At
16 that time the underage individual was carded by Rivers
17 security and was given access to the gaming floor. He
18 operated nine different slot machines prior to exiting
19 the casino for approximately ten minutes and then
20 attempting to re-enter. Upon his attempt to re-enter,
21 he was carded by two different security officers, who
22 decided the identification he presented was not his.

23 When asked, he did admit the
24 identification was not his, it was his brother's and
25 that he had in fact gamed. A voucher in the amount

1 \$2.05 was confiscated and placed into the fund for
2 compulsive and problem gaming. I wanted to let the
3 Board know that in each incident Rivers informed the
4 Bureau of Casino Compliance of these incidents. And
5 based on prior discussion, the first two incidents,
6 those were reported by employees at The Rivers Casino,
7 they were not caught by security guards. The last
8 incident of course was caught by security.

9 And the Consent Agreement that we request
10 the Board to adopt would include a civil penalty in
11 the amount of \$80,000 as a consequence of the three
12 violations. And it would be paid within five days of
13 the Board's acceptance.

14 CHAIRMAN:

15 Thank you. Any comments from Holdings
16 Acquisition?

17 ATTORNEY SKLAR:

18 Just briefly. Michael Sklar, S-K-L-A-R,
19 on behalf of Rivers Casino. With me is Monty
20 Gilbreath, Vice President of Compliance. Just picking
21 up on Commissioner Sojka. I think that certainly and
22 what they do in New Jersey --- I think I've mentioned
23 this to the Board before --- the driver's license is
24 confiscated for six months. So, I think that that
25 certainly is an effective way to have a hammer over

1 the kids' head, so they know that there's going to be
2 a serious repercussion. But in saying that, there is
3 absolutely no way that you can be 100 percent, there's
4 no way to ensure, you know, no kids are ever going to
5 get in.

6 So, while I'm not here making excuses, I
7 think that there does have to be a recognition by the
8 Board that in --- the Mount Airy case was certainly
9 different, that was an extreme example. But I think
10 there has to be recognition certainly with these
11 findings and how they're really starting to get
12 significant that the casino and the security guards
13 and the rest of the personnel can do everything that
14 they had, but the kids are still going to get in. And
15 I think when we're talking about these level of
16 clients, I think that they're --- I think that the
17 crime has to --- the punishment has to fit the crime
18 on casinos.

19 And I think that some of these numbers
20 are starting to --- I don't know whether there's a fit
21 anymore with some of these instances. I understand
22 and we've agreed based on precedent, but I think that
23 the Board, I would respectfully suggest take a look at
24 this and have, you know, perimeters for crimes. And
25 if you know an underage came in, he was carded, ID was

1 scanned, it's just a real fake ID, he gets on the
2 floor, I think the fine in that kind of instance
3 should be, you know, one level. If he just gets in
4 without carded, then that's a different level. And I
5 think that there needs to be, you know, some kind of
6 perimeters put in place in recognizing the, you know,
7 the circumstances that are in place and had took
8 place.

9 CHAIRMAN:

10 Thank you. Commissioner Ginty.

11 MR. GINTY:

12 I think the loss of driver's license is
13 an excellent --- is that statutory in New Jersey?

14 ATTORNEY SKLAR:

15 Yes.

16 MR. GINTY:

17 That might be something that we could
18 pursue with the legislature ourselves. And just to
19 comment for Cyrus. This genius that went and got his
20 second card is 21 right now and he can go on the
21 exclusion list.

22 ATTORNEY PITRE:

23 I'm not going to get into Mr. Sklar's
24 comments. As far as the Consent Agreement when we
25 presented it to him, I think they received a fair deal

1 in this situation. It could have been a lot of worse,
2 as Mr. Sklar well knows. But I use my discretion in
3 order to make it as fair as possible. So I don't
4 think we want to get any further with that.

5 ATTORNEY SKLAR:

6 No, I said that up front. We, you know,
7 voluntarily agreed to enter into this Consent
8 Agreement. And I think it is consistent with the
9 precedent. I'm not suggesting, you know, other wise.
10 But I think from the Board level, I think that there
11 should be parameters maybe put in place.

12 CHAIRMAN:

13 Any other questions, comments? Okay.
14 Can I have a motion please?

15 MR. MOSCATO:

16 Yes, Mr. Chairman. I move that the Board
17 issue an Order to approve the Consent Agreement with
18 the OEC and Holdings Acquisition Company, LP, as
19 described by the OEC.

20 CHAIRMAN:

21 Second?

22 MR. SOJKA:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 ALL SAY AYE

2 CHAIRMAN:

3 Opposed? The motion passes. Our last
4 Consent Agreement is between the OEC and Holdings
5 Acquisition Company, LP, it deals with the use of slot
6 machines that were placed into operation without the
7 proper testing and certification from the Gaming Lab.
8 This is obviously an issue that we had discussed at a
9 prior meeting. And having said that Enforcement
10 Counsel, you may begin.

11 ATTORNEY MANIFESTO:

12 Thank you. As you said, Chairman Fajt,
13 the second Consent Agreement involves a total of six
14 violations regarding slot machines. The first four
15 are incidences where progressed slot machines were
16 returned to the gaming floor without having first been
17 tested and certified by the Bureau of Gaming
18 Laboratory Operations. This occurred on four separate
19 dates, May 29th of 2010, September 22nd, 2010, October
20 5th and December 5th of 2010.

21 Each of these incidents were reported to
22 the Bureau of Casino Compliance by Rivers Casino. The
23 fifth violation involves an employee placing the slot
24 machine into use when it had been removed from play by
25 the Bureau of Casino Compliance, due to its failure to

1 report financial information to the Department of
2 Revenue. The period of non-reporting lasted
3 approximately three and a half days. When the machine
4 came back online, it did send all revenue information
5 for that down period, which allowed the proper
6 calculation and payment of all tax due to the State.
7 This was confirmed by the Department of Revenue.

8 The last violation was discovered during
9 an inspection of the gaming floor by the PGCB's
10 technical field representatives. This encompassed
11 each of the slot machines, 2,954 slot machines on the
12 gaming floor. It was discovered asset number 3063
13 operated for 60 days. This would constitute a
14 violation of 58 Pa. Code section 461a.7(a). Upon
15 discovery of this error, the PGCB technicians reset
16 the machine, tested it and released it for play. With
17 the Consent Agreement, The Rivers would be required to
18 pay a civil penalty in the amount of \$70,000 within
19 five days of the application. It's also informed OEC,
20 as to what steps they have taken regarding their
21 training and orally internal controls to prevent
22 future violations such as this. And as you can you
23 see I'm here with my crew should the Board have any
24 questions.

25 CHAIRMAN:

1 Thank you, Beth. Any questions or
2 comments from Holdings Acquisition?

3 ATTORNEY SKLAR:

4 I don't know if you want me to repeat
5 what the --- the last hearing --- two hearings ago.
6 I'd like for the measures that were implemented ---.

7 CHAIRMAN:

8 Yeah, I don't think it's ---. Yeah, I
9 don't think it's necessary to go through those again.

10 ATTORNEY SKLAR:

11 So, we're here just to answer any
12 questions.

13 CHAIRMAN:

14 Okay. Thank you. Any questions or
15 comments from the Board?

16 MR. SOJKA:

17 Just one quick one and it's to build on
18 what Mr. Sklar said in the last case. And I think
19 it's --- I'm not disagreeing with you in any way about
20 the fact that for underage people are trying to get
21 in, they're trying to beat your system and we're all
22 concerned about that. On these issues, there's
23 nothing --- we're all on the same side of the table.
24 Our technical professional people want to work with
25 your technical people both --- for all to protect the

1 citizenry of the Commonwealth to be sure the taxes are
2 collected and that the games are fair and a lot of
3 spending.

4 So, in a sense in these kinds of things,
5 I think we should seriously strive for zero defect. I
6 think that's achievable. I think it's possible
7 because we can all work together on it. Obviously the
8 failure --- we may never catch every underage gamer,
9 but here hopefully this is the last time we're ever
10 going to see one of these because we all should be
11 working together to help each other resolve these
12 problems.

13 CHAIRMAN:

14 Thank you. May I have a motion please?

15 MR. SOJKA:

16 I guess I should, shouldn't I? Mr.
17 Chairman, I move that the Board issue an Order to
18 approve the Consent Agreement between the OEC and
19 Holdings Acquisition Company, LP, as described by the
20 OEC. Second?

21 MR. TRUJILLO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? The motion passes. Moving
3 along, Cyrus please continue with your next items.
4 Thank you.

5 ATTORNEY PITRE:

6 The next item for consideration ---.

7 CHAIRMAN:

8 Cyrus, I don't know if the mic's on. I
9 don't want --- yeah.

10 ATTORNEY PITRE:

11 The next item for consideration ---.

12 CHAIRMAN:

13 Billie Jo, can you ---

14 ATTORNEY PITRE:

15 Billie Jo, can share hers.

16 CHAIRMAN:

17 --- share your microphone with Cyrus.
18 Okay.

19 ATTORNEY MATELEVICH-HOANG:

20 I will. Good afternoon, Chairman Fajt
21 and Members of the Board. This matter involves the
22 request to Revoke two Gaming Employee Permits. On May
23 4th, 2011, the OEC filed complaints for Revocation of
24 Ms. Matincheck's Gaming Permit, due to her criminal
25 activity involving the casino. The Enforcement

1 Complaint was properly served upon Ms. Matincheck by
2 First Class mail. Ms. Matincheck did not respond to
3 the complaint within 30 days. Therefore pursuant to
4 Board regulations, all facts alleged in the complaint
5 are deemed fit. The OEC filed a request for default
6 judgment on June 29th, 2011 and at this time the OEC
7 asks that Ms. Matincheck's Gaming Permit be revoked.

8 CHAIRMAN:

9 Thank you. Is Ms. Matincheck here today?
10 Any questions or comments from the Board? Can I have
11 a motion please?

12 MR. TRUJILLO:

13 Mr. Chairman, I move that the Board issue
14 an Order to approve the Revocation of Colleen
15 Matincheck's Gaming Employee Permit, as described by
16 the OEC.

17 MR. ANGELI:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion passes. Welcome
24 back, Nan.

25 ATTORNEY DAVENPORT:

1 Before you is a request entered for the
2 complaints for Revocation of Gaming Permit of Debbie
3 Pivamik. Debbie M. Pivamik was a slot attendant at
4 Mount Airy. On April 1st, 2011 the OEC filed an
5 Enforcement Complaint to Revoke Ms. Pivamik's Gaming
6 Permit after Pennsylvania State Police charged her
7 with one count of theft by deception and false
8 impression, which is a felony. With four counts of
9 theft by deception and false impression, which is
10 misdemeanors. For allegedly offering fellow member
11 employees electronic items that were priced in time of
12 Christmas.

13 According to the criminal complaint, Ms.
14 Pivamik collected approximately \$8,425 from ten
15 employees, but she never provided the merchandise nor
16 refunded the monies. On December 25th, 2010, Mount
17 Airy terminated Ms. Pivamik for voluntary solicitation
18 on Mount Airy property. The Enforcement complaint was
19 properly served upon Ms. Pivamik to the residence
20 listed on her application, both by certified and First
21 Class mail. Ms. Pivamik did not respond to the filing
22 in any way.

23 Due to Ms. Pivamik's failure to respond,
24 the averments in the Enforcement complaint are deemed
25 to be admitted as fact and a right to hearing has been

1 waived. On June 27th, 2011 the OEC filed a request to
2 enter a judgment on default. The matter is now before
3 the Board to consider the Revocation of Ms. Pivamik's
4 Gaming Permit.

5 CHAIRMAN:

6 Thank you. Is Ms. Pivamik here today?
7 Any questions or comments from the Board? Can I have
8 a motion please?

9 MR. ANGELI:

10 Mr. Chairman, I move that the Board enter
11 an Order to approve the Revocation of Debbie Pivamik's
12 Gaming Employee Permit, as described by the OEC.

13 MR. GINTY:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion passes.

20 ATTORNEY DAVENPORT:

21 Thank you.

22 CHAIRMAN:

23 Thank you. Next item is the addition of
24 Jonathan Baer to the PA Gaming Control Board's
25 Exclusion list. Is Mr. Baer present today?

1 Enforcement Counsel, seeing Mr. Baer is not present,
2 you may begin.

3 ATTORNEY MILLER:

4 Thank you, Chairman Fajt and Members of
5 the Board. Dustin Miller on behalf of the OEC. The
6 OEC filed a Petition to place Mr. Baer on the
7 Exclusion List for stealing a \$500 chip from a gaming
8 table at Parx Casino on February 17th, 2011. The
9 Petition was filed on April 29th, 2011 and the
10 Petition was properly served upon Mr. Baer to the
11 address listed on the criminal complaint filed against
12 him by both certified and First Class mail. Mr. Baer
13 did not respond to the filing in any way. Due to Mr.
14 Baer's failure to respond, the averments to the
15 Petition are deemed as being admitted as fact and his
16 right to a hearing has been waived.

17 On June 24th, 2011, the OEC filed a
18 request to enter judgment upon default. The matter is
19 now in front of the Board to consider the placement of
20 Jonathan Baer on the Board's Excluded Person's List.

21 CHAIRMAN:

22 Thank you. Any questions or comments
23 from the Board? Can I have a motion please?

24 MR. GINTY:

25 Mr. Chairman, I move that the Board issue

1 an Order to approve the addition of Jonathan Baer to
2 the PGCB Exclusion List, as described by the OEC.

3 MR. MCCALL:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE

8 CHAIRMAN:

9 Opposed? The motion passes. Thank you,
10 Dustin. The next item is the addition of Rain Le to
11 the Pennsylvania Gaming Control Board's Exclusion
12 List. Is Rain Le present today? I don't see anybody
13 coming forward. Katie, you may begin.

14 ATTORNEY HIGGINS:

15 On March 18th, 2011, the OEC filed a
16 Petition for placement of Rain Le on the Exclusion
17 list, due to an incident that occurred at Mohegan Sun
18 on August 11th, 2010 when Mr. Le cast his bet while
19 playing blackjack. The Petition was properly served
20 on Mr. Le by both certified and First Class mail,
21 however, Mr. Le did not respond to the Petition within
22 30 days and therefore pursuant to the Board
23 regulations, all facts alleged in the Petition are
24 deemed admitted. The OEC filed a request to enter
25 default judgment on June 22nd, 2011 and at this time

1 the OEC asks that Mr. Le be placed on the Board's
2 Exclusion List.

3 CHAIRMAN:

4 Thank you. Any questions or comments
5 from the Board? Could I have a motion?

6 MR. MCCALL:

7 Mr. Chairman, I move the Board issue an
8 Order to approve the addition of Rain Le to the PGCB's
9 Exclusion List, as described by the OEC.

10 CHAIRMAN:

11 Second?

12 MR. MOSCATO:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion passes. Next an
19 additional request to add Floyd Robinson to the Gaming
20 Control Board's Exclusion List. Is Mr. Robinson here
21 today? I don't see him, please proceed Enforcement
22 Counsel.

23 ATTORNEY HIGGINS:

24 For the record my name is Katie Higgins,
25 H-I-G-G-I-N-S, Assistant Enforcement Counsel. On

1 April 25th, 2011, the OEC filed a Petition for
2 placement of Floyd Robinson on the Exclusion List, due
3 to an incident that occurred on January 24th, 2010
4 when Mr. Robinson left two children unattended in a
5 vehicle in the parking lot of Mohegan Sun. The
6 Petition was properly served on Mr. Robinson by both
7 certified and First Class mail, however, Mr. Robinson
8 did not respond to the Petition within 30 days. And
9 therefore pursuant to Board regulations, all facts
10 alleged in the Petition were deemed admitted.

11 The OEC filed a request to enter default
12 judgment on June 22nd, 2011. And at this time the OEC
13 asks that Mr. Robinson be placed on the Board's
14 Exclusion List.

15 CHAIRMAN:

16 Thank you. Any questions or comments
17 from the Board? Can I have a motion?

18 MR. MOSCATO:

19 Mr. Chairman, I move that the Board issue
20 an Order to approve the addition of Floyd Robinson to
21 the PGCB's Exclusion List, as described by the OEC.

22 CHAIRMAN:

23 Second?

24 MR. SOJKA:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion passes. The last
6 item is the addition of Michelle Shulskie to the
7 Gaming Control Board's Exclusion List. Is Ms.
8 Shulskie here today? Seeing that no one's coming
9 forward, Katie, please begin.

10 ATTORNEY HIGGINS:

11 On April 26th, 2011, the OEC filed a
12 Petition for placement of Michelle Shulskie on the
13 Exclusion List due to an incident that occurred on
14 January 24th, 2010 when Ms. Shulskie left two children
15 unattended in a vehicle in the parking lot of Mohegan
16 Sun. The Petition was properly served on Ms. Shulskie
17 by certified and First Class mail, however, Ms.
18 Shulskie did not respond to the Petition within 30
19 days. And therefore pursuant to Board regulations,
20 all facts alleged in the Petition are deemed admitted.
21 The OEC filed a request to enter default judgment on
22 June 22nd, 2011 and at this time the OEC asks that
23 Michelle Shulskie be placed on the Board's Exclusion
24 List.

25 CHAIRMAN:

1 Thank you. Any questions or comments
2 from the Board? Can I have a motion please?

3 MR. SOJKA:

4 Mr. Chairman, I move that the Board issue
5 an Order to approve the addition of Michelle Shulskie
6 to the PGCB's Exclusion List, as described by the OEC.

7 CHAIRMAN:

8 Second?

9 MR. TRUJILLO:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed? The motion passes. Cyrus,
16 thank you to you and your staff.

17 ATTORNEY PITRE:

18 Thank you.

19 CHAIRMAN:

20 That concludes our normal business. Our
21 next scheduled public meeting will be held on
22 Thursday, August 18 at the North Office Building here
23 in Room 1, that meeting time is 10:00 a.m. and as is
24 our normal course, we will have an Executive Session
25 the day before on August 17th at two o'clock in the

1 offices of the Gaming Control Board. Any final
2 comments from the Board? Okay. Can I have a meeting
3 --- or a motion to adjourn?

4 MR. TRUJILLO:

5 So moved.

6 MR. ANGELI:

7 Second.

8 CHAIRMAN:

9 Thank you. The meeting is adjourned.

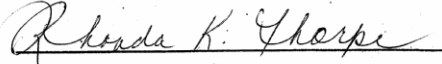
10 * * * * *

11 MEETING CONCLUDED AT 1:09 P.M.

12 * * * * *

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15
16
17 CERTIFICATE

18 I hereby certify that the foregoing
19 proceedings, hearing held before Chairman Fajt, was
20 reported by me on 07/20/2011 and that I Rhonda K.
21 Thorpe read this transcript and that I attest that
22 this transcript is a true and accurate record of the
23 proceeding.

24 
25 **Court Reporter**