

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN
Gregory C. Fajt, James B. Ginty,
Keith R. McCall, Anthony C. Moscato,
Gary A. Sojka, Kenneth I. Trujillo; Members
Christopher Craig, Representing Robert
McCord, State Treasurer
Robert Coyne, Representing Daniel P.
Meuser, Secretary of Revenue
Matthew Meals, Representing George Greig,
Secretary of Agriculture

MEETING: November 22, 2011, 11:15 a.m.

LOCATION: PUC Keystone Building
Hearing Room #1
Harrisburg, PA 17120

Reporter: Jolynn C. Prunoske

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CHAIRMAN:

I'd now like to call our regularly-scheduled meeting to order. By way of announcements. Since the last public meeting of the Board an Executive session was held on November 21st for the purpose of discussing personnel matters, pending litigation and to conduct quasi judicial deliberations relating to matters being considered by the Board today. The executive session held prior to reconvening here was for the purpose of deliberating on the Mount Airy #1 petition heard earlier this morning.

Next, we have consideration of a motion to approve the transcript and minutes of the Board's October 13th, 2011 meeting. May I have such a motion?

MR. MCCALL:

Mr. Chairman, I move that the Board approve the minutes and transcripts of the October 13th, 2011 meeting.

CHAIRMAN:

Second?

MR. MOSCATO:

Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 Opposed? The motion carries. Next, I
6 would call upon Kevin O'Toole, the Executive Director,
7 to provide his report. Kevin?

8 MR. O'TOOLE:

9 Good morning, Chairman Ryan, members of
10 the Board. I would like to take the opportunity this
11 morning to publicly recognize and congratulate one of
12 our own employees who has attained the distinction
13 that very few casino regulators share. Susan Hensel,
14 our Director of the Bureau of Licensing and one of our
15 very first employees, was recently inducted as
16 President of the International Association of Gaming
17 Regulators. Susan also holds the distinction of being
18 the first woman to be president of IAGR in its 19-year
19 history. Susan's prudent leadership ability will
20 ensure that the International Association of Gaming
21 Regulators continues to advance its mission to
22 encourage and facilitate effective and consistent
23 regulatory oversight of casinos throughout the world.
24 Congratulations, Susan.

25 On another matter, I would like to

1 discuss the topic of slot machine tournaments.
2 Section 120721 of the Gaming Act, a provision which
3 was enacted with the table game legislation in 2010,
4 gives the Board the authority to approve slot machine
5 tournaments. Slot tournaments are utilized by casinos
6 as a promotional device to attract new and existing
7 slot players to the casino. We have seen that table
8 game tournaments have been successful at the casinos
9 during the past year for table game players. Due to
10 the requirement that all slot machines be connected to
11 the central control system at all times, certain
12 technical issues in the implementation of slot
13 tournaments were identified by Board staff and the
14 Department of Revenue staff. In particular, an
15 adequate trial of all slot tournament activity is
16 necessary to ensure that no unreported taxable play
17 could occur at the machine designated for use at the
18 tournament. Several slot machine manufacturers
19 modified and enhanced their slot tournament software
20 to meet the requirement of connectivity to the central
21 control system and the establishment of an acceptable
22 art trial of the play at all slot machines during the
23 tournament. The Bureau of Gaming Laboratory
24 Operations has tested and approved slot tournament
25 software, and the Department of Revenue staff, along

1 with our staff, observed a successful test of the
2 tournament software held at Hollywood Casino. These
3 slot tournaments will be conducted on the gaming floor
4 at existing slot machines, and the casino will be
5 required to follow the Gaming Control Board's
6 statement of the policy for slot machine tournaments,
7 which will require each casino to submit and receive
8 approval for internal controls covering this activity.
9 At this time I request a motion that would delegate
10 authority to the Executive Director to approve slot
11 tournaments pursuant to approved internal controls.

12 CHAIRMAN:

13 Do I have such a motion?

14 MR. MCCALL:

15 Mr. Chairman, I move that the Board grant
16 delegating authority to the Executive Director to
17 approve slot tournaments in licensed facilities in the
18 Commonwealth, as requested.

19 CHAIRMAN:

20 Second?

21 MR. TRUJILLO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1 CHAIRMAN:

2 Opposed? Motion carries.

3 MR. O'TOOLE:

4 And my final item for today relates to
5 directors' and officers' insurance. As you are aware,
6 our directors' and officers' insurance is up for
7 renewal. The Department of General Services, on
8 behalf of the Pennsylvania Gaming Control Board,
9 solicited proposals for directors and officers
10 insurance from various sources. After receiving
11 initial interest from several providers, the
12 Department of General Services received one bid
13 proposal from our present carrier, Chartis and Chubb.
14 And at this time we would ask for a Board motion
15 authorizing me to renew our directors' and officers'
16 insurance with our current carriers and the terms set
17 forth in the bid proposal.

18 CHAIRMAN:

19 Is there a motion?

20 MR. MOSCATO:

21 Mr. Chairman, I move that the Board
22 authorize the Executive Director to take all the steps
23 necessary to renew the Board's Directors' and
24 Officers' insurance coverage.

25 CHAIRMAN:

1 A second?

2 MR. SOJKA:

3 Second.

4 CHAIRMAN:

5 Any discussion? All in favor?

6 AYES RESPOND

7 CHAIRMAN:

8 Opposed? Motion carries.

9 MR. O'TOOLE:

10 Thank you.

11 CHAIRMAN:

12 Thank you, Mr. O'Toole. Up next is Dave
13 Rhen, Budget Manager, to present his October financial
14 report.

15 MR. RHEN:

16 Good morning. Today's report will bring
17 more up to date the expenses through the end of
18 October. Through October, total expenses were \$10.7
19 million. Eighty-four (84) percent or \$8.99 million
20 went to personnel. And 16 percent or \$1.76 million
21 went for operating expenses. The largest operating
22 expenses, either by category or leases, \$766,000 or 40
23 percent of the overall operating expenses. Services,
24 at \$401,000, or 23 percent of operating expenses.
25 Other operating expenses include databases used for

1 background investigations of \$204,000 or 12 percent of
2 operating expenses, and telecommunications at
3 \$166,000, or nine percent of operating expenses. Five
4 other categories combine the remaining 13 percent of
5 operating expenses for the year.

6 Relative to the same point, last fiscal
7 year our operating expenses were down \$227,000. This
8 is a function of a variety of factors, including time
9 differences, savings loss and new contract to date
10 invoice services and reduced expenses on the opening
11 of SugarHouse's table games. For October '11, overall
12 expenses were \$2.8 million. \$2.2 million for
13 personnel and \$559,000 for operating expenses. The
14 Board's other operating expenses in October were
15 \$214,000 for services, \$157,000 for leases, \$73,000
16 for telecommunications and \$66,000 for other operating
17 expenses. That concludes my report.

18 CHAIRMAN:

19 Any questions or comments from the Board?

20 Thank you, Dave.

21 MR. RHEN:

22 Thank you.

23 CHAIRMAN:

24 Doug Sherman, Chief Counsel.

25 ATTORNEY SHERMAN:

1 Good morning, Chairman and members of the
2 Board. There are two Final-form Regulations, which
3 the Assistant Chief Counsel, Susan Yocum, will
4 present.

5 ATTORNEY YOCUM:

6 Good morning, Chairman, members of the
7 Board. I have two Final-form Regulations for your
8 consideration today. The first is Regulation 125-138,
9 which addresses the requirements of electronic gaming
10 tables, the certification requirements for gaming
11 relating gaming service providers and the conditional
12 table game device licenses for manufacturers and
13 supplies. This regulation was actually presented to
14 this Board and approved back on November 17th. It was
15 subsequently withdrawn from the Independent Regulatory
16 Review Commission's consideration to add or amend it
17 to an existing submission and approval process, which
18 is found in Chapter 461, to include electronic gaming
19 tables. It also clarified and delegated authority to
20 the Executive Director to approve slot machines,
21 gaming devices and electronic gaming tables. Other
22 than adding the amendments to Chapter 461 there where
23 no substantive amendment made to the rulemaking as
24 presented to you back on November 17. I'd be happy to
25 answer any questions you may have.

1 CHAIRMAN:

2 Any questions from the Board? Do I have
3 a motion?

4 MR. GINTY:

5 Mr. Chairman, I move that the Board adopt
6 Final-form Regulation 125-138, as described by the
7 Office of Chief Counsel (OCC) and that the regulation
8 be posted on the Board's website.

9 MR. MCCALL:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? The motion carries.

16 ATTORNEY YOCUM:

17 The next regulation for your
18 consideration is 125-142. This addresses the general
19 table game provisions, credit and minimum training
20 standards. We did receive comments during the public
21 comment period from Mohegan Sun, Parx, Harrah's,
22 Meadows and the Independent Regulatory Review
23 Commission. Several suggested revisions were
24 infiltrated into this Final rulemaking, including a
25 reduction of the number of hours of dealer training as

1 required for taking part in an initial game. We also
2 did consult with the Department of Revenue regarding
3 the formula for the calculation of gross gamin revenue
4 and made recommendations accordingly. I will answer
5 any questions you may have.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 May I have a motion?

9 MR. MCCALL:

10 Mr. Chairman, I'd move the Board adopt
11 Final-form Regulation 125-142, as described by the
12 OCC, and the regulations be posted on the Board's
13 website.

14 CHAIRMAN:

15 Second?

16 MR. MOSCATO:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 AYES RESPOND

21 CHAIRMAN:

22 Opposed? The motion carries.

23 ATTORNEY YOCUM:

24 Thank you.

25 CHAIRMAN:

1 Thank you, Susan. The next items, I
2 believe, are petitions. Doug Sherman, Chief Counsel,
3 will present those.

4 ATTORNEY SHERMAN:

5 Today, the Board has four petitions
6 before it for consideration. The first petition
7 pertains to Mount Airy #1, LLC, and was heard by the
8 Board earlier this morning. The remaining three
9 petitions will be considered on the documents filed.
10 As to each of the petitions, the Board has, in advance
11 of this meeting, been provided with the petitions, any
12 responsive pleadings, as well as any other supporting
13 memoranda or evidentiary materials filed of record.
14 I'll briefly address each petition.

15 The first, of course, is that relating to
16 Mount Airy's Petition for Approval of a Casino Floor
17 Reconfiguration, which was heard by the Board just a
18 short time ago. Mount Airy is requesting approval to
19 reduce the slot machine count by 200, relocate the
20 poker room and relocate the high-limit slot room to a
21 space formerly occupied by the poker room. Mount Airy
22 avers that the reduction of slot machines is necessary
23 due to the decrease in customer demand, that the new
24 poker room will be spacious and comfortable for the
25 patrons and that moving the high-limit slot room to

1 the old poker room will allow more room to expand in
2 the future. If the Board is inclined to grant the
3 relief, OEC is requesting the approval, subject to 19
4 conditions which were outlined in the Answer. The
5 matter is now appropriate for Board motion.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 Ex-Officio members? May I have a motion?

9 MR. TRUJILLO:

10 Mr. Chairman, I move that the Board grant
11 Mount Airy's Petition for Approval of a Gaming Floor
12 Reconfiguration, as described by the OCC.

13 MR. FAJT:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN:

19 Opposed? Motion carries.

20 ATTORNEY SHERMAN:

21 Next before the Board are two petitions
22 seeking reconsideration of the Board's October 31st,
23 2011 Adjudication and Order regarding Valley Forge's
24 Casino Access Plan. These petitions have been
25 consolidated for today's proceeding. Valley Forge's

1 petition asks the Board to partially reconsider the
2 Adjudication and Order by means of either vacating or
3 modifying certain portions of the Adjudication and
4 Order which impose specific procedures relative to
5 checking the identification of patrons of the
6 amenities and thereafter checking the names of such
7 patrons against the Board's Exclusion and
8 Self-Exclusion List.

9 Greenwood's petition, conversely, argues
10 that conditions eight and nine in the Board's
11 Adjudication and Order are inadequate solutions to
12 ensure that persons gaining access to gaming floors
13 are entitled to be there and that further safeguards
14 have to be put in place to ensure that the individuals
15 utilizing Access Cards and memberships to access the
16 gaming floor are, in fact, the persons who properly
17 obtained those cards. Should the Board grant one or
18 both of the Petitions for Reconsideration, the Board
19 would simply be agreeing to hear the arguments on the
20 merits. The OCC would recommend that the Board order
21 that the parties be permitted to file a written
22 memorandum outlining their substantive arguments for
23 reconsideration, limited to these specific issues of
24 checking the identification of patrons and checking
25 IDs against the Exclusion List and that those

1 memorandums be submitted to the Board Clerk by close
2 of business on November 29th, 2011, so that the Board
3 will be in a position to hear the matter on December
4 6th.

5 CHAIRMAN:

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

8 MR. FAJT:

9 Mr. Chairman, I move that the Board grant
10 Valley Forge Convention Center Partners' and Greenwood
11 Gaming and Entertainment, Inc.'s petition, as
12 described by the OCC.

13 CHAIRMAN:

14 Second?

15 MR. GINTY:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? Motion carries.

22 ATTORNEY SHERMAN:

23 And to be clear, Mr. Chairman, the
24 expectation is that both parties will file memorandums
25 supporting their Petitions for Reconsideration by

1 close of business November 29th. That would be next
2 week.

3 CHAIRMAN:

4 Okay. Thank you, Mr. Sherman.

5 ATTORNEY SHERMAN:

6 The next item before the Board is
7 Margaret Sajez's Petition to lift the suspension of
8 her Non-Gaming Employee Registration. By way of
9 background, Ms. Sajez was a Non-Gaming Employee
10 working as a valet parking dispatcher at Sands
11 Bethworks. She was charged with six criminal offenses
12 in December of 2010, which arose from a vehicle
13 accident which also occurred on that date. One of the
14 charges was a felony, and as a result, she was the
15 subject of an Emergency Suspension Order issued by the
16 Executive Director. Following a hearing and at the
17 Board's June 28th, 2011 meeting, the Board issued an
18 order at that time to continue its suspension. Ms.
19 Sajez has now requested that the Board lift the
20 suspension and avers in the petition that she clearly
21 understands the seriousness of the charges, that she's
22 committed not to repeat that type of activity and that
23 she's taken a number of steps to address the issues
24 that resulted in the behavior. Noting that the
25 suspension has now been in effect almost 11 months,

1 she's asking the Board to lift the suspension so that
 2 she can resume her employment. The OCC filed an
 3 Answer, referring the matter to the Board's
 4 discretion. If the Board is inclined to grant the
 5 relief requested, however, we would recommend that Ms.
 6 Sajeز simply be required to provide quarterly updates
 7 to OEC concerning the status of her period of
 8 probation and then notify OEC when that probation has
 9 been completed. With that explanation, we would ask
 10 the Court to entertain a motion on the petition to
 11 lift the suspension.

12 CHAIRMAN:

13 Any questions or comments from the Board?
 14 May I have a motion?

15 MR. GINTY:

16 Mr. Chairman, I move that the Board grant
 17 Margaret Sajeز's petition, as described by the OCC.

18 MR. MCCALL:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 AYES RESPOND

23 CHAIRMAN:

24 Opposed? Motion carries.

25 ATTORNEY SHERMAN:

1 The final petition before the Board is
2 that of Teagan Robinson. It's a Petition for
3 permission to apply for a non-Gaming Registration
4 before the expiration of a five-year ban. The OEC
5 filed a Complaint and Revocation of Ms. Robinson's
6 Non-Gaming Registration in October of 2008 for failure
7 to maintain her suitability. At that time she had
8 been arrested and charged with aggravated assault,
9 possession of an instrument of crime and related other
10 offenses. Ms. Robinson did not notify BIE of her
11 arrest, which is required by the Gaming Act, thereby
12 rendering her unsuitable to maintain her registration.
13 Ms. Robinson did not respond to OEC's complaint and a
14 request to enter a default judgment was filed, and the
15 Board, accordingly, entered an order revoking her Non-
16 Gaming Registration.

17 Pursuant to the Board's regulations, Ms.
18 Robinson is therefore barred from reapplying for
19 registration for a five-year period. Ms. Robinson has
20 averred that her 2008 criminal charges subsequently
21 were withdrawn and her record expunged, thereby now
22 making her suitable for licensure. If the Board
23 grants the petition before the Board today, the relief
24 given would only allow her to reapply for her
25 Non-Gaming Registration. She would thereafter have to

1 go through a vetting by the BIE and OEC for a
2 recommendation to the Board as to whether or not to
3 grant her registration. There has been no objection
4 by OEC lodged to the relief sought. It's now ripe for
5 the Board's consideration.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 May I have a motion?

9 MR. MCCALL:

10 Mr. Chairman, I move that the Board grant
11 Teagan Robinson's petition, as described by the OCC.

12 CHAIRMAN:

13 Second?

14 MR. MOSCATO:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN:

20 Opposed? Motion carries.

21 ATTORNEY SHERMAN:

22 Next presenting Withdrawals and Reports
23 and Recommendations is Deputy Chief Counsel, Steve
24 Cook.

25 CHAIRMAN:

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Mr. Cook?

ATTORNEY COOK:

Good morning. The Board has received nine unopposed petitions to withdraw the applications or surrender the credentials of 11 individuals or businesses. The persons or entities subject to these petitions are as follows. And for the benefit of the court reporter, I'll give her a list after the meeting. These individuals to which this applies are Gary D. Armentrout, D'Lauro & Rodgers, Inc., Alfred Ferraro, Christopher McElwee, Chrystelle Damidot, Flex-Fx Digital Imaging, Irene Janzer, Ira Raphaelson, Paragon Print Systems, Inc., Joann Weber, and Zodiac Printing Corporation. The OEC has no objection to these withdrawals. As such, were the Board to approve them, they would be doing so without prejudice.

CHAIRMAN:

Any questions or comments from the Board? May I have a motion?

MR. MOSCATO:

Mr. Chairman, I move that the Board issue orders to improve the withdrawals or surrenders, as described by the OCC.

MR. SOJKA:

Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 Opposed? Motion carries.

6 ATTORNEY COOK:

7 Next before the Board for consideration
8 are eight Reports and Recommendations received from
9 the Office of Hearings and appeals relative to three
10 Non-Gaming Employee Registrations, four Gaming
11 Employee Permits and one request to be removed from
12 the Self-Exclusion List. These Reports and
13 Recommendations, along with the evidentiary records in
14 each matter, have been provided to the Board in
15 advance of this meeting. Additionally, in each case,
16 the person involved has been notified that the matter
17 is going to be considered by the Board today and that
18 they have the right to come forward and briefly
19 address the Board. If any of these persons are
20 present, I would ask them to come forward when their
21 name is announced.

22 Vanessa Francies is the first Report and
23 Recommendation before the Board. Ms. Francies was
24 issued a Non-Gaming Employee Registration on March
25 17th, 2010, and was employed as an EVS Attendant at

1 Chester Downs and Marina.

2 On June 27th, 2011, the Pennsylvania
3 State Police Gaming Enforcement Office notified the
4 BIE that Ms. Francies was arrested and charged with 16
5 counts of receiving stolen property and six counts of
6 theft. Eight of these charges were categorized as
7 felonies, and all of the charges were unrelated to her
8 employment at the casino. Nevertheless, as a result
9 of these charges, the OEC filed a Request for an
10 Emergency Order of Suspension of Ms. Francies'
11 Non-Gaming Employee Registration. The Order was
12 signed by the Executive Director on July 11th, 2011.

13 On July 20th, 2011, the Board thereafter
14 referred the matter to the Office of Hearings and
15 Appeals (OHA) to conduct a full evidentiary hearing.
16 That hearing was held on August 16th, 2011. And
17 despite receiving notice, Ms. Francies failed to
18 attend and the hearing was held in her absence.

19 A Report and Recommendation was
20 subsequently issued, recommending that, given the
21 pendency of the criminal charges, including the
22 felony, that the Emergency Suspension remained in
23 place. That is the recommendation before the Board.

24 CHAIRMAN:

25 Is Vanessa Francies in the room? Any

1 questions or comments from the Board? Do I have a
2 motion?

3 MR. SOJKA:

4 Yes. Mr. Chairman, I'll move that the
5 Board issue an order to adopt the report and
6 Recommendation of the OHA regarding the Non-Gaming
7 Employee Registration of Vanessa Francies, as
8 described by the OCC.

9 CHAIRMAN:

10 Second?

11 MR. TRUJILLO:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 Opposed? The motion carries.

18 ATTORNEY COOK:

19 The next matter before the Board is the
20 Report and Recommendation pertaining to Marianne
21 Marchese. Ms. Marchese submitted a Gaming Employee
22 Permit Application on May 10th, 2011, seeking work as
23 a Table Games Dealer at Mount Airy. Ms. Marchese
24 disclosed several criminal charges on her application.
25 Most of them were related to writing bad checks.

1 On June 6th, a Notice of Recommendation
2 of Denial was sent to Ms. Marchese by the OEC based
3 upon the nature and recency of her criminal history.
4 Most of these criminal charges were within the mid to
5 late 2006, 2008 time range.

6 Ms. Marchese requested a hearing, which
7 was held on July 21st, 2011, before the OHA. At that
8 time, Ms. Marchese testified that her son's biological
9 father had failed to pay child support and had stolen
10 some money from her. And in response to that act, she
11 had stolen checks from him and tendered them.

12 The Hearing Officer thereafter left the
13 record open per Ms. Marchese's request so that she
14 could then submit supplemental character evidence into
15 the record, and she did so on August 18th, 2011. A
16 letter from her prior employer of 19 years was
17 submitted into the record, speaking to her good
18 character. Notwithstanding the good character
19 evidence, the Report and Recommendation was
20 subsequently issued, recommending that this woman's
21 application be denied based upon the nature and
22 recency of her criminal convictions. That is the
23 recommendation before the Board.

24 CHAIRMAN:

25 Is Marianne Marchese in the room? Any

1 questions or comments from the Board? May I have a
2 motion?

3 MR. TRUJILLO:

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

8 CHAIRMAN FAJT:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? Motion carries.

15 ATTORNEY COOK:

16 Gerald McNeil is the next Report and
17 Recommendation before the Board today. Mr. McNeil was
18 issued a Non-Gaming Registration on October 8, 2010,
19 and was employed as a custodian at SugarHouse Casino.
20 On June 14th, 2011, the Gaming Enforcement Office of
21 the Pennsylvania State Police notified the Bureau of
22 Casino Compliance that Mr. McNeil had been arrested
23 and charged with at least six felony counts and
24 several misdemeanors, the charges relating to sexual
25 misconduct involving a minor.

1 As a result of these charges, the OEC
2 made a Request for an Emergency Order of Suspension,
3 which Executive Director O'Toole signed on June 16th,
4 2011.

5 On June 28, 2011, the Board referred the
6 matter to the OHA to conduct an evidentiary hearing,
7 which was held on August 10th, 2011. Despite
8 receiving notice, Mr. McNeil failed to attend the
9 hearing, and it was held in his absence.

10 A Report and Recommendation was
11 thereafter issued, and that Report and Recommendation
12 is presently before the Board. It recommends that Mr.
13 McNeil Emergency Suspension remain in place, given the
14 nature and seriousness of the criminal charges he
15 continues to face.

16 CHAIRMAN:

17 Is Gerald McNeil in the room? Any
18 questions or comments from the Board? May I have a
19 motion?

20 MR. FAJT:

21 Mr. Chairman, I move that the Board issue
22 an order to adopt the Report and Recommendation of the
23 OHA regarding the Non-Gaming Employee Registration of
24 Gerald McNeil, as described by the OCC.

25 MR. MCCALL:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN:

6 All opposed? Motion carries.

7 ATTORNEY COOK:

8 Next for the Board's consideration is a
9 Report and Recommendation relating to Donald Sampson.
10 Mr. Sampson was issued a Gaming Employee Permit on
11 December 3rd, 2010 and worked as a Table Games Dealer
12 at Harrah's Chester Downs and Casino. I'm sorry. I
13 guess he made an application.

14 During BIE's background investigation, it
15 was discovered that Mr. Sampson had an outstanding
16 state tax liability to the Department of Revenue. And
17 based upon these findings, the OEC issued a notice of
18 Recommendation of Denial of his application. Mr.
19 Sampson requested a hearing, which was scheduled for
20 March 22nd, 2011. However, Mr. Sampson thereafter
21 requested a continuance so that he could have
22 additional time to resolve his tax issues. The
23 hearing was subsequently continued until August 30th,
24 2011. It was held, and at that time Mr. Sampson did
25 not appear, and this hearing was held in his absence.

1 Based primarily upon Mr. Sampson's
2 ongoing tax issues, a report and Recommendation was
3 issued by the OHA recommending that his application be
4 denied. That matter is before the Board.

5 CHAIRMAN:

6 Is Donald Sampson in the room? Any
7 questions or comments from the Board? May I have a
8 motion?

9 MR. MCCALL:

10 Mr. Chairman, I move that the Board issue
11 an order to adopt the Report and Recommendation of the
12 OHA regarding the Gaming Employee Permit of Donald
13 Sampson, as described by the OCC.

14 CHAIRMAN:

15 Second?

16 MR. MOSCATO:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 AYES RESPOND

21 CHAIRMAN:

22 All opposed? The motion carries.

23 ATTORNEY COOK:

24 The Report and Recommendation pertaining
25 to Sean Savinell is the next matter before the Board.

1 By way of background, Mr. Savinell was employed as a
2 Table Games Floor Supervisor at the Meadows Racetrack
3 and Casino. On December 10th, 2010, another Meadows
4 floor supervisor reported that the chip inventory on a
5 table being worked by Mr. Savinell was short by one
6 \$500 chip. As a result of this incident, the Meadows
7 terminated Mr. Savinell on December 17th, 2010, and
8 the Pennsylvania State Police filed criminal charges
9 against him related to this incident. Those charges
10 remain pending. Thereafter, the OEC brought an
11 enforcement action against Mr. Savinell and a default
12 judgment was entered against him.

13 On May 5th, 2011, Mr. Savinell filed an
14 Application for Reconsideration of the revocation,
15 claiming that he didn't receive any of the mailings
16 from the Board due to the fact that he moved and not
17 actively or properly filed a change of address form
18 with the Postal Service. On May 25th, 2011, the board
19 granted Mr. Savinell's Request for Reconsideration and
20 remanded the matter to the OHA. Thereafter, a hearing
21 was held at the OHA, and it was discovered that the
22 matter was actually procedurally postured improperly.
23 Mr. Savinell had not been fully vetted. His
24 application was still pending and he was issued a
25 temporary credential. As a result of that, the OEC

1 withdrew its original enforcement action and
2 immediately filed a Recommendation of Denial based on
3 Mr. Savinell's alleged criminal conduct. During that
4 hearing, Mr. Savinell and OEC eventually agreed and
5 approached the Hearing Officer, requesting that he
6 simply be allowed to withdraw his application with
7 prejudice, and the Hearing Officer issued a Report and
8 Recommendation effectively making the recommendation
9 that Mr. Savinell's application be allowed to be
10 withdrawn with prejudice, as requested by both he and
11 the OEC. That's the recommendation before the Board.

12 CHAIRMAN:

13 Is Sean Savinell in the room? Any
14 questions or comments from the Board?

15 MR. SOJKA:

16 Just one quick question, and that is that
17 Mr. Savinell, obviously --- this alleged offense ---
18 this offense occurred when he was under essentially a
19 probationary temporary.

20 ATTORNEY SHERMAN:

21 Basically he filed an application. There
22 was somewhat of a vetting but not a full vetting,
23 enough to get him a temporary credential based upon
24 lack of criminal history and such, and ---.

25 ATTORNEY COOK:

1 So they issued a temporary credential,
2 but his full application was still under ---.

3 ATTORNEY COOK:

4 Right.

5 MR. SOJKA:

6 But in order to be sure we were
7 protecting the people of the Commonwealth, the real
8 issues, the criminal issues and whatnot, were taken
9 care of and the only thing that was missing was the
10 final paperwork; is that correct?

11 ATTORNEY COOK:

12 The criminal issues remain pending.

13 MR. SOJKA:

14 No. I mean, the criminal investigation
15 and background check on Mr. Savinell had been
16 completed, and he was, at that point, qualified to
17 receive that temporary credential?

18 ATTORNEY COOK:

19 No. There was enough of an investigation
20 completed so as to allow him to have a temporary
21 credential. But the more thorough vetting was ---.

22 MR. SOJKA:

23 Okay. All right. Thank you.

24 CHAIRMAN:

25 May I have a motion?

1 MR. MOSCATO:

2 Mr. Chairman, I move that the Board issue
3 an order to adopt the Report and Recommendation from
4 the OHA regarding the Gaming Employee Permit of Sean
5 Savinell, as described by the OCC.

6 MR. SOJKA:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 AYES RESPOND

11 CHAIRMAN:

12 Opposed? The motion carries.

13 ATTORNEY COOK:

14 Dominique Singleton is the next Report
15 and Recommendation before the Board today. Mr.
16 Singleton issued a Non-Gaming Employee Registration on
17 January 19th, 2011, and was employed as an operations
18 attendant at Parx Casino.

19 On July 18th, 2011, the Bureau of Casino
20 Compliance became aware that on July 16th, 2011, Mr.
21 Singleton was charged with three criminal offenses
22 after a traffic stop in which Mr. Singleton was found
23 to be a passenger in a stolen vehicle. Among the
24 three charges he faced --- or continues to face were
25 two felonies.

1 As a result of these charges, the OEC
2 requested an Emergency Order of Suspension, which
3 Executive Director O'Toole signed on July 29th, 2011.
4 On August 18th, 2011, the Board referred this matter
5 to the OHA for what's called an evidentiary hearing.
6 That hearing was held on August 31st. Despite
7 receiving proper notice, Mr. Singleton didn't attend
8 the hearing, and it proceeded in his absence.

9 A Report and Recommendation was
10 thereafter issued, recommending, due to the continued
11 fact that Mr. Singleton faces felony charges, that the
12 Notice of Suspension remain in place, and that is the
13 recommendation before the Board.

14 CHAIRMAN:

15 Is Dominique Singleton in the room? Any
16 questions or comments from the Board? May I have a
17 motion?

18 MR. SOJKA:

19 Yes, Mr. Chairman. I move that the Board
20 issue an order to adopt the Report and Recommendation
21 of the OHA regarding the Non-Gaming Employee
22 Registration of Dominique Singleton, as described by
23 the OCC.

24 CHAIRMAN:

25 Second?

1 MR. TRUJILLO:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 AYES RESPOND

6 CHAIRMAN:

7 Opposed? Motion carries.

8 ATTORNEY COOK:

9 Jeffrey Yu's Report and Recommendation is
10 the next item before the Board today. Mr. Yu was
11 issued a Gaming Employee Permit on April 7th, 2011,
12 and was employed as a Dealer at Harrah's Chester
13 Casino & Racetrack.

14 On June 15th, 2011, the Pennsylvania
15 State Police notified the BIE that Mr. Yu was arrested
16 on several drug charges, including one felony and
17 three misdemeanor offenses.

18 As a result of these charges, the OEC
19 requested an Emergency Order of Suspension, which the
20 Executive Director signed on August 8th, 2011. The
21 Board thereafter referred the matter to the OHA for a
22 hearing, which was held on September 6th, 2011. Once
23 again, Mr. Yu, despite receiving proper notice, didn't
24 appear for the hearing, and it proceeded in his
25 absence.

1 A Report and recommendation was
2 thereafter issued, recommending that this individual's
3 credential be --- continue under emergency suspension
4 given the continued charges that he was facing. And
5 that Report and Recommendation is before the Board.

6 CHAIRMAN:

7 Is Jeffrey Yu in the room? Are there any
8 questions or comments from the Board. May I have a
9 motion?

10 MR. TRUJILLO:

11 Mr. Chairman, I move that the Board issue
12 an order to adopt the Report and Recommendation of the
13 OHA regarding the continued suspension of Jeffrey Yu's
14 Gaming Employee Permit, as described by the OCC.

15 MR. FAJT:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? The motion carries.

22 ATTORNEY COOK:

23 The next Report and Recommendation before
24 the Board today pertains to a request to be removed
25 from the Voluntary Self-Exclusion List. On May 21st,

1 2011, an individual with the initials EMB entered
2 Mohegan Sun Racetrack Casino, gamed, and thereafter
3 approached the Bureau of Casino Compliance officers on
4 duty, requesting to be placed on the Voluntary
5 Self-Exclusion List.

6 On that date, a Casino Compliance
7 representative met with EMB and conducted a mandatory
8 interview with her and completed all of the required
9 procedures. At that time EMB selected a one-year
10 period self-exclusion, completed and signed all of the
11 appropriate forms.

12 EMB is now requesting to be removed from
13 the Self-Exclusion List primarily due to the fact that
14 she has lost all of her player complimentaries
15 relative to the Mohegan Casino, and she has concerns
16 that it could impact her other casino player cards as
17 well.

18 The OEC filed an Answer, objecting to her
19 request, and a hearing on the matter was held on
20 August 24th, 2011. Both EMB and OEC attended the
21 hearing and offered testimony.

22 The Report and Recommendation before the
23 Board was subsequently issued, and the Hearing officer
24 found that, pursuant to the Board's Regulations, EMB
25 cannot be or should not be removed from the Exclusion

1 List or even considered being removed from the
2 Exclusion List until the one-year period runs. And
3 that's the Recommendation before the Board for
4 consideration.

5 CHAIRMAN:

6 Is EMB here? Hopefully, if you are, you
7 know I just called your name. I don't see anybody
8 standing or coming forward. Any questions or comments
9 from the Board?

10 MR. GINTY:

11 Yes, Mr. Chairman, I got a comment. I'm
12 going to vote no on this. My opinion without
13 providing for a period of reflection or cooling off, I
14 think our process of the staff putting people on the
15 Exclusion List violates at least that one step of
16 fairness in the process, so I'm voting no.

17 MR. MCCALL:

18 Mr. Chairman, I just want to point out,
19 too, notwithstanding Mr. Ginty's comments, EMB, at the
20 end of that one-year time, is not automatically off
21 that Exclusion List; is that correct?

22 ATTORNEY COOK:

23 That's correct.

24 MR. MCCALL:

25 That person still must petition this

1 Board to get off that list?

2 ATTORNEY COOK:

3 They have to request --- it doesn't
4 necessarily come to the Board, but they request it of
5 the staff. And I believe the process that commonly we
6 request our Office of Compulsive Gambling to be
7 removed list, and there actually is a period of
8 approximately a week, I think, they have to come back
9 in a second time and make the request.

10 MR. SOJKA:

11 And with regard to the matter of player's
12 card credits, those are not restored. Those are
13 permanently lost; is that correct?

14 ATTORNEY COOK:

15 I really don't have the answer to that
16 question. That would be up to the operator.

17 MR. SOJKA:

18 It's probably contractual, somewhere in
19 the time frame of the player's card. Okay. Thanks.

20 MR. GINTY:

21 Steve, didn't you say that when a person
22 must get off the Exclusion List that there is a cool-
23 off period?

24 ATTORNEY COOK:

25 I don't know if they call it a cooling

1 off period, but my understanding of the procedure is
2 there's a period --- a waiting period from the first
3 --- you have to request it twice and there's a waiting
4 period in between the requests.

5 MR. GINTY:

6 Thank you.

7 CHAIRMAN:

8 Thank you. Any other questions? May I
9 have a motion?

10 MR. FAJT:

11 Mr. Chairman, I move that the board issue
12 an order to adopt the Report and Recommendation of the
13 OHA regarding EMB's Petition for Removal from the
14 Voluntary Self-Exclusion List, as described by the
15 OCC.

16 MR. MCCALL:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 AYES RESPOND

21 CHAIRMAN:

22 Opposed?

23 MR. GINTY:

24 Opposed.

25 CHAIRMAN:

1 The motion thereby passes.

2 ATTORNEY COOK:

3 Finally, for the Board's consideration is
4 the Emergency Suspension of Paresh Malkan, who was
5 issued a Gaming Employee Permit on May 26, 2010, and
6 was employed as a Table Games Dealer at Parx.

7 On October 21st, 2011, the Bureau of
8 Casino Compliance became aware that, on October 3rd,
9 2011, Mr. Malkan was arrested and charged with four
10 criminal drug-related offenses. Included in those
11 offenses was one felony.

12 As a result of these charges, OEC filed a
13 Request for an Emergency Order of Suspension of Mr.
14 Malkan's Gaming Employee Permit, which the Executive
15 Director signed on October 28th, 2011.

16 Board Regulations require that a full
17 evidentiary hearing be now conducted. And the issue
18 before the Board is whether the Board will conduct
19 that hearing or refer it to the OHA to conduct the
20 hearing. The OCC would recommend that the matter be
21 referred to the OHA for a full hearing and subsequent
22 issuance of a Report and Recommendation.

23 CHAIRMAN:

24 Is Paresh Malkan here? Any questions or
25 comments from the Board? May I have a motion?

1 MR. GINTY:

2 Mr. Chairman, I move that the Board issue
3 an order to rescind the Emergency Suspension of Paresh
4 Malkan's Gaming Employee Permit and that the matter be
5 referred to the OHA for a hearing to determine the
6 validity of the Emergency Suspension.

7 MR. MCCALL:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 AYES RESPOND

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY SHERMAN:

15 And that concludes the matters of the
16 OCC.

17 CHAIRMAN:

18 All right. Thank you. We'll take a
19 break here.

20 SHORT BREAK TAKEN

21 CHAIRMAN:

22 I believe the Director of Licensing,
23 Susan Hensel, is next. Susan?

24 MS. HENSEL:

25 Thank you, Chairman Ryan and members of

1 the Board. The first matter for your consideration is
2 the approval of the Table Game Manufacturer License of
3 the United States Playing Card Company. The United
4 States Playing Card Company is currently the holder of
5 an additional Table Games Manufacturer License. The
6 BIE has concluded its investigation and the Bureau of
7 Licensing has provided you with a Background
8 Investigation and Suitability Report for this
9 conditional license holder. No issues were identified
10 by the Bureau of Licensing that would preclude the
11 issuance of a full Table Game Manufacturer License. I
12 have provided the direct order and ask that the Board
13 consider the approval of the United States Playing
14 Card Company as a Table Game Manufacturer.

15 CHAIRMAN:

16 Any questions or comments from
17 Enforcement Counsel?

18 ATTORNEY PITRE:

19 There's no objection.

20 CHAIRMAN:

21 Any questions or comments from the Board?
22 May I have a motion?

23 MR. MOSCATO:

24 Mr. Chairman, I move that the Board
25 approve the U.S. Playing Card Company's Table Games

1 Manufacturer License, as described by the Bureau of
2 Licensing.

3 MR. SOJKA:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN:

9 Opposed? The motion carries.

10 MS. HENSEL:

11 Also for your consideration is the
12 approval of the Gaming Related Gaming Service Provider
13 Certification for Masque Publishing, Inc. A Gaming
14 Related Gaming Service Provider provides a
15 gaming-related service that includes a new game or a
16 new wager, a game variation, a side item or a similar
17 innovation relating to a table game that has been
18 approved by the Board. Masque Publishing licenses the
19 conceptual property rights to Spanish 21, which is a
20 variation of Blackjack.

21 In addition to providing you with a
22 background investigation and suitability report for
23 this applicant, the Bureau of Licensing has provided
24 you with a draft order. I ask that the Board consider
25 the order approving Masque Publishing, Inc. as a

1 Gaming Related Gaming Service Provider.

2 CHAIRMAN:

3 Any questions or comments from
4 Enforcement Counsel?

5 ATTORNEY PITRE:

6 Enforcement Counsel has no objection.

7 CHAIRMAN:

8 Any questions or comments from the Board?
9 Then may I have a motion?

10 MR. SOJKA:

11 Yes, you may, Mr. Chairman. I'll move
12 that the Board approve the approval of Masque
13 Publishing, Inc.'s Gaming Related Gaming Service
14 Provider Certification, as described by the Bureau of
15 Licensing.

16 CHAIRMAN:

17 Second?

18 MR. TRUJILLO:

19 Second. I find it that we approve the
20 approval.

21 CHAIRMAN:

22 We'll take immediate action. All in
23 favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? Motion carries.

2 MS. HENSEL:

3 We also have for your consideration the
4 approval of Principal and Key Employee Licenses.
5 Prior to this meeting, the Bureau of Licensing
6 provided you with a proposed order for four Principal
7 and 20 Key Employee Licenses for Category 1, Category
8 2 and Manufacturer Licensees. I ask that the Board
9 consider the order approving these licenses.

10 CHAIRMAN:

11 Any questions or comments from
12 Enforcement Counsel?

13 ATTORNEY PITRE:

14 Enforcement Counsel has no objection.

15 CHAIRMAN:

16 Any questions or comments from the Board?
17 May I have a motion?

18 MR. TRUJILLO:

19 So moved.

20 CHAIRMAN:

21 Second?

22 MR. FAJT:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 AYES RESPOND

2 CHAIRMAN:

3 Opposed? Motion carries.

4 MS. HENSEL:

5 Next I have Temporary Principal and Key
6 Employee Licenses. Prior to this meeting, the Bureau
7 of Licensing provided you with an order regarding the
8 issuance of Temporary Licenses for one Principal and
9 15 Key Employees. I ask that the Board consider the
10 order approving these licenses.

11 CHAIRMAN:

12 Questions or comments of Enforcement
13 Counsel?

14 ATTORNEY PITRE:

15 Enforcement Counsel has no objection.

16 CHAIRMAN:

17 Questions or comments of the Board? May
18 I have a motion?

19 MR. FAJT:

20 Mr. Chairman, I move that the Board
21 approve the issuance of Temporary Principal and Key
22 Employee Credentials, as described by the Bureau of
23 Licensing.

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 All opposed? Motion carries.

6 MS. HENSEL:

7 Next are Gaming Permits and Non-Gaming
8 Registrations. Prior to this meeting, the Bureau of
9 Licensing provided you with a list of 626 individuals
10 who the Bureau is granting Temporary or Full
11 Occupation Permits to and 165 individuals who the
12 Bureau has granted Registrations to under the
13 authority delegated to the Bureau of Licensing I ask
14 that the Board adopt the motion approving the order.

15 CHAIRMAN:

16 Any questions or comments from
17 Enforcement Counsel?

18 MR. PITRE:

19 Enforcement Counsel has no objection.

20 CHAIRMAN:

21 Any questions or comments from the Board?
22 May I have a motion?

23 MR. GINTY:

24 So moved.

25 CHAIRMAN:

1 Second?

2 MR. MCCALL:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN:

8 All opposed? The motion carries.

9 MS. HENSEL:

10 In addition, we have recommendations of
11 denial of three Gaming Employee and two Non-Gaming
12 Employee Applications. Prior to this meeting, the
13 Bureau provided you with orders addressing these
14 applicants, who the BIE recommended for denial. In
15 each case the applicant failed to request a hearing
16 within the specified time period. I ask that the
17 Board consider the orders denying the Gaming and
18 Non-Gaming Applications.

19 CHAIRMAN:

20 Any questions or comments from
21 Enforcement Counsel?

22 ATTORNEY PITRE:

23 Enforcement Counsel requests denial in
24 each instance.

25 CHAIRMAN:

1 Any questions or comments from the Board?

2 May I have a motion?

3 MR. MCCALL:

4 Mr. Chairman, I move that the Board
5 approve the denial of Gaming Employee and Non-Gaming
6 Employee Applications, as described by the Bureau of
7 Licensing.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 AYES RESPOND

15 CHAIRMAN:

16 Opposed? The motion carries.

17 MS. HENSEL:

18 Next we have withdrawal requests or Key
19 Employee, Gaming and Non-Gaming Employees. In each
20 case the license, permit or registration is no longer
21 required due to such circumstances as the employee
22 failing to report to work or a job offer being
23 rescinded. For today's meeting I have provided you
24 with a list of 16 Employee, 82 Gaming, 14 Non-Gaming
25 and One Principal Withdrawals for approval. I ask

1 that the Board consider the order approving the
2 withdrawals.

3 CHAIRMAN:

4 Any questions or comments from
5 Enforcement Counsel?

6 ATTORNEY PITRE:

7 Enforcement Counsel has no objection.

8 CHAIRMAN:

9 Any questions or comments from the Board?
10 May I have a motion?

11 MR. MOSCATO:

12 Mr. Chairman, I move that the Board
13 approve the withdrawals, as described by the Bureau of
14 Licensing.

15 MR. SOJKA:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? The motion carries.

22 MS. HENSEL:

23 In addition, we have orders to certify
24 the following Gaming Service Providers, D-M Products,
25 Incorporated; Halifax Security, Inc.; John F. Brennan,

1 Inc.; LM Construction, Inc.; No Limit Steaks; Smooth
2 Construction Company of Ohio; TriState HVAC Program;
3 and Vollers Excavating & Construction. I'd ask that
4 the Board consider the order approving these Gaming
5 Service Providers for certification.

6 CHAIRMAN:

7 Any questions or comments from
8 Enforcement Counsel?

9 ATTORNEY PITRE:

10 Enforcement Counsel has no objection.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 May I have a motion?

14 MR. SOJKA:

15 Yes. Mr. Chairman, I'll move that the
16 Board issue an order to approve the Application for
17 Gaming Service Provider Certification, as described by
18 the Bureau of Licensing.

19 CHAIRMAN:

20 Second?

21 MR. TRUJILLO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1 CHAIRMAN:

2 All opposed? Motion carries.

3 MS. HENSEL:

4 Finally, we have an order regarding
5 Gaming Service Provider Registrations. The Bureau of
6 Licensing provided you with an order and a list of 16
7 Registered Gaming Service Providers. I'd ask that the
8 Board adopt the motion approving the order registering
9 these Gaming Service Providers.

10 ATTORNEY PITRE:

11 Enforcement Counsel has no objection.

12 CHAIRMAN:

13 Thank you. Any questions or comments
14 from the Board? May I have a motion?

15 MR. TRUJILLO:

16 Mr. Chairman, I move that the Board issue
17 an order to approve the application for Gaming Service
18 Provider Registration, as described by the Director of
19 the Bureau of Licensing.

20 MR. FAJT:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 All opposed? Motion carries.

2 MS. HENSEL:

3 That concludes the Bureau of Licensing's
4 presentation. Thank you.

5 CHAIRMAN:

6 Thank you very much.

7 MR. GINTY:

8 Mr. Chairman, would you indulge me?
9 Susan, please stay where you are. Susan, I want to
10 add my personal congratulations on your election as
11 president of the International Association of Gaming
12 Regulators. It should be noted that in noting
13 Susan's --- the outgoing president of IAGR noted that
14 Susan was an ideal person to lead the organization in
15 the future and is pleased to hand over the presidency
16 to Susan, who is a very --- as he said, a very capable
17 leader and knowledgeable in gaming revenue. Susan,
18 that certainly has been my experience in working with
19 you in the five years that I've been on the Board.

20 I would also note that, as we just did,
21 we usually fly through your portion of the agenda.
22 And I know I didn't keep an exact count, but we have
23 probably close to 700 applications in the last couple
24 minutes. And probably the most important and the
25 reason we're able to get through that quickly is

1 because of the fine work that you and your staff do in
2 reviewing and processing the applications. And I
3 guess the last time we were well over 50,000
4 applications that you were working on.

5 You know, you also play a very key role
6 in bringing slot games to the Commonwealth, which is a
7 laborious process which is being looked at in a lot of
8 other jurisdictions and is a true motivation. So, I
9 just want to say it's been a personal and professional
10 pleasure to work with you over these years. You have
11 brought honor upon yourself. You have brought honor
12 on a relatively young organization, and you've brought
13 honor on the state itself. Thank you very much.

14 MS. HENSEL:

15 Thank you. I very much appreciate those
16 kind words.

17 MR. FAJT:

18 Mr. Chairman, I'd just like to add my
19 personal congratulations. Susan and I have known each
20 other since our days in the Department of Revenue back
21 in the mid 2000s, and you are without a doubt one of
22 the most competent and professional individuals I've
23 ever worked with in my 35 years in the labor field.
24 And you are a credit to our agency, and I am pleased
25 that you have been the recipient of this honor. I

1 think it's a great credit to the Gaming Control Board
2 that an agency that's only been in existence for six
3 years now has the top professional internationally in
4 the gaming regulating organization. So, I'm very
5 pleased that you have received this award and very
6 pleased that you're a member of our agency. So, thank
7 you and congratulations.

8 MS. HENSEL:

9 Thank you. I look forward to
10 representing the PGCB in the international regulatory
11 community. Thank you very much.

12 CHAIRMAN:

13 Mr. Pitre?

14 ATTORNEY PITRE:

15 We have 11 matters for the Board's
16 consideration today. The first matter is a Consent
17 Agreement with Paltronics, a manufacture. Deputy
18 Chief Enforcement Counsel Barry Creany will present
19 the matter to the Board. I know that representatives
20 from Paltronics are not present today, but they have
21 signed the Consent Agreement in order to proceed.

22 CHAIRMAN:

23 So there's nobody from Paltronics here?
24 All right. Then we can begin.

25 ATTORNEY CREANY:

1 Good afternoon, Chairman, Commissioners.
2 My name is Barry Creany, C-R-E-A-N-Y. I'm a Deputy
3 with the OEC. And today we're presenting a Consent
4 Petition that's been negotiated with Paltronics for
5 violations of Condition --- Statement of Condition,
6 which is also incorporated into the Act, 1207(4),
7 which requires that they provide a copy of their
8 audited annual statements within 90 days of the close
9 of the fiscal year. And this year they failed to do
10 so and only submitted it on July 1st, which was 91
11 days late. And as a result, we've proposed to have an
12 executed Consent Agreement where they'll pay a \$200 a
13 day fine, which is equivalent of \$18,200, and also
14 institute policies and procedures to ensure that
15 there's no late filings in the financial statement in
16 the future years. I have nothing further. If you
17 have any questions, I'd be glad to respond.

18 CHAIRMAN:

19 Any questions or comments from the Board?
20 May I have a motion?

21 MR. FAJT:

22 Mr. Chairman, I move that the Board issue
23 an order to approve the Consent Agreement between the
24 OEC and Paltronics, Inc., as described by the OEC.

25 MR. GINTY:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN:

6 All opposed? The motion carries.

7 ATTORNEY PITRE:

8 The next matter for the Board's
9 consideration is presented by Assistant Enforcement
10 Counsel Michael Roland with regard to the revocation
11 of Michael Spedding's Gaming Permit. If Mr. Spedding
12 is here, I'd ask him to come forward.

13 ATTORNEY ROLAND:

14 Good morning, Mr. Chairman, members of
15 the Board. Mike Roland, R-O-L-A-N-D, with the OEC.
16 On August 9th, 2011, the OEC filed a complaint to
17 revoke the Gaming Employee Permit of Michael Paul
18 Spedding for failure to maintain suitability. The
19 petition was served on Mr. Spedding on August 11th,
20 2011. In the petition OEC alleged that Mr. Spedding,
21 during his shift on August 4th, 2011, as a dealer at
22 Sands Casino, on at least five separate occasions was
23 observed taking gaming tokens and transferring to his
24 own private gratuity bin. The total value of tokens
25 taken was \$200. Relative to his activity at Sands

1 Casino, Mr. Spedding was charged by the Pennsylvania
2 State Police with five counts each of prohibited acts
3 under the Gaming Act, specifically Section 1558 and
4 A17, five counts of unlawful taking and five counts of
5 receiving stolen property. Mr. Spedding's charges are
6 still pending at this point in the Court of Common
7 Pleas.

8 Mr. Spedding did not respond to the
9 petitions within 30 days. Therefore, his right to a
10 hearing has been waived and the facts alleged in the
11 petition are deemed to be admitted. On September
12 21st, 2011, OEC filed a request for default judgment.
13 At this time OEC would ask that the Board revoke the
14 Gaming Employee Permit of Michael Paul Spedding.

15 CHAIRMAN:

16 Is Michael Spedding in the room at all?
17 Any questions or comments from the Board? May I have
18 a motion?

19 MR. GINTY:

20 Mr. Chairman, I move that the Board issue
21 an order to approve the revocation of Michael
22 Spedding's Gaming and Employee Permit, as described by
23 the OEC.

24 MR. MCCALL:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 Opposed? Motion carries.

6 ATTORNEY PITRE:

7 Next for the Board's consideration we
8 have the Revocation of Christopher Stickley's Gaming
9 Employee Permit. Assistant Enforcement Counsel Beth
10 Manifesto will present the matter for the Board's
11 consideration. If Mr. Stickley is present, I ask that
12 he come forward.

13 ATTORNEY MANIFESTO:

14 Good afternoon. Beth Manifesto for the
15 OEC, M-A-N-I-F, as in Frank, E-S-T-O. Regarding Mr.
16 Stickley, S-T-I-C-K-L-E-Y, on July 27th of this year,
17 the OEC filed a complaint for revocation of Mr.
18 Stickley's Gaming Permit due to a failure to maintain
19 suitability, namely a patron who lost a cell phone,
20 Mr. Stickley took possession of that phone and
21 informed the patron personally that he had not seen
22 the phone and did not give up possession of the phone.
23 He did later dispose of the phone, so it was not
24 recovered.

25 Mr. Stickley did accept the complaint

1 filed by OEC on August 8th, as verified by the
2 certified mail receipt that was returned to OEC's
3 offices. Mr. Stickley failed to respond to the
4 complaint within 30 days, as required, and
5 consequently the assertions within the complaint were
6 admitted.

7 A request for default judgment was signed
8 by the OEC on September 22nd of this year and properly
9 served upon Mr. Stickley. We now ask that the Board
10 revoke his Gaming Permit.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 May I have a motion?

14 MR. MCCALL:

15 Mr. Chairman, I move that the Board issue
16 an order to approve the revocation of Christopher
17 Stickley's Gaming Employee Permit, as described by the
18 OEC.

19 CHAIRMAN:

20 Second?

21 MR. MOSCATO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1 CHAIRMAN:

2 Opposed? Motion carries.

3 ATTORNEY MANIFESTO:

4 The next matter concerns Dennis Utt,
5 U-T-T. On July 27th of 2011, OEC filed a Complaint
6 for Revocation of Mr. Utt's Non-Gaming Permit due to a
7 failure to maintain suitability when he took
8 possession of a \$100 bill that a patron had dropped
9 while he was on duty as an Environmental Worker. Mr.
10 Utt failed to respond to the complaint within 30 days,
11 as required. And consequently, the assertions within
12 the complaint are deemed admitted. A request for
13 default judgment was filed by the OEC on September
14 22nd. This document was received by Mr. Utt, which
15 verified that he received certified mail dated October
16 of this year. The OEC now requests the Board to
17 revoke Mr. Utt's Non-Gaming Permit for the reasons set
18 forth in the order.

19 CHAIRMAN:

20 Is Mr. Utt in the room? Any questions or
21 comments from the Board?

22 MR. SOJKA:

23 Ms. Manifesto, is a --- the environmental
24 employee would be what I might call a custodian?

25 ATTORNEY MANIFESTO:

1 That would be correct.

2 CHAIRMAN:

3 Also a sanitation engineer.

4 MR. SOJKA:

5 Yes. I just wanted to make sure.

6 CHAIRMAN:

7 May I have a motion?

8 MR. MOSCATO:

9 Mr. Chairman, I move that the Board issue
10 an order to approve the revocation of Mr. Utt's
11 Non-Gaming Employee Registration, as described by the
12 OEC.

13 MR. SOJKA:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN:

19 All opposed? Motion carries.

20 ATTORNEY MANIFESTO:

21 The next issue involves placement on the
22 Board's Exclusion List. This involves a woman, Martha
23 Mendoza-Blevins. On February 24th of 2011, the OEC
24 filed a petition to place Ms. Mendoza-Blevins on the
25 Board's Excluded Persons List because on New Year's

1 Eve of this year she took her 15-year-old son to a
2 registered casino and allowed him to engage in slot
3 play with her. The Enforcement petition was properly
4 served upon Ms. Mendoza-Blevins via first class mail,
5 as well as personal service, on July 15th of 2011.
6 Mendoza-Blevins has not responded to the complaint,
7 and therefore the averments contained within are
8 deemed admitted. The OEC filed a request for default
9 judgment on September 22nd of this year, which was
10 received by Ms. Mendoza-Blevins and stated the request
11 that she be placed on the Excluded Persons List.

12 CHAIRMAN:

13 Is Martha Mendoza-Blevins in the room?
14 Any questions or comments from the Board? May I have
15 a motion?

16 MR. SOJKA:

17 Yes, Mr. Chairman. I move that the Board
18 issue an order to approve the issuing of Martha
19 Mendoza-Blevins to the PGCB Exclusion List, as
20 described by the OEC.

21 CHAIRMAN:

22 Second?

23 MR. TRUJILLO:

24 Second.

25 CHAIRMAN:

1 All those in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 All opposed? The motion carries.

5 ATTORNEY MANIFESTO:

6 Regarding the next matter, on May 23rd of
7 this year, the OEC filed a petition to place Uri,
8 U-R-I, Fakiro, F-A-K-I-R-O, on the Board's Excluded
9 Person List due to his engaging in chain behavior when
10 he placed a capped bet while playing Blackjack at the
11 Rivers Casino. The Enforcement petition was properly
12 served upon Mr. Fakiro via certified and first class
13 mail. Receipt was acknowledged on June 17th via a
14 certified mail response card. Mr. Fakiro did not
15 respond to the claim; therefore, the averments
16 contained within are deemed admitted.

17 The OEC filed a request for default
18 judgment on September 22nd, which was received by Mr.
19 Fakiro and stating the request that he be placed on
20 the Excluded Persons List.

21 CHAIRMAN:

22 Is Mr. Fakiro present? Any questions
23 from the Board? Do I have a motion?

24 MR. TRUJILLO:

25 Mr. Chairman, I move that the Board issue

1 an order to approve the addition of Uri Fakiro to the
2 PGCB Exclusion List, as described by the OEC.

3 MR. FAJT:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN:

9 Opposed? The motion carries.

10 ATTORNEY MANIFESTO:

11 The next two matters involve the same set
12 of circumstances so I did combine those. A matter
13 regarding Lounia, L-O-U-N-I-A, Xayathep,
14 X-A-Y-A-T-H-E-P, and Phayvan, P-H-A-Y-V-A-N,
15 Peaungvongpakdy, P-E-U-N-G-U-A-N-G-P-A-K-D-Y (sic).

16 CHAIRMAN:

17 Are either of those persons in the room?

18 Okay. Go ahead.

19 ATTORNEY MANIFESTO:

20 Regarding this matter, on July 18th of
21 2011, the OEC filed a petition to place Lounia
22 Xayathep and Phayvan Peaungvongpakdy on the Board's
23 Excluded Person List as a result of their leaving
24 three children, ages one, three and ten years of age,
25 unattended in a vehicle while they gamed at Rivers

1 Casino. The Exclusion Petitions were properly served
2 upon each adult and acknowledged via return of
3 certified receipt dated July 20th. Neither individual
4 responded to the complaint filed against them, and
5 therefore the averments contained within are deemed
6 admitted.

7 The OEC filed a request for default
8 judgment on September 22nd, and today we request that
9 Lounia Xayathep and Phayvan Peaungvongpakdy please be
10 placed on the Board's Excluded Persons List.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 May I have a motion?

14 MR. FAJT:

15 Mr. Chairman, I move that the Board issue
16 an order to approve the addition of Phayvan
17 Peaungvongpakdy to the PGCB Exclusion List, as
18 described by the OEC.

19 MR. GINTY:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 AYES RESPOND

24 CHAIRMAN:

25 Opposed? Motion carries.

1 ATTORNEY PITRE:

2 The next two matters for the Board's
3 consideration --- I'm sorry.

4 MR. GINTY:

5 Mr. Chairman, I move that the Board issue
6 an order to approve the addition of Ms. Xayathep to
7 the Exclusion List, as described by the OEC.

8 MR. MCCALL:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? The motion carries.

15 ATTORNEY MANIFESTO:

16 Thank you.

17 ATTORNEY PITRE:

18 The next three matters ripe for Board
19 consideration will be handled by Assistant Enforcement
20 Counsel Mike Roland.

21 ATTORNEY ROLAND:

22 The next matter before you is regarding
23 Christopher Ivezaj. On August 15th, 2011 OEC filed a
24 petition placing Mr. Ivezaj on the Pennsylvania Gaming
25 Control Board's Involuntary Exclusion List. The

1 petition was served on Mr. Ivezaj on August 18th,
2 2011. Mr. Ivezaj was illegally signing Player's Cards
3 on the gaming floor which were not issued to him.
4 Additionally, he was 20 years of age, in possession of
5 false identification, in possession of marijuana, and
6 in possession of Xanax.

7 Relative to his activity at the casino,
8 Mr. Ivezaj was charged by the Bethlehem Police
9 Department with false identification to law
10 enforcement, possessing a controlled substance,
11 possession of a small amount of marijuana, and
12 carrying false identification. Mr. Ivezaj entered a
13 guilty plea on March 3rd, 2011 only to the false
14 identification to law enforcement charge.

15 Mr. Ivezaj did not respond to the
16 petition within 30 days; therefore, his right to a
17 hearing has been waived and the facts alleged in the
18 petition are deemed to be admitted. On September
19 21st, 2011 OEC filed a request for default judgment.
20 At this time, OEC asks that the Board place Mr. Ivezaj
21 on the Pennsylvania Gaming Control Board's Involuntary
22 Exclusion List.

23 CHAIRMAN:

24 Is Mr. Ivezaj in the room? Any questions
25 or comments from the Board? May I have a motion?

1 MR. MCCALL:

2 Mr. Chairman, I move that the Board issue
3 an order to approve the addition of Christopher Ivezaj
4 to the Pennsylvania Gaming Control Board's Exclusion
5 List, as described by the OEC.

6 MR. MOSCATO:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 AYES RESPOND

11 CHAIRMAN:

12 Opposed? Motion carries.

13 ATTORNEY ROLAND:

14 The next two matters are combined because
15 they were co-conspirators. First, on August 17th,
16 2011, OEC filed a petition to place Yvette Reid on the
17 Pennsylvania Gaming Control Board's Involuntary
18 Exclusion List. On that same date there is also a
19 petition filed to place Mr. Murrell Dion Ross on that
20 same Exclusion List. The petition was served both on
21 Ms. Reid and both on Mr. Ross on August 15th, 2011.
22 In the petition OEC alleged that both parties were
23 exchanging cards with the other to create winning
24 hands while playing Three-Card Poker. This was done
25 five times successfully and generated approximately

1 \$1,700 in winnings. Relative to their activity, both
2 parties were charged by the Pennsylvania State Police
3 with five counts of different acts under the Gaming
4 Act and five counts of attempt. Both Ms. Reid and Mr.
5 Ross failed to appear at their preliminary hearing.
6 Bench Warrants were issued for their arrests. Their
7 Bench Warrants are still in effect. Neither Ms. Reid
8 nor Mr. Ross responded to the petition within 30 days;
9 therefore, their right to a hearing has been waived
10 and the facts alleged in the petitions are deemed to
11 be admitted. On September 1st, 2011, OEC filed a
12 request for default judgment in both situations. At
13 this time, OEC would ask that the Board place both
14 Yvette Reid and Murrell Dion Ross on the Pennsylvania
15 Gaming Control Board's Involuntary Exclusion List.

16 CHAIRMAN:

17 Is Yvette Reid in the room? Questions?

18 MR. SOJKA:

19 Yes. I have one question. I missed the
20 point in looking at that write-up. Their alleged
21 offense occurred in Three-Card Poker; correct?

22 ATTORNEY PITRE:

23 Correct.

24 MR. SOJKA:

25 That then is a bank game?

1 ATTORNEY PITRE:

2 That's correct.

3 MR. SOJKA:

4 So if there was a loss of money as a
5 result of their alleged misbehavior, the house would
6 be the loser?

7 ATTORNEY PITRE:

8 Exactly.

9 MR. SOJKA:

10 Which leads to a relatively
11 straightforward remedy. Might I ask, just in
12 preparation for what might occur in the future, if
13 this had been any non-bank poker game, the remedy
14 might have been extraordinarily difficult; is that not
15 correct?

16 ATTORNEY PITRE:

17 I don't know that the remedy would be
18 extraordinarily difficult, other than what would
19 probably be a scenario that I hope would never happen
20 is that it would affect --- definitely affect the
21 integrity of the game and make players question as to
22 whether or not the game could be operated in a fair
23 manner. So, in a way we haven't seen it in that
24 situation yet, but anything is possible. It's a
25 chance. And you know, with this industry, as

1 successful as we are, there's a chance that we will
2 see it in the future, and we'll deal with it
3 appropriately at that time.

4 MR. SOJKA:

5 At least at the level of what we do in
6 terms of putting people on Exclusion Lists or
7 whatever, it's not an issue. The issue of providing
8 restitution is always what we would do; correct?

9 ATTORNEY PITRE:

10 That's correct.

11 MR. SOJKA:

12 Thank you.

13 CHAIRMAN:

14 All right. With respect to Reid, any
15 other questions or comments from the Board? May I
16 have a motion?

17 MR. MOSCATO:

18 Mr. Chairman, I move that the Board issue
19 an order to approve the addition of Yvette Reid to the
20 PGCB Exclusion List, as described by the OEC.

21 CHAIRMAN:

22 Second?

23 MR. SOJKA:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 All opposed? Motion carries. With
5 respect to Murrell Ross, is Murrell Ross here? Any
6 questions? May I have a motion?

7 MR. SOJKA:

8 Yes. Mr. Chairman, I'll move that the
9 Board issue an order to approve the addition of
10 Murrell Ross to the PGCB Exclusion List, as described
11 by the OEC.

12 CHAIRMAN:

13 Second?

14 MR. TRUJILLO:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN:

20 Opposed? The motion carries.

21 ATTORNEY PITRE:

22 Thank you.

23 CHAIRMAN:

24 I believe that concludes OEC's matters,
25 and that also concludes normal business.

1 Our next scheduled public meeting will be
2 held on Tuesday, December 6th right here in this
3 facility, in this room. The meeting is scheduled to
4 begin at 10:00 a.m. May I have a motion for
5 adjournment?

6 MR. TRUJILLO:

7 So moved.

8 MR. FAJT:

9 Second.

10 CHAIRMAN:

11 The meeting is adjourned. Thank you.

12 * * * * *

13 MEETING CONCLUDED AT 12:28 P.M.

14 * * * * *

15

16 CERTIFICATE

17 I hereby certify that the foregoing
18 proceedings, meeting held before Chairman Ryan, was
19 reported by me on 11/22/2011 and that I Jolynn C.
20 Prunoske read this transcript and that I attest that
21 this transcript is a true and accurate record of the
22 proceeding.

23 *Jolynn C. Prunoske*

24

25