

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 B. Craig, Representing Robert
McCord, State Treasurer
Robert Coyne, Representing Daniel P.
Meuser, Secretary of Revenue
Jorge Augusto, Representing George Greig,
Secretary of Agriculture

HEARING: Wednesday, February 29, 2012, 10:01 a.m.

LOCATION: Pennsylvania Gaming Control Board
Office of Hearings and Appeals
Strawberry Square, 2nd Floor
Harrisburg, PA 17101

Reporter: Jolynn C. Prunoske

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CHAIRMAN:

Good morning, everyone. My name's Bill Ryan. I'm the Chairman of the Pennsylvania Gaming Control Board. Before we begin, could I ask everyone to please turn off cell phones, PDAs and other electronic devices?

Thank you very much. Joining us today is Chris Craig, representing State Treasurer Robert McCord; Robert Coyne, representing Secretary for the Department of Revenue, Dan Meuser; and Jorge Augusto, Assistant Chief Counsel from the Department of Agriculture, representing Secretary of Agriculture, George Greig. Thank you all for being here. I'll call the meeting to order, since we have everybody here. First order of business will be the pledge of allegiance, so please stand.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

An announcement. First off, the Board held an Executive Session on Tuesday, February 28th for the purpose of discussing personnel matters and to conduct quasi judicial deliberations relating to the matters coming before the Board. First up, Kevin

1 O'Toole, Executive Director, for his report. Kevin?

2 MR. O'TOOLE:

3 Good morning, Chairman Ryan, members of
4 the Board. In early 2011 I requested at a public
5 meeting, and the Board granted a motion to approve the
6 issuance of a request for proposal to obtain
7 competitive bids from companies that perform
8 background screening services. This was one of our
9 initiatives to evaluate all costs related to the
10 operation of the Board and, where possible, to reduce
11 those costs, while at the same time obtaining
12 necessary goods and services.

13 After issuing the RFP, the Board received
14 six technically responsive proposals. A Selection
15 Committee was formed and each proposal was thoroughly
16 evaluated. The Selection Committee has recommended
17 the firm Inquiries, Incorporated, a well-recognized
18 provider of background screening services.

19 As the Board's contracting officer, I
20 support the Selection Committee's recommendation, and
21 with the assistance of the Office of Chief Counsel
22 (OCC), we are close to the point where a proposed
23 contract can be signed. At this time I would like to
24 request that the Board authorize me to enter into a
25 contract with Inquiries, Incorporated, as presented to

1 you this morning.

2 CHAIRMAN:

3 Any questions or comments from the Board?

4 MR. TRUJILLO:

5 Mr. Chairman?

6 CHAIRMAN:

7 Yes, Ken?

8 MR. TRUJILLO:

9 Kevin, can you just give us an idea of
10 both the scope of the agreement and the cost and any
11 potential cost savings from the prior?

12 MR. O'TOOLE:

13 Well, certainly. One of the most
14 difficult aspects of this particular RFP was getting
15 consistency in the technical cost component, but
16 Inquiries have the best proposal overall. These
17 expenses are fairly significant on an annual basis.
18 They cost anywhere from \$600,000 to \$750,000. And
19 under this new contract and this new proposal, of
20 course it is dependent upon how many requests for
21 information we make, but we do hope to save several
22 hundred thousand dollars on an annual basis under this
23 contract.

24 And the services are verification and the
25 validity of certain personal information from all

1 applicants. Checks and credit checks are included,
2 and a variety of other pieces of information of those
3 within the overall background investigation.

4 MR. TRUJILLO:

5 And then approximately, just ballpark how
6 many background investigations are done on an annual
7 basis?

8 MR. O'TOOLE:

9 Actually, we published that in our annual
10 report.

11 MR. TRUJILLO:

12 I remember that being a large number.

13 MR. O'TOOLE:

14 I'm trying to think back.

15 CHAIRMAN:

16 You got to read the annual report, Ken.

17 MR. TRUJILLO:

18 No, but I don't remember whether it was
19 10,000, but it's a large number.

20 MR. O'TOOLE:

21 It's a large number. On any average
22 public meeting, we might be dealing with 300 to 400
23 applicants, when you count all the non-gaming, gaming
24 related personnel.

25 MR. TRUJILLO:

1 All right. That's all. Thank you.

2 MR. O'TOOLE:

3 You're welcome.

4 CHAIRMAN:

5 Any questions from the ex officio members
6 of the Board? May I have a motion?

7 MR. TRUJILLO:

8 Mr. Chairman, I move that the Board
9 authorize the Executive Director to enter into a
10 contract for background screenings services with
11 Inquiries, Inc., as presented.

12 MR. SOJKA:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 AYES RESPOND

17 CHAIRMAN:

18 Opposed? The motion carries. Thank you.
19 I would now like to ask our Director of the Office of
20 Compulsive and Problem Gambling, Liz Lanza, to make a
21 presentation.

22 MS. LANZA:

23 Good morning.

24 CHAIRMAN:

25 Good morning.

1 MS. LANZA:

2 Good morning, Chairman, members of the
3 Board. Before you today is a resolution proclaiming
4 March 4th through March 10th as Problem Gambling
5 Awareness Week.

6 Problem Gambling Awareness Week is a
7 grassroots effort that brings awareness to problem
8 gambling and educates the public on the signs and
9 symptoms of the addiction, as well as publicizes the
10 available treatment options for problem gamblers and
11 their families that are low cost or free and
12 effective. For more information regarding problem
13 gambling and treatment options, the Office of
14 Compulsive and Problem Gambling urges citizens to
15 contact the Counsel on Compulsive Gambling in
16 Pennsylvania by calling 1-800-GAMBLER, or 1-800-848-
17 1880.

18 I ask the Board to adopt the resolution
19 that is before you today. And if you'd like, I can
20 read that resolution into the record.

21 CHAIRMAN:

22 Could you?

23 MS. LANZA:

24 Sure. It's a long one. Whereas the
25 legislative intent of the Pennsylvania Race Horse

1 Development and Gaming Act recognizes in part that the
2 public interest of the citizens of this Commonwealth
3 and social effect of gaming shall be taken into
4 consideration in any Decision or Order made pursuant
5 to the Gaming Act; and whereas the Pennsylvania Gaming
6 Control Board, PGCB, recognized social effects of
7 gaming when it created the Office of Compulsive and
8 Problem Gambling to conduct research, develop public
9 outreach efforts, work with Pennsylvania slot machine
10 licensees to develop and implement problem gambling
11 programs at licensed facilities, administer PGCB's
12 self-exclusion program and promote problem gambling
13 education programs in this Commonwealth; and whereas
14 the Gaming Act established special funds to be known
15 as the Compulsive and Problem Gambling Treatment Fund
16 and required that all the money in the fund should be
17 expended for programs for public awareness,
18 prevention, research, assistance, and treatment of
19 gambling addictions; and whereas problem gambling is a
20 public health issue affecting Pennsylvanians of all
21 ages, races, gender and ethnic backgrounds in all
22 communities; and whereas problem gambling is treatable
23 and treatment is effective in minimizing the harms to
24 individuals, family and society as a whole; and
25 whereas numerous individuals, professionals, agencies

1 and organizations in Pennsylvania have dedicated their
2 efforts to the education of the public about problem
3 gambling and the availability and effectiveness of
4 treatment; and whereas promoting awareness of problem
5 gambling is an opportunity to educate the public and
6 policymakers about social and financial issues related
7 to problem gambling; and therefore, the Pennsylvania
8 Gaming Control Board hereby recognizes March 4 through
9 10, 2012 as Problem Gambling Awareness Week. We
10 encourage all citizens to learn more about the signs
11 of problem gambling and to help spread the message
12 about the availability of treatment.

13 CHAIRMAN:

14 Thank you, Liz. Any questions from the
15 Board?

16 MR. SOJKA:

17 One quick one, Liz. That is, much of
18 your activity, I think, and the activity generated
19 around your office that would be dealt with in this
20 resolution has to do with table games and slot
21 machines. But of course, we also have the Category 3
22 facilities in which there is another kind of wagering,
23 which I presume also leads to addiction, or could.

24 MS. LANZA:

25 Yes.

1 MR. SOJKA:

2 Is there an equivalent kind of
3 advertisement push and notification system at work on
4 the racetracks, as well as in the gaming powers and
5 the gaming floor?

6 MS. LANZA:

7 Well, the Office of Compulsive and
8 Problem Gambling works in a consortium with Department
9 of Health, as well as the Horse and Harness Racing
10 Commissions, so we all come together and we all
11 publicize the problem gambling awareness week. So we
12 put out information. This whole next week we'll be in
13 Strawberry Square and over at the capital. So there
14 will be information on the recent ---.

15 MR. SOJKA:

16 Will there be any similar resolutions
17 from Harness Racing, and also from the Department of
18 Health, similar to the one ---

19 MS. LANZA:

20 Yeah.

21 MR. SOJKA:

22 --- you're working on?

23 MS. LANZA:

24 Yes, there was the joint statement that
25 was put out with the Chairman with the Secretary of

1 Health, Agriculture and Revenue, that they all
2 publicized the National Public Gambling Awareness
3 Week.

4 CHAIRMAN:

5 Any questions from ex officio members?
6 May I have a motion?

7 MR. TRUJILLO:

8 Mr. Chairman, I move that the Board adopt
9 Resolution 2012-1-CPG, as presented by the Office of
10 Compulsive and Problem Gambling.

11 MR. SOJKA:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 Opposed? The motion carries. Thank you
18 both.

19 MS. LANZA:

20 Thank you.

21 CHAIRMAN:

22 Next, Claire Yantis, Director of Human
23 Resources. Claire?

24 MS. YANTIS:

25 Good morning, Chairman, Board members. I

1 wanted to provide you with an update regarding the
2 status of Casino Compliance Representative recruitment
3 efforts for the anticipated opening of the Valley
4 Forge Resort Casino.

5 I'm pleased to advise the Board that the
6 six Casino Compliance Representatives assigned to
7 Valley Forge will be transferring from other casino
8 properties, providing an experienced staff to support
9 the new venture. Additionally, I'm pleased to report
10 that to date, the Office of Human Resources, in
11 conjunction with staff from the Bureau of Casino
12 Compliance, has conducted numerous interviews and have
13 begun to present recommendations to fill the vacancies
14 created by the transfer of the six individuals to
15 Valley Forge.

16 Understanding the length of time
17 necessary for selecting candidates to fully be vetted
18 through the background investigation process, we are
19 asking the Board to consider a motion delegating
20 authority to the Personnel Committee to effectuate the
21 hiring of these individuals as they complete the
22 background process. This delegation of authority is
23 with the understanding that approval of hires would be
24 contingent upon the candidate's successful completion
25 of the background investigation and with the

1 understanding that the Board will ratify those hires
2 at future public Board meetings.

3 We believe this delegation of authority
4 will allow us to make the most efficient use of time
5 in order to ensure that the Bureau of Casino
6 Compliance is in the best possible position to
7 maintain regulation of the current operating casinos
8 and support the opening of the Valley Forge Resort
9 Casino. Unless there are any questions, I would ask
10 that the Board consider a motion delegating authority
11 to the Personnel Committee as indicated.

12 CHAIRMAN:

13 Any questions or comments from the Board?
14 From ex officio members of the Board? May I have a
15 motion?

16 MR. MCCALL:

17 Mr. Chairman, I move that the Board
18 authorize the delegation of authority to the Board's
19 Personnel Committee to approve the hire of employees
20 between now and the Board's March 21st, 2012 Board
21 meeting, with any such hires to be ratified by the
22 Board on March 21st.

23 MR. FAJT:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 Opposed? The motion carries. Thank you,
5 Claire. Doug Sherman, Chief Counsel?

6 ATTORNEY SHERMAN:

7 Good morning, Chairman, members of the
8 Board.

9 CHAIRMAN:

10 Good morning.

11 ATTORNEY SHERMAN:

12 Our first agenda item relates to Final-
13 form regulation, which Assistant Chief Counsel Susan
14 Yocum is here to present.

15 CHAIRMAN:

16 Good morning, Susan.

17 ATTORNEY YOCUM:

18 Good morning, Chairman, members of the
19 Board. I have one Final-form rulemaking for your
20 consideration today.

21 It is 125-159, which addresses the layout
22 requirements, dealing procedures and permissible
23 wagers and payout odds for the games of Spanish 21,
24 Poker, Mississippi Stud and Crazy 4 Poker. We did
25 receive comments during the comment period from Parx,

1 as well as the Independent Regulatory Review
2 Commission, several of which were incorporated into
3 this Final-form rulemaking.

4 Additionally, we added a side wager to
5 Three Card Poker, Wager to Mississippi Stud. I'd be
6 happy to answer any questions you may have.

7 CHAIRMAN:

8 Any questions, comments from the Board?

9 MR. SOJKA:

10 Yes, one quick one. Is this the
11 penultimate Final-form regulation? Will there be only
12 one more?

13 ATTORNEY YOCUM:

14 At the March Board meeting there'll be
15 two more regulations, and that will complete the
16 transition of temporary to Final-form rulemakings for
17 table games.

18 MR. SOJKA:

19 Very close?

20 ATTORNEY YOCUM:

21 Yes, very close.

22 CHAIRMAN:

23 Any questions from the ex officio
24 members? May I have a motion?

25 MR. SOJKA:

1 Yes, Mr. Chairman. I'll move that the
2 Board adopt the Final-form regulation Number 125-159,
3 as described by the OCC, and that the regulation be
4 posted on the Board's website.

5 CHAIRMAN:

6 Second?

7 MR. MOSCATO:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 AYES RESPOND

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY YOCUM:

15 Thank you.

16 CHAIRMAN:

17 Thank you, Susan.

18 ATTORNEY SHERMAN:

19 We had no petitions to present to the
20 Board today, so I'm going to pass off to Steve Cook,
21 Deputy Chief Counsel, for Withdrawals for Reports and
22 Recommendations and one matter involving an Emergency
23 Suspension.

24 CHAIRMAN:

25 All right, Steve.

1 ATTORNEY COOK:

2 Good morning. Before the Board, two
3 unopposed Petitions to Withdraw the Application of an
4 individual business. Specifically the Northeast Ohio
5 Electric, LLC has filed a Petition to Withdraw its
6 Certified Gaming Service Provider Application, and
7 Scientific Games International's Petition to Withdraw
8 the Principal License Application of Carol Ann Petren,
9 P-E-T-R-E-N.

10 The Office of Enforcement Counsel (OEC)
11 has no objections to these Withdrawals. As a result,
12 if the Board chooses to grant same, you would be doing
13 so without prejudice. The matter is now ripe for
14 consideration.

15 CHAIRMAN:

16 Questions or comments from the Board? Ex
17 officio members? Can I have a motion?

18 MR. MCCALL:

19 Mr. Chairman, I move that the Board issue
20 Orders to approve the Withdrawals as described by the
21 OCC.

22 CHAIRMAN:

23 Second?

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY COOK:

7 Next before the Board for consideration
8 are the three Reports and Recommendations from the
9 Office of Hearings and Appeals (OHA) relative to the
10 three gaming service providers. These Reports and
11 Recommendations, along with the complete evidentiary
12 record, have been provided to the Board in advance of
13 this meeting.

14 Additionally, each of these gaming
15 service providers have been notified that the matter
16 was coming before the Board today and that they could
17 come to the meeting and briefly address the Board. If
18 anyone representing these individuals is present, I
19 would ask that they come forward when their matter is
20 announced.

21 Bowling Equipment US, LLC is the first
22 Report and Recommendation before the Board. On March
23 11th, 2009 Bowling Equipment filed its application
24 with the Board as a gaming service provider so that it
25 could construct a bowling alley located at the Meadows

1 Resort --- or I'm sorry, Meadows Racetrack and Casino.
2 The Bureau of Licensing deemed Bowling Equipment's
3 application complete on April 2nd, 2009 and gave them
4 interim authorization to begin their construction
5 activities.

6 The Bureau of Investigation Enforcement
7 (BIE) began Bowling Equipment's investigation in April
8 of 2009 and during that investigation requested
9 information in addition to what they provided in their
10 application, specifically 16 schedules to support
11 their new worth statement. Although BIE made several
12 requests for this information, Bowling Equipment
13 failed to provide this information.

14 As a result, on November 2nd, 2010, the
15 OEC issued a Notice of Recommendation of Denial for
16 this application, and a hearing was scheduled on that
17 Notice of Recommendation of Denial on January 27th,
18 2011. Bowling Equipment failed to attend this
19 hearing, and it occurred in absentia.

20 The Hearing Officer thereafter issued a
21 Report and Recommendation, recommending that, rather
22 than denying Bowling Equipment's application, that
23 rather the application be treated as abandoned.
24 Subsequent to receipt of that Report and
25 Recommendation, the OEC filed exceptions to the Report

1 and Recommendation, indicating that treating this as
2 abandoned or treating the application as abandoned
3 wouldn't be appropriate, because the application was
4 actually being completed with investigative materials,
5 rather than application materials that Bowling
6 Equipment failed to provide and, therefore, did not
7 cooperate in their investigation.

8 As a result the Report and Recommendation
9 is before the Board today, recommending that the
10 application be treated as abandoned. The OEC objects
11 to that request. The OCC believes correctly so, and
12 as opposed to a finding that the Board should find the
13 application abandoned, it should deny the application
14 for noncompliance.

15 CHAIRMAN:

16 Any questions, comments from the Board?

17 MR. GINTY:

18 Yeah, I have a couple, Steve. The
19 Bowling Equipment finished the work at the Meadows?

20 ATTORNEY COOK:

21 They did, yes.

22 MR. GINTY:

23 Do you know how much they got paid?

24 ATTORNEY COOK:

25 Just short of \$1 million.

1 MR. GINTY:

2 And they're an out-of-state company, are
3 they?

4 ATTORNEY COOK:

5 Yeah, I believe.

6 MR. GINTY:

7 So they finished the work and then just
8 hightailed it out of state?

9 ATTORNEY COOK:

10 And again, I believe they actually owe
11 approximately \$6,000 in outstanding investigative fees
12 to the Board, as well.

13 MR. GINTY:

14 Can we pursue this in any other venue in
15 terms of getting money?

16 ATTORNEY COOK:

17 We considered those things. We'd have to
18 take it outside of a civil collection action.

19 MR. GINTY:

20 That's all.

21 CHAIRMAN:

22 Ex officio members? May I have a motion?

23 MR. GINTY:

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

1 the OHA regarding Gaming Service Provider
2 Certification of Bowling Equipment and that Bowling
3 Equipment's application to become a certified gaming
4 provider be denied.

5 MR. FAJT:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 AYES RESPOND

10 CHAIRMAN:

11 Opposed? The motion carries.

12 ATTORNEY COOK:

13 The next matter before the Board today is
14 the ---.

15 MR. FAJT:

16 Mr. Chairman, as I did yesterday in
17 Executive Session, I have some contact with Joseph Fay
18 Company. I had some contact, either in my private law
19 firm or when I was Secretary of Revenue. Quite
20 frankly, I can't remember which it was, but I'm going
21 to recuse myself, just to be safe. And I'll be back
22 after this matter is discussed.

23 CHAIRMAN:

24 You can stay here if you want to. You
25 can stay here ---

1 MR. FAJT:

2 Yeah.

3 CHAIRMAN:

4 --- if you want. All right. Let the
5 record show Mr. Fajt has recused himself. Go ahead,
6 Steve.

7 ATTORNEY COOK:

8 The next matter before the Board today is
9 Joseph B. Fay's Company's --- or Joseph B. Fay
10 Company's Report and Recommendation. On February
11 20th, 2009 Joseph B. Fay submitted an application for
12 certification, requesting approval to construct a
13 retaining wall and amphitheater at the Rivers Casino.

14 Upon the Bureau of Licensing deeming the
15 application complete, interim authorization was
16 granted and the work commenced. Joseph B. Fay Company
17 completed their construction project at the Rivers in
18 late June of 2009.

19 At approximately the same time as the
20 Rivers construction project was being completed,
21 Joseph B. Fay Company changed ownership. Many of the
22 owners remained the same, but some of the owners, I
23 believe, left the company. And as a result, the
24 company began operating as Fay Construction, Inc. As
25 a result of this change, the Bureau of Licensing and

1 the BIE requested that the new company, Fay
2 Construction, Inc., file a Gaming Service Provider
3 Application.

4 Believing that it would be an
5 administrative and financial burden to have the new
6 company, Fay Construction, file an application, on
7 September 12th, 2011 the Petitioner filed a Petition
8 to Withdraw its original application and to do so
9 without prejudice. The OEC thereafter filed an answer
10 where they objected to the withdrawal being without
11 prejudice.

12 A hearing in this matter was held before
13 the OHA on January 5th, 2012, and the evidence
14 presented by both parties showed that the company was
15 actually very compliant. The only issue of
16 noncompliance was their not wanting to file a new
17 application for the new company, which had no
18 intention of doing business in Pennsylvania. As a
19 result of that evidence, the Hearing Officer issued a
20 Report and Recommendation recommending that the first
21 company be allowed to be withdrawn without prejudice.

22 I would note for the record that there
23 was also an issue of some outstanding investigative
24 fees, which the Joseph B. Fay Company paid within five
25 days, so they have a zero balance with us. As

1 indicated, they were otherwise compliant, and the only
2 issue was whether this company should file an
3 application. As a result of that, the OCC would also
4 concur with the Hearing Officer's Recommendation and
5 recommend that this company be allowed to be withdrawn
6 without prejudice.

7 CHAIRMAN:

8 Questions or comments of the Board?

9 MR. SOJKA:

10 Yeah. Steve, if by any chance this group
11 would have a change of heart with regard to their
12 overall business plan and would decide that in the
13 future they would care to do business in Pennsylvania,
14 they would have to start over from scratch; right? In
15 terms of licensing?

16 ATTORNEY COOK:

17 That's true, yes. The new company and
18 all the principles, yes.

19 CHAIRMAN:

20 Any questions from ex officio members?

21 May I have a motion?

22 MR. MOSCATO:

23 Mr. Chairman, I move that the Board issue
24 an Order to adopt the Report and Recommendation of the
25 OHA regarding Gaming Service Provider Certification of

1 Joseph B. Fay Company, as described by the OCC.

2 CHAIRMAN:

3 Second?

4 MR. TRUJILLO:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 AYES RESPOND

9 CHAIRMAN:

10 Opposed? The motion carries. Let the
11 record note that Mr. Fajt is coming back into the
12 hearing room.

13 ATTORNEY COOK:

14 Southampton Window Cleaning and
15 Janitorial Service, Inc. is the last Report and
16 Recommendation before the Board today. Southampton
17 submitted an application on December 15th, 2009,
18 seeking authorization to provide janitorial cleaning
19 services at Greenwood Gaming. The Board gave interim
20 ---. I'm sorry, the Bureau of Licensing gave interim
21 approval for --- to Southampton upon a review of its
22 application and deeming that the application was
23 complete.

24 Subsequent thereto, as part of its
25 investigation, BIE sent the applicant fingerprint and

1 photograph --- a fingerprint and photograph packet for
2 each of its employees that required licensure. These
3 forms included a fingerprint authorization form, which
4 had to be signed by the employee before a notary and
5 taken to the Pennsylvania State Police.

6 Relative to the seven employees of
7 Southampton, it was later determined that the
8 fingerprint authorization forms were pre-notarized and
9 then subsequently signed by the applicant and taken to
10 the State Police. As a result of this, the State
11 Police and the Department of State conducted
12 investigations, and ultimately, the notary public was
13 reprimanded and disciplined by the Department of State
14 and gave up her notary license as a result of this
15 situation. No criminal charges or other ramifications
16 were brought against any other person that was
17 involved.

18 Notwithstanding that fact, the OEC, based
19 upon this situation, recommended that Southampton's
20 application be denied. Southampton thereafter
21 requested a hearing on the recommended denial. And
22 after taking evidence, the court --- the Hearing
23 Officer issued a Report and Recommendation,
24 recommending that given the wrongful conduct here
25 primarily laid with the notary public, that the

1 application should be approved and issued a Report and
2 Recommendation to that effect.

3 If the Board is inclined to adopt the
4 Report and Recommendation and allow this company's
5 application to go forward, I don't believe the BIE's
6 application is complete. So we would request that the
7 adoption of the Report and Recommendation simply allow
8 the investigation to be complete, and if this company
9 gets to the remainder of the investigation, that it
10 come forward for licensure.

11 CHAIRMAN:

12 Questions, comments from the Board?

13 MR. SOJKA:

14 I do have one, and that is, it's clear
15 that the notary made a grave error here in doing what
16 she did and that, certainly, she was in a position,
17 I'm sure, to do it the right way or could. Do we have
18 any suggestion that there may have been a request or
19 maybe even any coercion on the part of the applicant
20 to get the notary to pre-notarize these things, either
21 as a convenience to them or some other reason?

22 ATTORNEY COOK:

23 No indication or no information that
24 there was any coercion of any sort. In fact there was
25 some confusion and a redundancy in our application

1 process at the time in that the Bureau of Licensing
2 sent the same forms for the applicant that they signed
3 in front of the notary properly, and then BIE sent the
4 forms a second time, and it was the second time that
5 the forms ---

6 MR. SOJKA:

7 Done incorrect?

8 ATTORNEY COOK:

9 --- that this happened, that it was done
10 incorrectly. So actually, it was done properly the
11 first time they were sent to them.

12 MR. SOJKA:

13 So they're off ---. The applicant is off
14 the hook, because they had clearly done one the right
15 way, regardless of what happened with the other one?

16 ATTORNEY COOK:

17 That's true, yeah.

18 MR. GINTY:

19 Your Honor, our procedure's been changed.

20 ATTORNEY COOK:

21 Yeah, the application process has been
22 fundamentally changed so this wouldn't happen again.

23 CHAIRMAN:

24 Questions from ex officio members? May I
25 have a motion?

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 Gaming Service Provider Certification of
5 Southampton Window Cleaning and Janitorial Service,
6 Inc., as described by the OCC.

7 CHAIRMAN:

8 Second?

9 MR. SOJKA:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? The motion carries.

16 ATTORNEY COOK:

17 Next for the Board's consideration is the
18 Emergency Suspension of Travis Riley, who was issued a
19 Gaming Employee Permit on June 24th, 2010 and was
20 employed as a table games dealer at the Hollywood
21 Casino. On February 16th, 2012, the Bureau of Casino
22 Compliance became aware that on February 13th, 2012,
23 Mr. Riley had been arrested and charged with one count
24 of felony stalking and one count of harassment. It
25 was discovered at that point that Mr. Riley was also

1 arrested and charged with similar offences with the
2 same victim on January 19th, 2012.

3 As a result of these charges, the OEC
4 filed a request for Emergency Order of Suspension of
5 Mr. Riley's Gaming Employee Permit. The Order was
6 signed by the Executive Director on February 17th,
7 2012.

8 Board regulations require that Temporary
9 Emergency Order be presented to the Board for a full
10 evidentiary hearing, or in the alternative, that the
11 matter be referred to the OHA to conduct that hearing.
12 In this case the OCC would recommend that the matter
13 be referred to the OHA to conduct the hearing and that
14 in the interim, that the Emergency Order remain in
15 place.

16 I would note for the record that Mr.
17 Riley was present earlier today. I explained to him
18 that the nature of this proceeding was simply
19 procedural, just let the Board decide who would
20 conduct the hearing, but he was free to stay, and he
21 chose to leave. But he did appear.

22 CHAIRMAN:

23 Questions or comments from the Board? Ex
24 officio members? Steve, did you let him know that he
25 would be getting notice of his opportunity to contest

1 this in the mail?

2 ATTORNEY COOK:

3 I did, yeah.

4 CHAIRMAN:

5 All right. May I have a motion?

6 MR. SOJKA:

7 Yes, Mr. Chairman. I'll move that the
8 Board issue an Order to extend the Emergency
9 Suspension of Travis Riley's Gaming Employee Permit
10 and that the matter be referred to the Office of
11 Hearings and Appeals for a hearing to determine the
12 validity of the Emergency Suspension Order.

13 CHAIRMAN:

14 Second?

15 MR. MOSCATO:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? The motion carries.

22 ATTORNEY COOK:

23 And that concludes the matters of the
24 OCC.

25 CHAIRMAN:

1 Thank you both. Next we will hear from
2 Susan Hensel, Director of Licensing. Good morning,
3 Susan.

4 MS. HENSEL:

5 Thank you, Chairman Ryan and members of
6 the Board. Before the Board today will be one Table
7 Game Manufacturer Renewal License, one Gaming Related
8 Gaming Service Provider Certification, a motion
9 regarding 706 employees, as well as one Gaming Service
10 Provider Certification.

11 The first matter for your consideration
12 is the approval of the Renewal Table Game Manufacturer
13 License for Elektroncek d.d. Elektroncek is a
14 Slovenia based manufacturer of multistation electronic
15 roulette, wheel and other gaming devices.

16 The BIE has concluded its investigation,
17 and the Bureau of Licensing has provided you with the
18 renewal background investigation and a suitability
19 report. I have also provided you with a draft Order
20 and ask that the Board consider the approval of
21 Elektroncek d.d.

22 CHAIRMAN:

23 Any comments from Enforcement Counsel?

24 ATTORNEY PITRE:

25 Enforcement Counsel has no objection.

1 CHAIRMAN:

2 Comments, questions from the Board?

3 MR. SOJKA:

4 What's the country of origin again?

5 MS. HENSEL:

6 Slovenia.

7 MR. SOJKA:

8 Slovenia. It is a global industry, and
9 it is an interesting name, which could be either
10 descriptive of what they do, or it could reflect the
11 ethnicity of the owners. Very interesting.

12 MR. GINTY:

13 Susan, not that I'm suspicious of
14 anybody, but you know, I think at another meeting I
15 asked what we do when we have companies such as this
16 in terms of investigation. And I understand we
17 actually work with the state department and the FBI
18 and the local authority, in this case Slovenia, as far
19 as a background investigation is concerned.

20 ATTORNEY PITRE:

21 That's correct.

22 MR. GINTY:

23 And I would just note that in this case,
24 it indicates that the company is credentialed or
25 pending credential in 31 other jurisdictions.

1 ATTORNEY PITRE:

2 That's correct.

3 MR. GINTY:

4 So I feel relatively safe.

5 MR. TRUJILLO:

6 Mr. Chairman, I just want to assure Mr.
7 --- Commissioner Ginty that at least three members of
8 the Board with plenty of J's in their names, Fajt,
9 Sojka and Trujillo, have been fully vetted.

10 CHAIRMAN:

11 Yeah.

12 MR. GINTY:

13 And I agree with two of them.

14 CHAIRMAN:

15 Any more questions from the Board, or
16 comments? Ex officio members? May I have a motion?

17 MR. MOSCATO:

18 Mr. Chairman, I move that the Board
19 approve the renewal of Elektroncek d.d.'s Table Game
20 Manufacturer License, as described by the Bureau of
21 Licensing, and I hope that I pronounced that properly.

22 MR. MCCALL:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 AYES RESPOND

2 CHAIRMAN:

3 The motion carries.

4 MS. HENSEL:

5 Next for your consideration is the
6 approval of the Gaming Related Gaming Service Provider
7 Certification for In Bet, LLC. In Bet is a West
8 Virginia based company that licenses the intellectual
9 property rights to a side wager that casinos can offer
10 at their blackjack tables.

11 The BIE has completed this investigation,
12 and the Bureau of Licensing has provided you with the
13 background investigation suitability report for this
14 applicant. I have provided you with a draft order and
15 ask that the Board consider the approval of In Bet,
16 LLC.

17 CHAIRMAN:

18 Any comments from Enforcement Counsel?

19 ATTORNEY PITRE:

20 Enforcement Counsel has no objection.

21 CHAIRMAN:

22 Questions, comments from the Board?

23 MR. SOJKA:

24 I have one small one, and that is, In Bet
25 does --- is a proprietary operation developing these

1 side bets?

2 MS. HENSEL:

3 Right; uh-huh (yes).

4 MR. SOJKA:

5 They obviously don't have a license, so
6 they haven't provided any yet?

7 MS. HENSEL:

8 They actually are eligible for interim
9 authorization, much like your gaming service provider,
10 so they have been authorized to work in Pennsylvania.

11 MR. SOJKA:

12 Have we received anything from them in
13 the way of a side bet that's shown up in our final or
14 preliminary rulemakings?

15 MS. HENSEL:

16 Yes. The game that they offer had to be
17 pre-approved and adopted through regulations in order
18 for them to be eligible for interim authorization. So
19 yes, their game has to have approved by the Board.

20 MR. SOJKA:

21 So this is not going to in any way set
22 back our move toward finalizing all of our rules and
23 regulations?

24 MS. HENSEL:

25 Certainly not.

1 MR. SOJKA:

2 Thank you.

3 CHAIRMAN:

4 Any other question or comment? Ex
5 officio members? May I have a motion?

6 MR. MCCALL:

7 Mr. Chairman, I'd move that the Board
8 approve the Gaming Related Gaming Service Provider
9 Certification for In Bet, LLC, as described by the
10 Bureau of Licensing.

11 MR. GINTY:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 Opposed? The motion carries.

18 MS. HENSEL:

19 We also have for your consideration the
20 approval of Principal and Key Employee Licenses and a
21 Gaming Service Provider Qualification. Prior to this
22 meeting the Bureau of Licensing provided you with a
23 proposed Order for one Principal and one Key Employee
24 for slot machine and manufacturer licensees, and one
25 Gaming Service Provider Qualifier for Certegy Check

1 Services, Inc. I ask that the Board consider the
2 Order approving these licenses and qualification.

3 CHAIRMAN:

4 Any comments from Enforcement Counsel?

5 ATTORNEY PITRE:

6 We have no objection.

7 CHAIRMAN:

8 Any questions, comments from the Board?

9 Ex officio members? May I have a motion?

10 MR. GINTY:

11 Mr. Chairman, I move that the Board
12 approve the issuance of Principal and Key Employee
13 Licenses and a Gaming Service Provider Qualification,
14 as described by the Bureau of Licensing.

15 MR. FAJT:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? The motion carries.

22 MS. HENSEL:

23 Next for your consideration are Temporary
24 Principal and Key Employee Licenses. Prior to this
25 meeting the Bureau of Licensing provided you with an

1 Order regarding the issuance of temporary licenses for
2 one Principal and nine Key Employees. I ask that the
3 Board consider the Order approving these licenses.

4 CHAIRMAN:

5 Any comments from Enforcement Counsel?

6 ATTORNEY PITRE:

7 Enforcement Counsel has no objection.

8 CHAIRMAN:

9 Questions, comments from the Board? Ex
10 officio members? May I have a motion?

11 MR. FAJT:

12 Mr. Chairman, I move that the Board
13 approve the issuance of Temporary Principal and Key
14 Employee Credentials as described by the Bureau of
15 Licensing.

16 CHAIRMAN:

17 Second?

18 MR. TRUJILLO:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 AYES RESPOND

23 CHAIRMAN:

24 Opposed? The motion carries.

25 MS. HENSEL:

1 Next are Gaming Permits and Non-Gaming
2 Registrations. Prior to this meeting the Bureau of
3 Licensing provided you with a list of 545 individuals
4 who the Bureau has granted Temporary or Full
5 Occupation Permits to, and 114 individuals who the
6 Bureau has granted Registrations to under the
7 Authority delegated to the Bureau of Licensing. I ask
8 that the Board adopt a motion approving the Order.

9 CHAIRMAN:

10 Any comments from Enforcement Counsel?

11 ATTORNEY PITRE:

12 Enforcement Counsel has no objection.

13 CHAIRMAN:

14 Questions, Comments from the Board? Ex
15 officio members? May I have a motion?

16 MR. TRUJILLO:

17 Chairman, I move that the Board approve
18 the issuance of Gaming Employee Permits and Non-Gaming
19 Employee Registrations as described by the Bureau of
20 Licensing.

21 CHAIRMAN:

22 Second?

23 MR. SOJKA:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 Opposed? The motion carries.

5 MS. HENSEL:

6 In addition we have Recommendations of
7 Denial for three Gaming Employee Applicants. Prior to
8 this meeting the Bureau of Licensing provided you with
9 Orders addressing these applicants who the BIE has
10 recommended for denial. In each case the applicant
11 failed to request a hearing within the specified time
12 period. I ask that the Board consider the Orders
13 denying the Gaming Employee Applications.

14 CHAIRMAN:

15 Questions or comments --- I'm sorry,
16 comments from Enforcement Counsel?

17 ATTORNEY PITRE:

18 Enforcement Counsel would request denial
19 in each matter.

20 CHAIRMAN:

21 Questions or comments from the Board? Ex
22 officio members? May I have a motion?

23 MR. SOJKA:

24 Mr. Chairman, I'll move that the Board
25 approve the denials as described by the Bureau of

1 Licensing.

2 CHAIRMAN:

3 Second?

4 MR. MOSCATO:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 AYES RESPOND

9 CHAIRMAN:

10 Opposed? The motion carries.

11 MS. HENSEL:

12 We also have for your consideration
13 Withdrawal Requests for a Key Employee and Gaming and
14 Non-Gaming Employees. In each case the license,
15 permit or registration is no longer required, due to
16 such circumstances as the individual's job offer being
17 rescinded. For today's meeting I have provided the
18 Board with a list of one Key Employee, 26 Gaming and 4
19 Non-Gaming Employee Withdrawals for approval, and I
20 ask that the Board consider the Orders approving this
21 list of Withdrawals.

22 CHAIRMAN:

23 Any comments from Enforcement Counsel?

24 ATTORNEY PITRE:

25 Enforcement Counsel has no objection.

1 CHAIRMAN:

2 Questions or comments from the Board? Ex
3 officio members? May I have a motion?

4 MR. MOSCATO:

5 Mr. Chairman, I move that the Board
6 approve the withdrawals as described by the Bureau of
7 Licensing.

8 MR. MCCALL:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? The motion carries.

15 MS. HENSEL:

16 Finally, we have an Order to certify the
17 Gaming Service Provider Joseph Jingoli and Son, Inc.
18 I ask that the Board consider the Order approving this
19 gaming service provider for certification.

20 CHAIRMAN:

21 Comments from Enforcement Counsel?

22 ATTORNEY PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Questions or comments from the Board? Ex

1 officio members? May I have a motion?

2 MR. MCCALL:

3 Mr. Chairman, I move that the Board issue
4 an Order to approve the application for Gaming Service
5 Provider Certification as described by the Bureau of
6 Licensing.

7 CHAIRMAN:

8 Second?

9 MR. FAJT:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 MR. GINTY:

15 Mr. Chairman, I'd like the record to
16 reflect that I did not participate and am not voting
17 in this matter.

18 CHAIRMAN:

19 Thank you, sir. Let the record show the
20 --- that Mr. Ginty has recused himself from the vote
21 on that particular matter, and the motion passes.

22 MS. HENSEL:

23 That concludes the Bureau of Licensing's
24 presentation.

25 CHAIRMAN:

1 Thank you. Mr. Pitre, Chief Enforcement
2 Counsel?

3 ATTORNEY PITRE:

4 We have eleven matters for the Board's
5 consideration today, one Consent Agreement involving
6 an involuntary exclusion, two revocations and eight
7 involuntary exclusion petitions. The first matter
8 will be presented by Katie Higgins. I believe that
9 Mr. James Doherty, Jr. is here on behalf of the ---
10 I'll ask him to come forward --- on behalf of the
11 individual, Mr. Paul DeAngelo. Katie Higgins will
12 present the matter for OEC.

13 MS. HIGGINS:

14 Chairman Ryan, Members of the Board, we
15 ask today for the Board's consideration of a Consent
16 Agreement between the OEC and Paul D. DeAngelo. Mr.
17 DeAngelo is an individual who gamed at Mohegan Sun at
18 Pocono Downs while under the age of 21.

19 In January of 2011 Mr. DeAngelo spent
20 approximately three and a half hours on the Mohegan
21 Sun gaming floor, during which time he played
22 approximately 134 hands of blackjack. Mr. DeAngelo
23 was cited by the Pennsylvania State Police with a
24 summary offense of underage gaming, which he pled
25 guilty to and was ordered to pay a fine.

1 On October 12, 2011, the OEC filed a
2 petition seeking to place Mr. DeAngelo on the Board's
3 Exclusion List. And on November 14, 2011 Mr. DeAngelo
4 filed an answer to the OEC's petition.

5 The OEC and Mr. DeAngelo have entered
6 into a Consent Agreement in which Mr. DeAngelo has
7 agreed to be placed on the Board's Exclusion List for
8 a minimum period of one year from the date of his
9 placement on the list. Pursuant to the agreement, Mr.
10 DeAngelo will be barred from petitioning for removal
11 from the Exclusion List or requesting a hearing on the
12 matter before one year from the date of his placement
13 on the list has expired.

14 He will remain on the list until the
15 Board takes further action. We would ask that the
16 Board approve this Consent Agreement as presented
17 today.

18 CHAIRMAN:

19 Counsel?

20 ATTORNEY DOHERTY:

21 Nothing, Mr. Chairman. Counsel ---.

22 CHAIRMAN:

23 For the record, why don't you just put
24 your name on the record and spell your last name?

25 ATTORNEY DOHERTY:

1 Jim Doherty, D-O-H-E-R-T-Y, Counsel for
2 Mr. DeAngelo. Counsel for OEC has accurately
3 reflected the terms of the Consent Agreement which my
4 client has voluntarily executed.

5 CHAIRMAN:

6 Thank you. Any questions, comments from
7 the Board? Ex officio members? May I have a motion?

8 MR. GINTY:

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

12 MR. FAJT:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 AYES RESPOND

17 CHAIRMAN:

18 Opposed? The motion carries.

19 ATTORNEY DOHERTY:

20 Thank you, sir.

21 ATTORNEY PITRE:

22 Next matter for the Board's consideration
23 is the revocation of Mr. Dontay Armstrong's Non-Gaming
24 Employee Registration. If Mr. Armstrong is present, I
25 ask that he come forward. Jim Armstrong will present

1 the matter for the OEC.

2 CHAIRMAN:

3 Dontay Armstrong in the hearing room? No
4 relation, I'm sure you'll note. Okay. You can
5 proceed.

6 ATTORNEY ARMSTRONG:

7 All right. James Armstrong, Assistant
8 Enforcement Counsel of the OEC. Chairman and
9 Commissioners, on October 25th of last year, OEC filed
10 an enforcement action against Mr. Armstrong, seeking
11 the revocation of his Non-Gaming Employee
12 Registration.

13 The basis of our complaint was that Mr.
14 Armstrong was terminated from SugarHouse Casino on May
15 20th of 2011, because an internal investigation by
16 SugarHouse Casino security and surveillance
17 departments revealed that on May 16th of 2011, while
18 employed as a food runner at Jack's Restaurant inside
19 the SugarHouse Casino, Mr. Armstrong was captured on
20 surveillance coverage stealing \$70 that had fallen
21 from the pocket of a coworker. SugarHouse security
22 notified the Pennsylvania State Police in regard to
23 the matter, but it was referred to the Philadelphia
24 Police, who declined to prosecute Mr. Armstrong.

25 Mr. Armstrong was terminated from the

1 SugarHouse for the theft. On May 19th of 2011 he was
2 interviewed by SugarHouse security officers and
3 allegedly admitted to the theft. Based on the
4 conduct, Mr. Armstrong has failed to maintain
5 suitability for holding a Pennsylvania gaming
6 credential.

7 He was properly served by the OEC on May
8 25th by both First Class and Certified Mail and does
9 not request a hearing on this matter. Based on the
10 facts and circumstances, we'd ask that you revoke his
11 registration.

12 CHAIRMAN:

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

15 MR. FAJT:

16 Mr. Chairman, I move that the Board issue
17 an Order to approve the revocation of Dontay
18 Armstrong's Non-Gaming Employee Registration, as
19 described by the OEC.

20 CHAIRMAN:

21 Second?

22 MR. TRUJILLO:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 AYES RESPOND

2 CHAIRMAN:

3 Opposed? The motion carries.

4 ATTORNEY ARMSTRONG:

5 The next matter on the agenda is a
6 complaint filed against a Mr. Littlehawk. On August
7 9th, 2011 the OEC filed an Enforcement Action
8 Revocation Complaint against Mr. Littlehawk, seeking
9 the revocation of his Gaming Employee Permit. The
10 basis of our complaint is that Mr. Littlehawk was
11 terminated from SugarHouse Casino on May 19th for
12 allegedly stealing \$148 from a SugarHouse patron.

13 The facts of the matter were that on May
14 19th, while Mr. Littlehawk was employed by SugarHouse
15 Casino as a Player Services Representative, SugarHouse
16 Casino's internal investigation revealed that while
17 working, he was captured on surveillance video finding
18 a SugarHouse patron's wallet on top of the slot
19 machine. Mr. Littlehawk did not turn in the wallet
20 until confronted by SugarHouse security officers about
21 it ten to fifteen minutes later.

22 When he turned over the wallet, the
23 wallet was empty. When asked about what happened to
24 the \$148 that was in the wallet, he removed the \$148
25 from his pants and admitted to the SugarHouse security

1 officers that he had taken the money.

2 Mr. Littlehawk was not charged
3 criminally, because the patron did not wish to press
4 charges. Based on this conduct, Mr. Littlehawk has
5 failed to maintain suitability for holding a
6 Pennsylvania gaming credential.

7 Mr. Littlehawk was properly served with
8 the complaint on August 9th of 2011 by First Class and
9 Certified Mail. Neither of the services were returned
10 to the OEC as undeliverable. However, the Certified
11 Mail was returned as unclaimed. Based on this, we'd
12 ask on our complaint that you would revoke his
13 credential at this time. Thank you.

14 CHAIRMAN:

15 Is Okena Littlehawk in the hearing room?
16 Any questions or comments from the Board? Ex officio
17 members? May I have a motion?

18 MR. TRUJILLO:

19 Mr. Chairman, I move that the Board issue
20 an Order to approve the revocation of Okena
21 Littlehawk's Gaming Employee Permit, as described by
22 the OEC.

23 CHAIRMAN:

24 Second?

25 MR. SOJKA:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN:

6 Opposed? The motion carries.

7 ATTORNEY ARMSTRONG:

8 The next matter, Mr. Chairman and
9 Commissioners, is a exclusion petition to be filed
10 against a Miss Loretta Massey on November 9th of 2011,
11 seeking to place Ms. Massey on the Board's Exclusion
12 List for --- based on conduct that occurred at the
13 SugarHouse Casino on August 15th of 2011. On that
14 date at about 6:31 p.m., Ms. Massey left her nine-
15 year-old son in the valet pickup area of the
16 SugarHouse Casino parking lot. Ms. Massey then went
17 into SugarHouse Casino and played slots.

18 After the SugarHouse personnel made a
19 public address announcement regarding the child
20 abandoned in the valet parking area, Ms. Massey
21 stopped playing slots and returned to the valet area
22 at approximately 6:56 p.m., 25 minutes later, and took
23 custody of her son. They both left the casino without
24 the police questioning them. Ms. Massey was never
25 criminally charged, but she was formally evicted and

1 excluded from the SugarHouse Casino for the conduct.

2 Ms. Massey was properly served with a
3 petition by First Class and Certified Mail on November
4 9 of 2011, and neither service was returned to the OEC
5 as undeliverable. However, the Certified Mail was
6 returned as unclaimed. Based on this information,
7 we'd ask that you place Ms. Massey on the Exclusion
8 --- Board's Exclusion List at this time.

9 CHAIRMAN:

10 Is Loretta Massey in the hearing room?
11 Any questions, comments from the Board? Ex officio
12 members? May I have a motion?

13 MR. SOJKA:

14 Yes. Mr. Chairman, I'll move that the
15 Board issue an Order to approve the addition of
16 Loretta Massey to the PGCB Exclusion List, as
17 described by the OEC.

18 CHAIRMAN:

19 Second?

20 MR. MOSCATO:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? The motion carries.

2 ATTORNEY ARMSTRONG:

3 Next for the Board's consideration is the
4 matter against the --- Nikale Mitchell. On December
5 1st, 2011 OEC filed an enforcement action against Mr.
6 Mitchell, an Exclusion Petition, seeking to place Mr.
7 Mitchell on the Board's Exclusion List.

8 Basis for the Exclusion Petition was that
9 Mr. Mitchell was arrested for stealing \$5,000 --- five
10 \$1,000 chips from the SugarHouse Casino on July 19th
11 of 2011. On July 19th of 2011, Mr. Mitchell was
12 captured on surveillance video distracting the Pai Gow
13 Poker dealer and stealing five \$1,000 chips from the
14 chip bag and leaving the SugarHouse Casino.

15 Surveillance evidence also showed that
16 Mr. Mitchell returned to the SugarHouse a short time
17 later with two other subjects and the three of them
18 went into games using the \$1,000 chips, and then
19 subsequently cashed out the chips for their money and
20 left the SugarHouse Casino. Mr. Mitchell's theft went
21 undetected for a period of time on July 19th, 2011
22 until later in the day that --- when they discovered
23 the chip bag was missing \$5,000 in chips.

24 The Pennsylvania Sate Police initiated
25 investigation, and on August 13th of 2011, Mr.

1 Mitchell returned to SugarHouse Casino after he was
2 suspected of stealing chips again from the floor, he
3 was placed under surveillance, at which time the
4 surveillance personnel recognized him as the subject
5 from the July 19th theft of the \$5,000. Mr. Mitchell
6 was subsequently arrested by the State Police and
7 charged with theft, a Second Degree felony.

8 He was properly served with the Exclusion
9 Petition on December 1st, 2011 by both First Class and
10 Certified Mail. He has not requested a hearing. And
11 based on this we would ask you to place him on the
12 Board's Exclusion List at this time.

13 CHAIRMAN:

14 Questions, comments from the Board? Ex
15 officio members? May I have a motion?

16 MR. MOSCATO:

17 Mr. Chairman, I move that the Board issue
18 an Order to approve the addition of Nikale Mitchell to
19 the PGCB Exclusion List, as described by the OEC.

20 MR. MCCALL:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? The motion carries.

2 ATTORNEY PITRE:

3 The next six matters involve incidents
4 that occurred at the Sands Casino. These matters will
5 be presented by Assistant Enforcement Counsel, Michael
6 Roland.

7 ATTORNEY ROLAND:

8 Good morning, Mr. Chairman, members of
9 the Board. Mike Roland, R-O-L-A-N-D, with the OEC.
10 As mentioned, I have the last six matters that are
11 before the Board. All six will involve placement of
12 persons on the Exclusion List. All six also involve
13 requests for default judgment.

14 And as the Board knows, in each instance,
15 when we attempt service, we attempt through Certified
16 Mail and regular First Class Mail. In all six of
17 these instances, Certified Mail came back unclaimed.
18 Regular mail went through and there was no return
19 service.

20 With that being said, the first matter
21 involves gentleman by the name of Amon Aronskind. The
22 OEC filed a petition on October 6, 2011 to place Mr.
23 Aronskind on the Exclusion List for past post bets
24 while playing Texas Hold 'em Poker at Sands on
25 February the 4th, 2011.

1 The petition was properly served upon Mr.
2 Aronskind to the address listed on the criminal
3 complaint filed against him by both Certified and
4 First Class Mail. Mr. Aronskind did not respond to
5 the filing in any way. Due to Mr. Aronskind's failure
6 to respond, the averments in the petition are deemed
7 to be admitted as fact and his right to a hearing has
8 been waived.

9 On February 13th, 2012 the OEC filed a
10 request to enter upon default judgment. Mr. Aronskind
11 was charged with two counts of theft by deception. On
12 March 17th, 2011 he entered a guilty plea to one of
13 those counts. He was actually observed by
14 surveillance past post betting on four separate
15 occasions. Had he been successful, it would have been
16 to the detriment of the casino and the Commonwealth of
17 \$255.

18 Needless to say, he has returned all of
19 that after being caught. The matter is now before the
20 Board to consider placement of Mr. Amon Aronskind on
21 the Board's Excluded Persons List.

22 CHAIRMAN:

23 Is Amon Aronskind in the hearing room?
24 Any questions, comments from the Board?

25 MR. SOJKA:

1 I do have one. I'm a little bit
2 confused. This is past post betting, and yet the game
3 is Texas Hold 'em Poker?

4 ATTORNEY ROLAND:

5 Correct.

6 MR. SOJKA:

7 Is this one that's banked by the house as
8 opposed to player against player?

9 ATTORNEY ROLAND:

10 Yes.

11 MR. SOJKA:

12 I see. It's a different kind of game
13 than when people sign up to go in the poker room and
14 play ---

15 ATTORNEY ROLAND:

16 Correct.

17 MR. SOJKA:

18 --- Texas Hold 'em?

19 ATTORNEY ROLAND:

20 That's correct.

21 MR. SOJKA:

22 Okay. So his theft was against the
23 casino, not against other players; correct?

24 ATTORNEY ROLAND:

25 Correct.

1 MR. SOJKA:

2 Okay.

3 CHAIRMAN:

4 Other questions, comments from the Board?
5 Ex officio members? May I have a motion?

6 MR. MCCALL:

7 Mr. Chairman, I move that the Board issue
8 an Order to approve the addition of Amon Aronskind to
9 the PGCB Exclusion List, as described by the OEC.

10 MR. GINTY:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 AYES RESPOND

15 CHAIRMAN:

16 Opposed? The motion carries.

17 ATTORNEY ROLAND:

18 The next matter is in regards to Timothy
19 Davis. The OEC filed a petition on October 6, 2011 to
20 place Mr. Davis on the Exclusion List for capping bets
21 while playing Texas Hold 'em Poker at Sands on May
22 16th, 2011.

23 The Petition was properly served upon Mr.
24 Davis to the address listed on the criminal complaint
25 filed against him by both Certified and First Class

1 Mail. Mr. Davis did not respond to the filing in any
2 way, and due to Mr. Davis's failure to respond, the
3 averments in the petition are deemed to be admitted as
4 fact, and his right to a hearing has been waived.

5 On February 13th, 2012 the OEC filed a
6 request to enter judgment upon default. Mr. Davis was
7 actually charged with five counts of prohibited acts
8 under the Gaming Act, five counts of theft by
9 deception.

10 The disposition of the case shows on July
11 27th that all charges were withdrawn in District
12 Court. That's a little concerning for us at first,
13 and so we went back and took a very careful review of
14 surveillance.

15 And in each one of Mr. Davis's incidents,
16 it very clearly can be seen that he's committing each
17 and every one of these acts. He in fact, which makes
18 it a little bit more disturbing --- he was actually
19 caught in the process of committing these acts one
20 time, which he admitted to, and then paid back the \$75
21 that he would have won. It wasn't until after he had
22 left the building that we went back and looked at
23 surveillance and saw that there were actually four
24 other instances for a total of five times that this
25 would have been done. The matter is now before the

1 Board to consider the placement of Timothy Davis on
2 the Board's Exclusion --- Excluded Persons List.

3 CHAIRMAN:

4 Is Timothy Davis in the hearing room?
5 Any questions, comments?

6 MR. SOJKA:

7 Yeah. Again, I'm a little confused about
8 the actual operation here. If Mr. Davis is
9 essentially observed by table game staff doing this
10 and he's confronted, he admits, then he pays back,
11 does someone escort him out of the casino or does he
12 just sit there and keep playing?

13 ATTORNEY ROLAND:

14 No, he's escorted out of the casino at
15 that point in time.

16 MR. SOJKA:

17 Okay.

18 ATTORNEY ROLAND:

19 The reason ---. And if you're unclear
20 about why the four other incidents weren't known
21 about, it's because once he was escorted out ---

22 MR. SOJKA:

23 Yeah.

24 ATTORNEY ROLAND:

25 --- we came back ---.

1 MR. SOJKA:

2 You went back and checked the film.

3 ATTORNEY ROLAND:

4 Correct. And we saw that earlier, the
5 actual incident he was caught on was the fifth
6 incident of the five.

7 MR. SOJKA:

8 So he walked out with money?

9 ATTORNEY ROLAND:

10 He absolutely did. He walked out with
11 \$305.

12 CHAIRMAN:

13 Any other questions or comments? Ex
14 officio members? May I have a motion?

15 MR. GINTY:

16 Mr. Chairman, I move that the Board issue
17 and Order to approve the admission of Timothy Davis to
18 the PGCB's Exclusion List as described by the OEC.

19 MR. FAJT:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 AYES RESPOND

24 CHAIRMAN:

25 Opposed? The motion carries.

1 ATTORNEY ROLAND:

2 The next matter involves Dana Elbert Lee.
3 The OEC filed a petition on October the 11th, 2011 to
4 place Mr. Lee on the Exclusion List for removing six
5 purple chips, valued at \$500 each, from the floor
6 while playing blackjack at Sands on August 2nd, 2011.

7 The petition was properly served upon Mr.
8 Lee to the address listed on the criminal complaint
9 filed against him by both Certified and First Class
10 Mail. Mr. Lee did not respond to the filing in any
11 way, and due to his failure to respond, the averments
12 in the petition are deemed to be admitted as fact, and
13 his right to a hearing has been waived.

14 On February 13th, 2012 the OEC filed a
15 request to enter judgment upon default. Mr. Lee was
16 charged with one count of theft by unlawful taking,
17 one count of receiving stolen property, both of which
18 were felonies; because of the amount of money that was
19 taken, Felony Threes; and one count each of criminal
20 attempt of both of those.

21 The disposition of this case is still
22 pending. It's actually set trial, believe it or not,
23 and that's supposed to occur on May the 7th, 2012.
24 The matter is now before the Board for its
25 consideration to place Dana Elbert Lee on the Board's

1 Excluded Person's List.

2 CHAIRMAN:

3 Is Dana Elbert Lee in the hearing room?

4 Any questions, comments from the Board? Ex officio
5 members? May I have a motion?

6 MR. FAJT:

7 Mr. Chairman, I move that the Board issue
8 an Order to approve the addition of Dana Elbert Lee to
9 the PGCB Exclusion List as described by the OEC.

10 CHAIRMAN:

11 Second?

12 MR. TRUJILLO:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 AYES RESPOND

17 CHAIRMAN:

18 Opposed? The motion carries.

19 ATTORNEY ROLAND:

20 Next matter involves Steven Mei. The OEC
21 filed a petition on September the 16th, 2011 to place
22 Mr. Mei on the Exclusion List for marking cards while
23 playing at Sands on December 25th, 2010.

24 The petition was properly served upon Mr.
25 Mei to the address listed on the criminal complaint

1 filed against him by both Certified and First Class
2 Mail. Mr. Mei did not respond to the filing in any
3 way. And due to his lack of response, the averments
4 in the petition are deemed to be admitted as fact, and
5 his right to a hearing has been waived.

6 On February 13th, 2012 the OEC filed a
7 request to enter judgment upon default. Mr. Mei was
8 charged with one count of prohibited acts under the
9 Gaming Act, one count of conspiracy which was graded
10 as a Felony Three, and one count of conspiracy which
11 was graded as a Misdemeanor One.

12 At this point in time ---. He actually
13 was caught marking 26 cards on December 25th, 2010,
14 and we went back and looked at surveillance, because
15 he was actually working with two other individuals,
16 and saw on prior occasions he had marked 42 other
17 cards on different days. Mr. Mei and some other
18 individuals, one of which is before the Board today,
19 Huan Quan Yu; and Man Heng Zheng (phonetic) --- the
20 three of them together walked out the door with \$6,450
21 with this scheme they had going on.

22 The disposition of Mr. Mei's case is
23 still pending. The last thing the court docket shows,
24 that it was scheduled for a preliminary hearing on
25 January the 19th, that has been rescheduled five

1 times, so I suspect someone's having a difficult time
2 finding Mr. Mei. The matter is now before the Board
3 to consider and placement of Steven Mei on the Board's
4 Excluded Persons List.

5 CHAIRMAN:

6 Is Steven Mei in the courtroom? Any
7 questions, comments from the Board? Ex officio
8 members? May I have a motion?

9 MR. TRUJILLO:

10 Mr. Chairman, I move that the Board issue
11 an Order to approve the addition of Steven Mei to the
12 PGCB Exclusion List as described by the OEC.

13 CHAIRMAN:

14 Second?

15 MR. SOJKA:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 AYES RESPOND

20 CHAIRMAN:

21 Opposed? The motion carries.

22 ATTORNEY ROLAND:

23 Next matter involves Huan Quan Yu. This
24 would've been one of Mr. Mei's Co-Defendants. The OEC
25 filed a petition on September 16th, 2011 to place Mr.

1 Yu on the Exclusion List for marking cards while
2 playing at Sands on January 1st, 2011.

3 The Petition was properly served upon Mr.
4 Yu to the address listed on the criminal complaint
5 filed against him by both Certified and First Class
6 Mail. Mr. Yu did not respond to the filing in any
7 way. Due to Mr. Yu's failure to respond, the
8 averments in the petition are deemed to be admitted as
9 fact, and his right to a hearing has been waived.

10 On February 13th, 2012 the OEC filed a
11 request to enter judgment upon default. Mr. Yu was
12 charged, also, with one count of prohibited acts under
13 the Gaming Act, one count of Felony Three conspiracy
14 and one count of theft by deception graded as a Felony
15 Three, one count of theft by deception graded as a
16 Misdemeanor One. Again, the total loss to the Sands
17 Casino by these three gentlemen would've been \$6,450.

18 The disposition of Mr. Yu's case took
19 place on November 23rd, 2011. He entered a guilty
20 plea to one count of theft by deception, which was the
21 Misdemeanor One. It shows that he served 49 days.
22 I've never known a Judge to put a sentence out of 49
23 days, so I suspect that that was time served. The
24 matter is now before the Board to consider the
25 placement of Huan Quan Yu on the Board's Excluded

1 Persons List.

2 CHAIRMAN:

3 Is Huan Quan Yu in the hearing room? Any
4 questions or comments from the Board? Ex officio
5 members? May I have a motion?

6 MR. SOJKA:

7 Yes. Mr. Chairman, I'll move that the
8 Board issue an Order to approve the addition of Huan
9 Quan Yu to the PGCB Exclusion List as described by the
10 OEC.

11 CHAIRMAN:

12 Second?

13 MR. MOSCATO:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN:

19 Opposed? Motion carries.

20 ATTORNEY ROLAND:

21 Just one more issue regarding these three
22 gentlemen. For your peace of mind. Man Heng Zheng,
23 he is actually already on our Excluded Persons List,
24 and that's because he was caught doing this same type
25 of activity at Parx Casino several months earlier. So

1 he's already there. That's why we won't be addressing
2 him today.

3 CHAIRMAN:

4 Thank you.

5 ATTORNEY ROLAND:

6 The last matter before the Board involves
7 Tuan Zhao. The OEC filed a petition on October the
8 11th, 2011 to place Tuan Zhao on the Exclusion List
9 for past posting while playing Pai Gow Poker at Sands
10 on July 13th, 2011.

11 The petition was properly served upon Mr.
12 Zhao to the address listed on the criminal complaint
13 filed against him by both Certified and First Class
14 Mail. Mr. Zhao did not respond to the filing in any
15 way. Due to Mr. Zhao's failure to respond, the
16 averments in the petition are deemed to be admitted as
17 fact, and his right to a hearing has been waived.

18 On February 13th, 2012 the OEC filed a
19 request to enter judgment upon default. Mr. Zhao was
20 charged with one count of theft by deception. That
21 was graded as a Misdemeanor Two. The loss to the
22 Sands Casino would've been \$125. That in fact has
23 been recovered.

24 Mr. Zhao's case has been disposed of as
25 of August 24th, 2011, when he entered a guilty plea to

1 the charge. His sentence was 11 days. Again, I
2 believe that was probably time served. And now this
3 matter is before the Board to consider the placement
4 of Tuan Zhao on the Board's Excluded Persons List.

5 CHAIRMAN:

6 Is Tuan Zhao in the hearing room? Any
7 questions, comments from the Board?

8 MR. GINTY:

9 I have a quick question. If you're on
10 the Exclusion List and you go into a casino and play,
11 are you violating any laws in doing so?

12 ATTORNEY ROLAND:

13 You bet you are. You can actually be
14 charged with criminal trespass, so ---.

15 MR. GINTY:

16 Was Mr. --- is it Mei?

17 ATTORNEY ROLAND:

18 Yes.

19 MR. GINTY:

20 Charged with criminal trespass?

21 ATTORNEY ROLAND:

22 He was not, and the reason that happened
23 is because he bounced from casino to casino within a
24 relatively short time frame, so before he was actually
25 placed on the Exclusion List, he had already started

1 to accumulate offenses in other casinos in the
2 Commonwealth, so in theory they would not have been on
3 notice.

4 MR. GINTY:

5 Okay.

6 CHAIRMAN:

7 Any other questions, comments? Ex
8 officio members? May I have a motion?

9 MR. MOSCATO:

10 Mr. Chairman, I move that the Board issue
11 an Order to approve the addition of Tuan Zhao to the
12 PGCB Exclusion List as described by the OEC.

13 MR. MCCALL:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 AYES RESPOND

18 CHAIRMAN:

19 Opposed? The motion carries. Thank you,
20 gentlemen.

21 ATTORNEY PITRE:

22 Thank you.

23 ATTORNEY ROLAND:

24 Thank you.

25 CHAIRMAN:

1 Ladies and gentlemen, I believe that
2 concludes our normal business for today. Our next
3 scheduled public meeting will be held here on
4 Wednesday, March 21st at 10:00 a.m. The March 21st
5 meeting is advertised as one which we open up the
6 floor and --- to public comment. If you are
7 interested in registering to make public comment,
8 please contact Doreen Appel at 346-8321, or
9 dapple@pa.gov. Any final comments from the Board?
10 Could I have a motion to adjourn?

11 MR. MCCALL:

12 So moved.

13 MR. GINTY:

14 Second.

15 CHAIRMAN:

16 Meeting is adjourned. Thank you all.

17 * * * * *

18 MEETING CONCLUDED AT 11:06 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chairman Ryan, was reported by me on 02/29/2012 and that I Jolynn C. Prunoske read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Jolynn C. Prunoske