

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

* * * * *

PUBLIC MEETING

* * * * *

BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN
James B. Ginty, Keith R. McCall,
Anthony C. Moscato, Annmarie Kaiser,
Gary A. Sojka, Gregory C. Fajt; Members
Jennifer Langdon, representing
Robert McCord, State Treasurer
Robert Coyne, representing
Daniel Meuser, Secretary of Revenue
Jorge Augusto, representing George Greig,
Secretary of Agriculture

LOCATION: PA Gaming Control Board
Strawberry Square
Second Floor
Harrisburg, PA 17101

HEARING: Tuesday, November 20, 2012

WITNESSES: None

Reporter: Jennifer T. Alves

Any reproduction of this transcript is prohibited
without authorization by the certifying agency.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

OFFICE OF CHIEF COUNSEL

R. DOUGLAS SHERMAN, ESQUIRE

Chief Counsel

STEPHEN S. COOK, ESQUIRE

Deputy Chief Counsel

SUSAN YOCUM, ESQUIRE

Assistant Chief Counsel

OFFICE OF ENFORCEMENT COUNSEL

CYRUS PITRE, ESQUIRE

Chief Enforcement Counsel

NAN DAVENPORT, ESQUIRE

Deputy Chief Enforcement Counsel, Central

Assistant Enforcement Counsel Present:

DUSTIN MILLER, ESQUIRE

GLENN STUART, ESQUIRE

BETH MANIFESTO, ESQUIRE

MICHAEL ROLAND, ESQUIRE

CASSANDRA FENSTERMAKER, ESQUIRE

PA Gaming Control Board

P.O. Box 69060

Harrisburg, PA 17106-9060

Counsel for the Pennsylvania Gaming Control Board

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OPENING REMARKS

By Chairman

4

PRESENTATION

By Mr. O'Toole

5 - 6

By Attorney Yocum

7 - 9

By Attorney Sherman

9 - 12

By Attorney Cook

13 - 14

By Ms. Hensel

15 - 24

By Attorney Miller

25 - 29

By Attorney Manifesto

29 - 43

By Attorney Roland

43 - 48

By Attorney Stuart

48 - 52

By Attorney Fenstermaker

53 - 55

By Attorney Roland

56 - 67

CLOSING REMARKS

By Chairman

67 - 68

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN:

Ladies and gentlemen, if we could begin. We will now conduct our regularly scheduled meeting. By way of announcements the Board held an Executive Session yesterday, November 19th and another Executive Session after the public hearings this morning to discuss personnel matters and to conduct quasi judicial deliberations relating to matters being heard and considered by the Board today. The first item will be the minutes of the October 10th meeting. Do I have a motion?

MS. KAISER:

Mr. Chairman, I move that the Board approve the minutes and transcript of the October 10th, 2012 meeting.

MR. MCCALL:

Second.

CHAIRMAN:

All in favor?

ALL SAY AYE

CHAIRMAN:

Opposed? The motion carries. Next item would be the report of our Executive Director, Kevin

1 O'Toole. Kevin.

2 MR. O'TOOLE:

3 Good afternoon, Chairman Ryan, members of
4 the Board. This is the time of the year that we
5 discuss our directors' and officers' insurance
6 coverage. In Section 1202(b)(8) of the Pennsylvania
7 Race Horse Development and Gaming Act authorizes the
8 Board to purchase directors' and officers' insurance
9 coverage for the protection of the agency, Board
10 members and Board staff. Since December of 2006 the
11 Board has had such protection in place under a series
12 of annual insurance policies. The policy presently in
13 place is set to expire on December the 5th, 2012, and
14 as a result Board staff has asked the Department of
15 General Services, Office of Risk and Insurance to seek
16 out and recommend coverage options for the period
17 beginning December 6th, 2012 and ending December 5th,
18 2013.

19 The Department of General Services
20 responded to us by recommending that the Board retain
21 its present insurers for the upcoming year. Those
22 insurers are Chartis who provides \$10 million in
23 primary coverage and Chubb who provides \$10 million in
24 excess coverage. At this time I respectfully request
25 that the Board consider a motion to authorize the

1 Executive Director to take all steps necessary to
2 secure the necessary insurance coverage beginning
3 December 5th, 2012.

4 CHAIRMAN:

5 Any questions or comments from the Board?
6 Ex-officio members? May I have a motion?

7 MR. FAJT:

8 Mr. Chairman, I move that the Board
9 authorize the Executive Director to take all necessary
10 steps to renew the Board's directors' and officers'
11 liability insurance coverage.

12 MR. GINTY:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 MR. O'TOOLE:

20 Thank you.

21 CHAIRMAN:

22 Thank you, Kevin. Next. Mr. Sherman,
23 Chief Counsel.

24 ATTORNEY SHERMAN:

25 Good afternoon, Chairman, members of the

1 Board. Our first agenda item relate to a Proposed
2 Regulation which Assistant Chief Counsel Susan Yocum
3 is here to present.

4 ATTORNEY YOCUM:

5 Good morning, Chairman, members of the
6 Board.

7 CHAIRMAN:

8 Good morning, Susan.

9 ATTORNEY YOCUM:

10 I have one proposed rulemaking for your
11 consideration today. The rulemaking was provided to
12 you in advance of this meeting. I'm happy to announce
13 that this rulemaking will begin the process of
14 transitioning into final form the last of the
15 temporary regulations that the Board adopted during
16 the implementation of table gaming. These provisions
17 were not included in the initial complement of table
18 games that were transitioned into final form within
19 the past year. These regulations came later in the
20 regulatory review process. Included in this proposed
21 rulemaking are the provisions by Match Play coupons,
22 Asia Poker, Five Card High Low and three dice
23 football.

24 In addition to transitioning those
25 temporary regulations we're also going to be adding

1 some brand new side wagers, variations and games
2 including the house money wager for Black Jack and the
3 three Baccarat style games. Bonus craps, the Straight
4 Jack progressive wager, the mini royal payout for
5 Three Card Poker and a brand new game Double Attack
6 Black Jack. Lastly, we have three new non-banking
7 games that will be added to the complement of
8 permissible poker games and they include Triple Draw,
9 Bagdoogy (phonetic) and Five Card Omaha Poker. I'd be
10 happy to answer any questions you may have.

11 CHAIRMAN:

12 Questions, comments from the Board? Ex-
13 officio members of the Board?

14 MR. AUGUSTO:

15 I just want to see her say that again.

16 CHAIRMAN:

17 It's not going to happen. May I have a
18 motion?

19 MR. MOSCATO:

20 Mr. Chairman, I move that the Board adopt
21 Proposed Regulation Number 125-166 as described by the
22 Office of Chief Counsel (OCC) and that the regulation
23 be posted on the Board's website.

24 MR. SOJKA:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY YOCUM:

7 Thank you.

8 CHAIRMAN:

9 Thank you, Susan.

10 ATTORNEY SHERMAN:

11 Today the Board has had three petitions
12 on its public agenda. Each of the matters was heard
13 by the Board earlier today during the hearings. The
14 first petition before the Board is Sands' Petition for
15 Reconfiguration of Its Gaming Floor. As presented,
16 Sands is requesting that they be allowed to increase
17 the number of table games it offers by 31 and they
18 request also a modest increase in the square footage
19 on the gaming floor.

20 If the Board is inclined to grant the
21 petition the Office of Enforcement Counsel (OEC) has
22 requested that the approval be subject to nine
23 conditions, which are set forth in the OEC Answer.
24 Sands has also requested that exhibits attached to
25 their petition, which include detailed floor plans and

1 security, access information and proprietary
2 information be treated as confidential. OEC has not
3 objected to that request and the OCC believes that the
4 confidential designation is appropriate. The record
5 in the matter is closed and it's ready for the Board's
6 consideration on both the merits and the
7 confidentiality.

8 CHAIRMAN:

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

11 MR. SOJKA:

12 Yes, Mr. Chairman. I move that the Board
13 issue an Order to approve Sands Bethworks Gaming,
14 LLC's Petition as described by the OCC as well as
15 Sands' request for confidentiality.

16 MR. FAJT:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries.

23 ATTORNEY SHERMAN:

24 The next matter before the Board on the
25 Agenda is that of the Gaming Laboratory

1 International's Petition to Possess Slot Machines for
2 the Purpose of Operating a Permanent Game Testing and
3 Certification Laboratory in the Commonwealth. This
4 matter was heard by the Board earlier. Based upon the
5 quasi-judicial deliberations of the Board, however, a
6 determination has been made that the decision will be
7 deferred to a future meeting so that the Board can
8 continue its deliberations.

9 CHAIRMAN:

10 That's correct. Thank you.

11 ATTORNEY SHERMAN:

12 The final petition is that of Valley
13 Forge. It's the Valley Forge request that the Board
14 approve a Revised Resort Membership Program. As with
15 the other petitions, it was heard by the Board and
16 subject to extensive questioning by the Board and the
17 OEC. Valley Forge has requested that its expert
18 report be maintained as confidential. The matter is
19 now ripe for the Board's consideration.

20 CHAIRMAN:

21 Any questions, comments from the Board?
22 Ex-officio members? May I have a motion?

23 MR. MCCALL:

24 Mr. Chairman, I move that the Board issue
25 an Order to deny Valley Forge's Petition for Approval

1 of a Revised Resort Membership Program as described by
2 the OCC. I further move that Valley Forge's request
3 for confidentiality be granted and that all requests
4 to intervene in this matter be denied as moot.

5 CHAIRMAN:

6 Second?

7 MR. MOSCATO:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed?

14 MR. GINTY:

15 Yes, Mr. Chairman. I join the majority
16 on the confidentiality motion, but I would grant the
17 petition filed by Valley Forge.

18 CHAIRMAN:

19 All right. As stated, the record will
20 note Mr. Ginty's decision not to agree with the
21 majority. Still that motion passes.

22 ATTORNEY SHERMAN:

23 That concludes the matters of the
24 petitions. Next reporting Reports and Recommendations
25 is Deputy Chief Counsel Steve Cook.

1 ATTORNEY COOK:

2 Next before the Board for consideration
3 is one Report and Recommendation received in the
4 Office of Hearings and Appeals (OHA) relative to North
5 American Warhorse's Petition for Withdrawal of its
6 Gaming Service Provider Application. This Report and
7 Recommendation along with the evidentiary record for
8 this hearing have been provided to the Board in
9 advance of this meeting. I'd also note that I believe
10 Michael Sklar on behalf of North American Warhorse is
11 present today if the Board would have any questions.

12 By way of background on November 16, 2007
13 North American Warhorse, Inc. filed a Vendor
14 Registration Application seeking to provide power
15 sports equipment to the Mount Airy Casino Resort.
16 Warhorse had authorization to conduct business with
17 Mount Airy while their application was pending.
18 Subsequently, however, the Bureau of Licensing changed
19 Warhorse's status to unauthorized. However, they did
20 not --- Warhorse did not receive notice of this
21 change. As a result it now seeks withdrawal of its
22 application. The OEC objected to the application
23 withdrawal being without prejudice. They wanted it to
24 be with prejudice primarily because Warhorse was doing
25 business with Mount Airy while prohibited. The

1 Hearing Officer took evidence in this matter and
2 issued a Report and Recommendation that states that
3 since clear evidence presented at the hearing was that
4 Warhorse was never directly notified of its being
5 placed in an unauthorized status, that the withdrawal
6 should not be with prejudice, but rather should be
7 granted without prejudice and that is the
8 recommendation before the Board.

9 CHAIRMAN:

10 Questions or comments from the Board?
11 Ex-officio members? May I have a motion?

12 MR. MOSCATO:

13 Mr. Chairman, I move that the Board adopt
14 the Report and Recommendation of the OHA regarding the
15 withdrawal of North American Warhorse, Inc.'s Gaming
16 Service Provider Application described by the OCC.

17 MR. SOJKA:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion carries.

24 MR. COOK:

25 That concludes the matters of the OCC

1 today.

2 CHAIRMAN:

3 Thank you, gentlemen. Next, Susan
4 Hensel, Director of Bureau of Licensing. Susan.

5 MS. HENSEL:

6 Thank you, Chairman Ryan and members of
7 the Board. Before the Board today will be motions
8 regarding 331 Principal, Key, Gaming and Non-Gaming
9 Employees. In addition there will be consideration of
10 12 Gaming Service Provider Applications. The first
11 matter for your consideration is the approval of a
12 Principal and Key Employee Licenses. Prior to this
13 meeting the Bureau of Licensing provided you with a
14 Proposed Order for five Principal and ten Key Employee
15 Licenses for Category 1, Category 2, Category 3 and
16 Manufacturer Licensees. I ask that the Board consider
17 the Order approving these licenses.

18 CHAIRMAN:

19 Any comments from Enforcement Counsel?

20 ATTORNEY PITRE:

21 Enforcement Counsel has no objection.

22 CHAIRMAN:

23 Any comments from the Board? Ex-officio
24 members? May I have a motion?

25 MR. SOJKA:

1 Yes, Mr. Chairman. I move that the Board
2 approve the issuance of Principal and Key Employee
3 Licenses as described by the Bureau of Licensing.

4 MR. FAJT:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 MS. HENSEL:

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

18 CHAIRMAN:

19 Any comments from Enforcement Counsel?

20 ATTORNEY PITRE:

21 Enforcement Counsel has no objection.

22 CHAIRMAN:

23 Questions or comments from the Board?

24 Ex-officio members? May I have a motion?

25 MR. FAJT:

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

5 MR. GINTY:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 ALL SAY AYE

10 CHAIRMAN:

11 Opposed? The motion carries.

12 MS. HENSEL:

13 Next are Gaming Permits and Non-Gaming
14 Registrations. Prior to this meeting the Bureau of
15 Licensing provided you with a list of 236 individuals
16 to whom the Bureau has granted Temporary or Full
17 Occupation Permits and 43 individuals to whom the
18 Bureau has granted registration. I ask that the Board
19 consider a motion approving the Order.

20 CHAIRMAN:

21 Any comments from Enforcement Counsel?

22 ATTORNEY PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Any questions or comments from the Board?

1 Ex-officio members? May I have a motion?

2 MR. GINTY:

3 Mr. Chairman, I move that the Board
4 approve the issuance of Gaming Employee Permits and
5 Non-Gaming Employee Registration as described by the
6 Bureau of Licensing.

7 CHAIRMAN:

8 Second?

9 MS. KAISER:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed? The motion carries.

16 MS. HENSEL:

17 In addition we have a Recommendation of
18 Denial for a Gaming Employee Applicant. Prior to this
19 meeting the Bureau of Licensing provided you with an
20 Order addressing Mercedes Powers who the OCC has
21 recommended for denial. The Applicant failed to
22 request a hearing within the specified time period. I
23 ask that the Board consider the Order denying Mercedes
24 Powers' Gaming Employee Application.

25 CHAIRMAN:

1 Any comments from Enforcement Counsel?

2 ATTORNEY PITRE:

3 Enforcement Counsel requests denial of
4 this matter.

5 CHAIRMAN:

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

8 MR. KAISER:

9 Mr. Chairman, I move that the Board
10 approve the Denial of Mercedes Powers' Gaming Employee
11 Application as described by the Bureau of Licensing.

12 MR. MCCALL:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 MS. HENSEL:

20 We also have for your consideration
21 withdrawal requests for Gaming and Non-Gaming
22 Employees. In each case the permit or registration is
23 no longer required. For today's meeting I have
24 provided the Board with a list of 12 Gaming and 7 Non-
25 Gaming Employee withdrawals for approval. I ask that

1 the Board consider the Order approving this list of
2 withdrawals.

3 CHAIRMAN:

4 Any comments from Enforcement Counsel?

5 ATTORNEY PITRE:

6 Enforcement Counsel has no objection.

7 CHAIRMAN:

8 Any questions or comments from the Board?

9 Ex-officio members? May I have a motion?

10 MR. MCCALL:

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

14 CHAIRMAN:

15 Second?

16 MR. MOSCATO:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries.

23 MS. HENSEL:

24 In addition we have an Order to certify
25 the following Gaming Service Providers, King Ventures,

1 LLC, Red Tetterer, Inc. and Theone Catering, LLC. I
2 ask that the Board consider the Order approving these
3 Gaming Service Providers for certification.

4 CHAIRMAN:

5 Any comments from Enforcement Counsel?

6 ATTORNEY PITRE:

7 Enforcement Counsel has no objection.

8 CHAIRMAN:

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

11 MR. MOSCATO:

12 Mr. Chairman, I move that the Board issue
13 an Order to approve the Applications for Gaming
14 Service Provider Certification as described by the
15 Bureau of Licensing.

16 MR. SOJKA:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries.

23 MS. HENSEL:

24 Next we have an Order regarding Gaming
25 Service Provider Registrations. The Bureau of

1 Licensing provided you with an Order and an attached
2 list of eight Registered Gaming Service Provider
3 Applicants. I ask that the Board adopt a motion
4 approving the Order registering these Gaming Service
5 Providers.

6 CHAIRMAN:

7 Any comments from Enforcement Counsel?

8 ATTORNEY PITRE:

9 Enforcement Counsel has no objection.

10 CHAIRMAN:

11 Any questions or comments from the Board?

12 Ex-officio members? May I have a motion?

13 MR. SOJKA:

14 Mr. Chairman, I move that the Board issue
15 an Order to approve the applications for Gaming
16 Service Provider Registration as described by the
17 Bureau of Licensing.

18 MR. FAJT:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 MS. HENSEL:

1 Finally we have a Recommendation of
2 Denial for Gaming Service Provider Applicant East
3 Coast Travel and Transportation. Prior to this
4 meeting the Bureau of Licensing provided you with an
5 Order addressing this Applicant who the OEC has
6 recommended for denial. The Applicant failed to
7 request a hearing within the specified time period. I
8 ask that the Board consider the Order denying East
9 Coast Travel and Transportation's Gaming Service
10 Provider Application.

11 CHAIRMAN:

12 Any comments from Enforcement Counsel?

13 ATTORNEY PITRE:

14 Enforcement Counsel requests denial in
15 this matter.

16 CHAIRMAN:

17 Any questions or comments from the Board?
18 Ex-officio members? May I have a motion?

19 MR. FAJT:

20 Mr. Chairman, I move that the Board issue
21 an Order to deny East Coast Travel and Transportation
22 Gaming Service Provider Registration as described by
23 the Bureau of Licensing.

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion carries.

6 MS. HENSEL:

7 That concludes the matters of the Bureau
8 of Licensing.

9 CHAIRMAN:

10 Thank you, Susan. Next will be Cyrus
11 Pitre, Chief Enforcement Counsel. Cyrus.

12 ATTORNEY PITRE:

13 Good afternoon, Chairman, members of the
14 Board. Today the OEC has 14 matters for your
15 consideration, five of those Consent Agreements, six
16 revocations and two involuntary exclusions. The first
17 Consent Agreement will be presented by Enforcement
18 Counsel, Dustin Miller.

19 CHAIRMAN:

20 Mr. Miller, before you begin, because of
21 an involvement I had in a matter involving this
22 particular individual, first case, Joseph Pizza, in my
23 prior life, it is my view that I should recuse myself.
24 And I will therefore do so and ask Mr. Fajt to conduct
25 matters at this particular point. Mr. Fajt.

1 MR. FAJT:

2 Thank you.

3 MS. KAISER:

4 I will also join in that I need to recuse
5 myself due to my prior employment.

6 MR. FAJT:

7 Thank you. Mr. Miller, go ahead.

8 ATTORNEY MILLER:

9 Good afternoon. Dustin Miller on behalf
10 of the OEC. At this time the OEC has a Consent
11 Agreement prepared for the Board's approval. The
12 Consent Agreement is between OEC and Joseph H. Pizza.
13 This Consent Agreement arises from a petition OEC
14 filed to place Mr. Pizza on the Board's excluded
15 persons list on May 23rd, 2012. OEC filed the
16 Exclusion Petition against Mr. Pizza because in 2008
17 Mr. Pizza was named in the 27th statewide
18 investigating grand jury presentment number 53 and
19 alleged to have been involved with a Southeastern
20 Pennsylvania illegal gambling and loan sharking
21 organization from 2002 through 2007. As a result Mr.
22 Pizza was charged with a total of 36 offenses
23 including corrupt organizations and related offenses,
24 dealing in proceeds of unlawful activities and related
25 offenses, criminal use of a communication facility,

1 pool selling and book making and related offenses and
2 gambling or allowing gambling on the premises and
3 related offenses.

4 On March 9th, 2009, Mr. Pizza pled guilty
5 to corrupt organizations, being an employee of a
6 corrupt organization, a first degree felony offense.
7 As a result of the guilty plea Mr. Pizza was sentenced
8 to 3 months to 12 months of home confinement, 24
9 months of probation following his home confinement and
10 paid a fine of \$2,000. As part of the plea agreement
11 the remaining charges were not prosecuted by the
12 Pennsylvania Attorney General's Office.

13 Mr. Pizza has a Player's Club card for
14 Parx Casino and Mr. Pizza is a frequent patron of Parx
15 Casino and he plays poker there on an almost daily
16 basis.

17 Mr. Pizza's attorney filed an Answer to
18 OEC's petition on June 5th, 2012. A hearing was
19 scheduled in this matter by the OHA for July 10th,
20 2012. By agreement of the parties, the hearing was
21 continued to discuss settlement options and another
22 hearing was scheduled for October 3rd, 2012.

23 Prior to that hearing the parties reached
24 this Consent Agreement, which was executed by the
25 parties on October 3rd, 2012. The terms of the

1 agreement called for Mr. Pizza to be placed on the
2 Board's Exclusion List for a minimum period of three
3 years from his placement on the Exclusion List. Mr.
4 Pizza shall be barred from petitioning the Board for
5 early consideration of his removal from the Exclusion
6 List during the three years from the date of his
7 placement on the Exclusion List. Mr. Pizza shall be
8 barred from requesting a hearing concerning his
9 removal from the Exclusion List for a period of three
10 years from the date of his placement on the Exclusion
11 List.

12 Mr. Pizza shall be permitted to file a
13 petition with the Board Clerk to request a hearing for
14 the removal of his name from the Exclusion List at any
15 time after the three years from the date of his
16 placement on the Exclusion List, and if approved the
17 Board's placement of Joseph H. Pizza on the Exclusion
18 List shall have the effect of requiring the exclusion
19 or ejection of Mr. Pizza from all licensed facilities
20 in this Commonwealth of Pennsylvania.

21 Finally, Mr. Pizza's prohibited from
22 collecting in any manner or any proceeding, any
23 winnings or from recovering any losses arising as a
24 result of any gaming activity for the entire period of
25 the time that he's on the Board's Exclusion List.

1 This Consent Agreement is consistent with prior
2 Consent Agreements approved by the Board with regard
3 to individuals who have been convicted of similar
4 offenses. At this time the OEC would ask the Board to
5 entertain a motion to approve this Consent Agreement.

6 MR. FAJT:

7 Is Mr. Pizza in the room? Any questions
8 or comments from the Board? Any questions or comments
9 from ex-officio members? May I have a motion, please?

10 MR. GINTY:

11 Mr. Chairman, I move that the Board issue
12 an Order to approve the Consent Agreement between the
13 OEC and John H. Pizza as described by the OEC.

14 MR. FAJT:

15 Second?

16 MR. MOSCATO:

17 Second.

18 MR. FAJT:

19 All members in favor please vote aye.

20 ALL SAY AYE

21 MR. FAJT:

22 Any opposed? Thank you very much,

23 Dustin.

24 ATTORNEY PITRE:

25 Thank you.

1 MR. FAJT:

2 The motion passes.

3 ATTORNEY PITRE:

4 The next two matters that we have for the
5 Board's consideration are the result of Consent
6 Agreements entered into by the OEC and Holdings
7 Acquisition Company, LP also known as Rivers Casino.
8 Beth Manifesto will present the matter for the OEC and
9 Mr. Sklar is here representing Rivers and he has Ms.
10 Gilchrist with him.

11 ATTORNEY MANIFESTO:

12 Good afternoon. Beth Manifesto,
13 M-A-N-I, F as in Frank, E-S-T-O. Chairman Ryan,
14 members of the Board, as Cyrus said, there are two
15 Consent Agreements. The first Consent Agreement
16 between OEC and Rivers and it is regarding four
17 underage incidents. Briefly each incident is
18 described as follows.

19 On January 6th of 2012, a 20-year-old
20 male, Chance Hartman used the identification of
21 another to enter Rivers Casino. He remained on
22 property for nine hours and 16 minutes and during that
23 time he drank two alcoholic drinks. He played poker
24 for slightly over six hours and engaged in brief slot
25 play. A casino worker then recognized Hartman and

1 knew him to be underage. This information was
2 reported to a supervisor who alerted security as well
3 as the Bureau of Casino Compliance. While in the
4 casino on this date Hartman had the Players Club issue
5 him --- I should say reissue him a Players card in the
6 name of his false identification. This account was
7 initially opened on January 31st of 2011. Hartman had
8 a total of \$2,058 in gaming chips. They were cashed
9 in and the money was placed in the PGCB's fund for
10 Compulsive and Problem Gambling. Pennsylvania State
11 Police charged Hartman with false identification,
12 underage entry into a casino as well as underage
13 gaming.

14 The second incident occurred on March
15 30th of 2012. On this date a patron reported a male
16 had exposed himself to him in the restroom. The
17 patron identified the actor to security and when
18 security approached him he attempted to leave the
19 casino. PSP was then called in. They took him to
20 their onsite barracks and while with PSP the male
21 first gave the name of Reginald Jackson and then later
22 gave his actual name of Reginald Moore. His
23 fingerprints were run and they found Mr. Moore to be
24 20 years of age. A review of the surveillance footage
25 showed Mr. Moore was not carded upon entry. Security

1 officers, when interviewed, stated that Moore was a
2 frequent visitor and repeatedly produced
3 identification in the name of Reginald Jackson that
4 showed him to be 24 years of age. And because he was
5 so well known to security, on March 30th they did not
6 card him. Moore engaged in slot play for 21 minutes
7 and was on the casino property for one hour and 54
8 minutes. He was cited for underage gaming and
9 underage entry by Pennsylvania State Police.

10 The third incident involved David Gordon,
11 a 19-year-old male. He used the identification of
12 another to enter Rivers Casino twice on April 1st of
13 2012. The third time he sought entry a different
14 security officer was on duty and believed that the
15 identification presented did not belong to Gordon.
16 Pennsylvania State Police were contacted and when they
17 questioned him regarding his identity Gordon gave his
18 actual name and age. During this time in the casino
19 on April 1st Gordon was in the casino for over six
20 hours and engaged in slot play for approximately four
21 hours and 44 minutes. Gordon pled guilty to underage
22 gaming and carrying a false ID and that imposed a fine
23 of \$300 and costs of \$126. There was no proof that
24 alcohol was consumed during his visit to the property.

25 On May 7th of 2012, a 20-year-old female,

1 Brittany, B-R-I-T-T-A-N-Y, Thornton, entered the
2 Rivers Casino and engaged in slot play for
3 approximately three hours. During this time she both
4 purchased and consumed alcohol. Thornton's underage
5 status was discovered when she left the casino and
6 returned minutes later, at which time she was carded
7 by a different security officer who believed she
8 presented an identification which was clearly not
9 hers. Pennsylvania State Police was called in and
10 Thornton gave PSP her actual name and her age which
11 was 20. Thornton had a voucher for one cent on her
12 person. This was turned over to the Bureau of Casino
13 Compliance and placed in Compulsive and Problem
14 Gambling Fund. She was charged by PSP with underage
15 gaming and false identification.

16 All incidents encompassed in this Consent
17 Agreement were reported by the Bureau of Casino
18 Compliance by the Rivers and all individuals received
19 permanent ejection bans. Also the OEC has filed
20 motions for placement on the Involuntary Exclusion
21 List for each individual involved. As a result of
22 this underage activity at Rivers the OEC requests the
23 Board adopt this Consent Agreement, which imposes a
24 civil penalty of \$45,000 as well as the administrative
25 fee of \$2,500 to be paid within ten days of the

1 signing of the Order.

2 ATTORNEY PITRE:

3 This is matter number three under the OEC
4 on the agenda.

5 CHAIRMAN:

6 Okay.

7 ATTORNEY PITRE:

8 So, we'll be taking up matter number two
9 next.

10 CHAIRMAN:

11 Okay. That makes sense. Mr. Sklar, any
12 response?

13 ATTORNEY MANIFESTO:

14 I'm sorry.

15 ATTORNEY SKLAR:

16 Good evening, Mr. Chairman. Michael
17 Sklar, S-K-L-A-R, on behalf of Rivers Casino and with
18 me is Rhonda Gilchrist who's the Vice-President of
19 Compliance at Rivers Casino. Just very briefly, and I
20 think we'll just be available if there's any
21 questions. There's not --- we're not going to make
22 any excuses for what occurred. We understand the
23 strict liability on the part of the casino. We
24 understand that it's our responsibility to prevent
25 underage people from gambling at Rivers.

1 That being said, I've said this to you
2 over and over again, there is --- there's going to be
3 no full proof system. River's management has clearly
4 communicated to all personnel, security, table games
5 personnel. They understand what their responsibility
6 is and everyone has a responsibility and has a part to
7 play. But there's not going to be any foolproof
8 system. A couple of these incidents, the individuals
9 were carded. A security officer made the judgment.
10 They're real IDs and the officer made the judgment
11 that the individual looked similar to the person on
12 the ID and they were allowed in. It's as simple as
13 that.

14 And, again, I understand --- Commissioner
15 Ginty, I think you and I have had this exchange. This
16 is not for the Board, it's for across the street.
17 There needs to be a real penalty in place to deter the
18 underage individuals from gambling. Right now it's a
19 simple slap on the wrist. There's no deterrence.
20 There needs to be a real penalty where the underage
21 people say, all right, wait a second, there's got to
22 be real consequences if we're caught. Like I said,
23 we're available if there's any questions.

24 CHAIRMAN:

25 Okay. Any response to that?

1 ATTORNEY PITRE:

2 Only that these were not the only
3 instances of underage gaming since the renewal. We've
4 issued warning letters in the past. I viewed the IDs.
5 I didn't think they looked similar, so bear in mind
6 people will disagree.

7 CHAIRMAN:

8 Thank you, sir. Any questions or
9 comments from the Board?

10 MR. SOJKA:

11 And I completely agree, Mr. Sklar, with
12 your assessment that we're going to need help here by
13 making meaningful punishments of the people who are
14 clearly willfully attempting to break the law. Is it
15 my understanding though that every one of these
16 individuals paid some kind of price; right? They were
17 arrested, they were fined. Something happened; right?
18 Or did some just walk again?

19 ATTORNEY MANIFESTO:

20 Charges were filed by PSP; however,
21 whether or not the charges were dropped by the
22 Magistrate is another issue.

23 MR. SOJKA:

24 Yeah.

25 ATTORNEY MANIFESTO:

1 In one case no action to the citations
2 has taken place despite the fact that the citations
3 were issued on March 30th of this year. On another
4 one, David Gordon, who was the third incident, he was
5 19. He did get a fine and costs. The last
6 individual, Brittany Thornton, there's still no
7 disposition to date. It's been postponed several
8 times now. I did talk to the DA's office and it would
9 seem that a lot of times the individuals are required
10 to do perhaps 20 hours of community service and then
11 the charges are dismissed.

12 MR. SOJKA:

13 In the case of some of these people there
14 are also multiple offenses; right? There's underage
15 gaming, which we're worried about. Does the LCB take
16 any action on the underage drinking?

17 ATTORNEY MANIFESTO:

18 I have not been informed that they have.

19 ATTORNEY PITRE:

20 And we try not to --- if the LCB had
21 taken action we wouldn't have taken action with regard
22 to the underage ---. It would just be fining them
23 twice for the same event.

24 MR. SOJKA:

25 What's wrong with that? It's two

1 violations.

2 ATTORNEY PITRE:

3 Well, it's two violations, but I don't
4 think it's fair.

5 MR. SOJKA:

6 Oh. See, I would disagree on that. I'd
7 be more draconian than two \$200 fines.

8 ATTORNEY PITRE:

9 Well, no, I'm saying with regard to
10 fining Rivers.

11 MR. SOJKA:

12 Oh, of course. I'm talking about the
13 kids.

14 ATTORNEY PITRE:

15 No, the kids are on our Exclusion List.
16 We placed them on the Exclusion List.

17 MR. SOJKA:

18 And then beyond that we can't do anything
19 about the fines that go to them.

20 ATTORNEY PITRE:

21 Right.

22 MR. SOJKA:

23 No, I would agree with you. You don't
24 fine the casino because it is one violation from their
25 perspective.

1 ATTORNEY PITRE:

2 Right.

3 MR. SOJKA:

4 But in the case of the --- and I would
5 call them a perpetrator. They're consciously breaking
6 two laws and I think they should pay.

7 MR. GINTY:

8 I just have a comment. Mr. Sklar, thank
9 you for reminding me of my previous comments. You
10 know, I think perhaps we have been too easy on placing
11 these underage people on the Exclusion List. My
12 recollection is we put them on for a year or so and
13 then let them come back.

14 ATTORNEY PITRE:

15 Commissioner Ginty, we put them on a
16 year, but remember they have to petition the Board to
17 get off, so they really stay on the list until they
18 petition the Board. No one has petitioned the Board
19 to come off, so that year really is longer than a year
20 when it's all said and done. And if they do petition
21 the Board, the Board has the option to whether or not
22 they're going to allow them to come off the list.

23 MR. GINTY:

24 Well, we may want to next time we have
25 one look to do even more, but do you have signage at

1 the casinos that would indicate that the underage
2 gamblers would be subject to criminal prosecution?

3 MS. GILCHRIST:

4 Yes.

5 MR. GINTY:

6 And perhaps exclusion from Pennsylvania
7 casinos.

8 MS. GILCHRIST:

9 The signage I believe refers to the PSP
10 Code, the Criminal Code for the violation.

11 MR. GINTY:

12 Might be worth adding the other one too.
13 That's it. It was just a comment.

14 CHAIRMAN:

15 Pardon?

16 MR. GINTY:

17 That's all I have.

18 CHAIRMAN:

19 Keith.

20 MR. MCCALL:

21 Just to follow up and it goes back to the
22 underage drinking offense. The State Police, there's
23 nothing on record that they charged for the underage
24 drinking citation? Or was there a citation? Because
25 there is, in fact, a fine for that. It's not only a

1 fine, there's also a loss of license for underage
2 drinking in Pennsylvania.

3 ATTORNEY MANIFESTO:

4 The female, she was cited with underage
5 gaming and false ID. They did not charge her with
6 underage drinking.

7 MR. MCCALL:

8 But just for the record, if the State
9 Police does, in fact, charge for underage drinking as
10 you need legislation, you know, to combat underage
11 gaming in Pennsylvania. There's a fine as well as a
12 loss of license for underage drinking.

13 ATTORNEY MANIFESTO:

14 They didn't charge that either regarding
15 Mr. Hartman who did also consume alcohol.

16 MR. MCCALL:

17 Okay. Thank you.

18 CHAIRMAN:

19 Any other questions from the Board?
20 Ex-officio members? Again, this is matter three or
21 iii in Roman numerals. May I have a motion?

22 MS. KAISER:

23 Mr. Chairman, I move the Board issue an
24 Order to approve the Consent Agreement between the OEC
25 and Holdings Acquisition Company as described by the

1 OEC.

2 MR. MCCALL:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion carries.

9 ATTORNEY MANIFESTO:

10 Going back on the agenda to item ii this
11 regards a Self-Exclusion Consent Agreement. On
12 December 21st of 2011, an individual I'll refer to as
13 N.L. was an active member on the Self-Exclusion List.
14 She entered the Rivers Casino and she proceeded to the
15 Players Club. She produced her proper state
16 identification and was then given a Players card. She
17 then continued to engage in slot play for five hours
18 and 14 minutes. During this time she accumulated a
19 net loss of \$252.86 and she gamed at roughly 70 slot
20 machines. N.L. had signed up for a one year Self-
21 Exclusion on December 11th of 2009, however, at the
22 time of this incident she had not complied with the
23 removal procedure set forth under 503(a)(5).

24 During the review of the incident the
25 Konami Management System was found to have accurately

1 shown N.L. as self-excluded. The employee who issued
2 the card was questioned and she had stated she may
3 have bypassed the proper steps or ignored the flagged
4 account. This violation was caught during routine
5 self-exclusion database check done by the Rivers and
6 self-reported to the Bureau of Casino Compliance.
7 N.L. was charged by PSP with summary trespass. She
8 pled guilty and paid a fine and costs totaling
9 \$447.50. The OEC and Rivers Casino request the Board
10 accept the Consent Agreement before it, which imposes
11 a civil penalty of \$1,000 and administrative costs of
12 \$2,500 to be paid within ten days of the signing of
13 the Order.

14 CHAIRMAN:

15 Mr. Sklar?

16 ATTORNEY SKLAR:

17 Just very briefly. The Player Services
18 Representative failed to follow the proper protocol
19 and there's no excuse. The individual was disciplined
20 and the policy has been reiterated to all personnel.

21 CHAIRMAN:

22 Questions or comments from the Board?

23 Ex-officio members? May I have a motion?

24 MR. MCCALL:

25 Mr. Chairman, I move the Board issue an

1 Order to approve the Consent Agreement between the OEC
2 and Holdings Acquisition, LP as described by the OEC.

3 CHAIRMAN:

4 Second?

5 MR. MOSCATO:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 ALL SAY AYE

10 CHAIRMAN:

11 Opposed? The motion carries.

12 ATTORNEY MANIFESTO:

13 Thank you.

14 CHAIRMAN:

15 Thank you.

16 ATTORNEY PITRE:

17 The next matter is a Consent Agreement

18 between the OEC and Sands Bethworks Gaming, LLC.

19 Michael Roland will present the matter for the OEC.

20 Ms. Eicher is here and Mr. DeSalvio is here on behalf

21 of Sands. I'll turn it over to Mike.

22 ATTORNEY ROLAND:

23 Good afternoon, Mr. Chairman, members of
24 the Board.

25 CHAIRMAN:

1 Good afternoon.

2 ATTORNEY ROLAND:

3 Michael Roland, R-O-L-A-N-D, with the
4 OEC. As Mr. Pitre has already said, the next matter
5 is a Consent Agreement between the OEC and Sands
6 Bethworks Gaming. It specifically addresses an issue
7 of where Sands utilized a Gaming Service Provider,
8 which was listed on the Board's prohibited list.

9 Vision Solutions, Inc. was placed on the
10 Board's Prohibited Gaming Service Provider List on
11 December the 16th, 2010. Vision Solutions provides
12 software solutions for business continuity, disaster
13 recovery, high availability data sharing and
14 migration. Vision Solutions purchased the initial
15 Applicant, Lakeview Technology Inc., but was then
16 added to the Prohibited List for failure to timely
17 update and cure application deficiencies related to
18 that purchase.

19 On December 22nd, 2011, Sands purchased a
20 maintenance program from Vision Solutions and Vision
21 Solutions was on the Board's Prohibited Gaming Service
22 Provider List at that time. The OEC and Sands have
23 entered into this Consent Agreement and have agreed
24 that Sands shall pay a civil penalty in the amount of
25 \$5,000 to the Board within five days of the Board's

1 approving Order. Sands shall also pay \$2,500 for the
2 costs incurred by OEC, BIE and other staff in
3 connection with this matter within that five day
4 period. Additionally Sands shall reinforce its
5 existing policies to its employees to minimize the
6 opportunity for similar incidents to occur in the
7 future. These policies already include what would be
8 the approved internal control, which addresses
9 prohibition against doing business with prohibited
10 vendors and training of all necessary employees on
11 recognizing when those vendors are on the Prohibited
12 List.

13 Just one additional note. There were
14 three other gaming facilities in Pennsylvania that
15 utilized Vision Solutions as well. They each had a
16 Consent Agreement, which was presented to the Board.
17 The Board has adopted all three of those. This
18 Consent Agreement is consistent with those three in
19 the past. We're available for any questions if you
20 have any.

21 CHAIRMAN:

22 Ms. Eicher?

23 ATTORNEY EICHER:

24 Yes. Good afternoon, Chairman Ryan and
25 members of the Board. Holly Eicher, E-I-C-H-E-R, on

1 behalf of Sands Bethworks Gaming, LLC. No excuses.
2 We have entered into the Consent Agreement freely and
3 with full knowledge, but a side comment would be that
4 our understanding is that this vendor is now currently
5 on the approved vendor list. And during the time that
6 the conduct was entered into there are only, my
7 understanding, two companies globally that provide the
8 type of services that this company provides. And at
9 that time it was a company that has been utilized by
10 all of our properties worldwide Macau, Singapore, Las
11 Vegas and Bethlehem, so again no excuses, but just
12 sort of a general explanation.

13 CHAIRMAN:

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

16 MR. SOJKA:

17 Just one. You mentioned that this is in
18 concert or in harmony with similar things, but there
19 were different amounts; right, in terms of ---?

20 ATTORNEY ROLAND:

21 There were different amounts. That's
22 true.

23 ATTORNEY EICHER:

24 Yeah.

25 ATTORNEY ROLAND:

1 In Sands instance it was just a little
2 over \$14,000 for their maintenance contract, which
3 took place in that period where Vision Solutions was
4 on the list. I believe, correct me if I'm wrong, it
5 may have been one of the smaller amounts.

6 MR. SOJKA:

7 I was going to say, I would assume this
8 would be at the very low end ---

9 ATTORNEY ROLAND:

10 Correct.

11 MR. SOJKA:

12 --- of that because it had to do with
13 somebody that was on the okay list, fell off the okay
14 list, went back on the okay list and you got caught in
15 that.

16 ATTORNEY ROLAND:

17 That's absolutely correct.

18 MR. SOJKA:

19 Like you said, doesn't excuse it, but
20 it's hardly a ---.

21 ATTORNEY ROLAND:

22 Right.

23 CHAIRMAN:

24 Any other questions, comments from the
25 Board? Ex-officio members? May I have a motion?

1 MR. MOSCATO:

2 Mr. Chairman, I move that the Board issue
3 an Order to approve the Consent Agreement between the
4 OEC and Sands Bethworks Gaming, LLC as described by
5 the OEC.

6 MR. SOJKA:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? The motion carries.

13 MR. SOJKA:

14 Thank you.

15 MR. DESALVIO:

16 Thank you. Have a great Thanksgiving.

17 ATTORNEY EICHER:

18 Happy Thanksgiving.

19 ATTORNEY PITRE:

20 The next matter we have for the Board's
21 consideration is a Consent Agreement between the OEC
22 and Mount Airy #1, LLC. Glenn Stuart will present the
23 matter for the OEC. Mr. Sklar is here on behalf of
24 Mount Airy.

25 ATTORNEY STUART:

1 Thank you. Presently before the Board is
2 a Consent Agreement entered into between the OEC and
3 Mount Airy Casino Resort. Specifically Mount Airy
4 conducted business with two Gaming Service Providers
5 while the Gaming Service Providers were both on the
6 Board's Prohibited Gaming Service Provider List.
7 These Gaming Service Providers were Maple Direct,
8 Incorporated and Vision Solutions, Incorporated. The
9 terms of the Consent Agreement requires Mount Airy to
10 pay a civil penalty of \$5,000 for conducting business
11 with Maple Direct, Incorporate, pay \$5,000 civil
12 penalty for conducting business with Vision Solutions
13 as well as remit \$2,500 to the Board for investigative
14 fees associated with this Consent Agreement. This
15 Consent Agreement is now ripe for the Board's
16 consideration.

17 CHAIRMAN:

18 Mr. Sklar?

19 ATTORNEY SKLAR:

20 No comments.

21 CHAIRMAN:

22 Any questions or comments from the Board?

23 Ex-officio members? May I have a motion?

24 MR. SOJKA:

25 Yes. Mr. Chairman, I move that the Board

1 issue an Order to approve the Consent Agreement
2 between the OEC and Mount Airy #1, LLC LP as described
3 by the OEC.

4 MR. FAJT:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries. Thank you.

11 ATTORNEY PITRE:

12 Next matter on the Board's agenda is the
13 revocation of Brian Viercinski. If Mr. Viercinski's
14 present I ask that he come forward. Glenn Stuart will
15 present the matter for the Board's consideration.

16 CHAIRMAN:

17 Mr. Stuart.

18 ATTORNEY STUART:

19 Presently before the Board for its
20 consideration is the revocation of Brian Viercinski's
21 G-2 Employee Permit. Mr. Viercinski was previously
22 employed as a security shift manager at Mount Airy
23 Casino Resort. While functioning in this capacity Mr.
24 Viercinski removed \$1,000 and two credit cards from a
25 patron's wallet when he should have taken the wallet

1 and its contents to the lost and found area. Mr.
2 Viercinski was subsequently charged with one count of
3 theft by unlawful taking and one count of receiving
4 stolen property. Mr. Viercinski pled guilty to these
5 charges and was entered into the Accelerated
6 Rehabilitative Disposition Program for six months.

7 In light of this incident on August 20th,
8 2002 the OEC filed a complaint seeking the revocation
9 of Mr. Viercinski's G-2 Employee Permit. OEC served
10 the complaint on Mr. Viercinski via certified mail and
11 first class U.S. mail. The certified mail was
12 returned as undeliverable, however, the first class
13 mail did not --- has not yet been returned. The
14 complaint directed Mr. Viercinski to request a hearing
15 within 30 days of its receipt. Mr. Viercinski has not
16 requested a hearing on the matter, therefore Mr.
17 Viercinski has waived his right to a hearing and all
18 facts alleged in the complaint are deemed admitted.
19 On October 16th, 2012, OEC filed a request to enter
20 default judgment in the matter. As such, the
21 revocation of Mr. Viercinski G-2 Employee Permit is
22 now ripe for the Board's consideration.

23 CHAIRMAN:

24 Is Brian Viercinski in the hearing room?
25 Any questions, comments from the Board? Ex-officio

1 members? May I have a motion?

2 MR. FAJT:

3 Mr. Chairman, I move that the Board issue
4 an Order to approve the revocation of Brian
5 Viercinski's Gaming Employee Permit as described by
6 the OEC.

7 MR. GINTY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY STUART:

15 Thank you.

16 CHAIRMAN:

17 Thank you, Glenn.

18 ATTORNEY STUART:

19 Happy Thanksgiving.

20 ATTORNEY PITRE:

21 The next two revocations on the Board's
22 agenda will be presented by Assistant Enforcement
23 Council, Cassandra Fenstermaker. The first matter for
24 the Board's consideration is the revocation of Vaughn
25 Dunston's Non-Gaming Employee Registration. If Mr.

1 Dunston is present I ask that he come forward.

2 CHAIRMAN:

3 Good afternoon.

4 MS. FENSTERMAKER:

5 Good afternoon, Chairman Ryan and
6 Commissioners. I'm Cassandra Fenstermaker,
7 F-E-N-S-T-E-R-M-A-K-E-R, Assistant Enforcement
8 Counsel. The first complaint for revocation I have
9 for your consideration today is for Vaughn Dunston.
10 On June 18th, 2012, the OEC filed a complaint for
11 revocation against Vaughn Dunston, a former bus person
12 at Harrah's Philadelphia. Mr. Dunston was charged
13 with theft and receiving stolen property following an
14 internal investigation at Harrah's. The Enforcement
15 complaint was served on Mr. Dunston by first class
16 mail and he did not respond to that complaint within
17 30 days. Therefore, pursuant to Board regulations all
18 facts alleged in the complaint are deemed admitted.
19 The OEC filed a request for default judgment on
20 October 18th, 2012, and at this time requests that
21 Vaughn Dunston's Non-Gaming Employee Registration be
22 revoked.

23 CHAIRMAN:

24 Is Vaughn Dunston in the hearing room?

25 Any questions, comments from the Board? Ex-officio

1 members? May I have a motion?

2 MR. GINTY:

3 Mr. Chairman, I move that the Board issue
4 an Order to approve the revocation of Vaughn Dunston's
5 Non-Gaming Employee Registration as described by the
6 OEC.

7 CHAIRMAN:

8 Second?

9 MS. KAISER:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed? The motion carries.

16 MS. FENSTERMAKER:

17 Thank you. The second revocation I have
18 for your consideration is for John Francies. On
19 August 2nd, 2012, the OEC filed a complaint for
20 revocation against John Francies a former dealer at
21 Mount Airy Casino. The complaint was filed after Mr.
22 Francies pled guilty to one count of criminal
23 mischief, a third degree felony. The Enforcement
24 complaint was served on Mr. Francis by first class and
25 certified mail. He did not respond to the complaint

1 within 30 days and therefore all facts alleged in the
2 complaint are deemed admitted. The OEC filed a
3 request for default judgment on October 18th, 2012,
4 and at this time requests that John Francies' Gaming
5 Employee Occupation Permit be revoked.

6 CHAIRMAN:

7 Is John Francies in the hearing room?
8 Any questions or comments from the Board? Ex-officio
9 members? May I have a motion?

10 MS. KAISER:

11 Mr. Chairman, I move that the Board issue
12 an Order to approve the revocation of John Francies'
13 Gaming Employee Permit as described by the OEC.

14 MR. MCCALL:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 ALL SAY AYE

19 CHAIRMAN:

20 Opposed? The motion carries.

21 MS. FENSTERMAKER:

22 Thank you.

23 CHAIRMAN:

24 Thank you, Cassandra.

25 ATTORNEY PITRE:

1 The next four revocations and two
2 involuntary exclusions will be presented to the Board
3 by Assistant Enforcement Counsel, Michael Roland.

4 ATTORNEY ROLAND:

5 Mr. Chairman, members of the Board the
6 next matter is a motion to consider the revocation of
7 Joshua Combs' Non-Gaming Employee Registration. On
8 January 27th, 2010, the Board issued a Non-Gaming
9 Employee Registration to Joshua Combs as a valet at
10 Sands Bethworks Gaming. On March 15th, 2012, the OEC
11 filed a complaint setting forth allegations that Mr.
12 Combs should have his Non-Gaming Employee Registration
13 revoked. This complaint was properly served upon Mr.
14 Combs to the address listed on the criminal complaint
15 filed against him by both certified and first class
16 mail. Mr. Combs did not respond to the filing in any
17 way and due to Mr. Combs' failure to respond the
18 averments in the complaint were deemed to be admitted
19 as fact and his right to a hearing had been waived.

20 On October 13th, 2011, the Quakertown
21 Police Department arrested Mr. Combs because he was
22 involved in two separate drug transactions. On March
23 31st, 2011 and on April 26, 2011, Mr. Combs sold
24 contraband while under police surveillance. Mr. Combs
25 was charged with two counts of delivery of an illegal

1 substance under the Drug Cosmetic Act. That's an
2 ungraded felony. Two counts of criminal use of a
3 communication facility. Those are felony threes. And
4 two counts of possession of a controlled substance by
5 someone who's not registered, both misdemeanors. The
6 communication facility charge came from a cell phone,
7 usage of a cell phone setting up the buy. The
8 substance involved was marijuana.

9 On March 6th, 2012, Mr. Combs entered a
10 guilty plea to one count of delivery of a controlled
11 substance, which is an ungraded felony. On October
12 17th, 2012, the OEC filed a request to enter judgment
13 upon default. The matter's now before the Board to
14 consider the revocation of Joshua Combs' Non-Gaming
15 Employee Registration.

16 CHAIRMAN:

17 Is Joshua Combs in the hearing room? Any
18 questions, comments from the Board? Ex-officio
19 members? May I have a motion?

20 MR. MCCALL:

21 Mr. Chairman, I move the Board issue an
22 Order to approve the revocation of Joshua Combs'
23 Non-Gaming Employee Registration as described by the
24 OEC.

25 CHAIRMAN:

1 Second?

2 MR. MOSCATO:

3 Second

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion carries.

9 ATTORNEY ROLAND:

10 The next matter is a motion to consider
11 the revocation of Casimir Lakomiak's Non-Gaming
12 Employee Registration. On October 22nd, 2010, the
13 Board issued a Non-Gaming Employee Registration to Mr.
14 Lakomiak and until February 9th, 2012 he was employed
15 as a cleaning specialist team member at Sands. On
16 March 14th, 2012, the OEC filed a complaint setting
17 forth allegations that Mr. Lakomiak should have his
18 Non-Gaming Employee Registration revoked. The
19 complaint was properly served upon Mr. Lakomiak by
20 both certified and first class mail and Mr. Lakomiak
21 did not respond to the filing in any way. Due to Mr.
22 Lakomiak's failure to respond the averments of the
23 complaint are deemed to be admitted as fact and his
24 right to a hearing has been waived.

25 On February 6th, 2012, after a report was

1 made by a casino patron, it was discovered that Mr.
2 Lakomiak cashed out several vouchers while performing
3 his job duties as a cleaning specialist. The
4 incidents were considered voucher thefts.
5 Additionally it was discovered that Mr. Lakomiak
6 pushed the slot machine button to play off credits
7 that were left by former patrons. On October 17th,
8 2012, the OEC filed a request to enter judgment upon
9 fault. This matter is now before the Board to
10 consider the revocation of Casimir Lakomiak's Non-
11 Gaming Employee Registration.

12 CHAIRMAN:

13 Is Casimir Lakomiak in the hearing room?
14 Questions or comments from the Board? Ex-officio
15 members? May I have a motion?

16 MR. MOSCATO:

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

21 MR. SOJKA:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? The motion carries.

3 ATTORNEY ROLAND:

4 Next matter is a motion to consider the
5 revocation of Tyler Ngo's Gaming Employee Permit. On
6 September 29th, 2010, the Board issued a Gaming
7 Employee Permit to Tyler Ngo and he remained employed
8 until July 19th, 2011 as a dealer at Sands Casino. On
9 March 14th, 2012, the OEC filed a complaint setting
10 forth allegations that Mr. Ngo should have his Gaming
11 Employee Permit revoked. The complaint was properly
12 served upon Mr. Ngo by both certified and first class
13 mail. Mr. Ngo did not respond to the filing in any
14 way and due to Mr. Ngo's failure to respond the
15 averments in the complaint are deemed to be admitted
16 as fact. His right to a hearing has been waived.

17 On August 1st, 2011, a Sands Pit Manager
18 noticed Mr. Ngo was playing Poker at a Poker table.
19 Mr. Ngo advised security and casino compliance that he
20 was no longer a dealer at Sands and that his last day
21 of work had been on July 12th of 2011. Mr. Ngo
22 further provided that he had also spoken with his
23 former manager who informed him that he could not game
24 for 30 days after leaving Sands' employment. Mr. Ngo
25 stated that he did not care if he lost his Gaming

1 License in Pennsylvania and provided a written
2 statement in which he admitted to gaming in Sands
3 within 30 days of his employment. On October 17th,
4 2012, the OEC filed a request to enter a judgment upon
5 default. The matter is now before the Board to
6 consider the revocation of Tyler Ngo's Gaming Employee
7 Permit.

8 CHAIRMAN:

9 Is Tyler Ngo in the hearing room? Any
10 questions or comments from the Board? Ex-officio
11 members? May I have a motion?

12 MR. SOJKA:

13 Yes, Mr. Chairman. I'll move that the
14 Board issue an Order to approve the revocation of
15 Tyler Ngo's Gaming Employee Permit as described by the
16 OEC.

17 MR. FAJT:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion carries.

24 ATTORNEY ROLAND:

25 Next is a motion to consider the

1 revocation of Benjamin Paterson's Non-Gaming Employee
2 Registration. On April 21st, 2009, the Board issued a
3 Non-Gaming Employee Registration to Benjamin Paterson.
4 He remained employed until November the 12th, 2011 at
5 St. James Gate as a manager in Sands Casino. St.
6 James is one of the restaurants in that facility if
7 you're not familiar.

8 On March 14th, 2012, the OEC filed a
9 complaint setting forth allegations that Mr. Paterson
10 should have his Non-Gaming Employee Registration
11 revoked. The claim was properly served upon Mr.
12 Paterson at the address listed on the criminal
13 complaint filed against him, once again, by both
14 certified and first class mail. Mr. Paterson did not
15 respond to the filing in any way and due to Mr.
16 Paterson's failure to respond the averments in the
17 complaint are deemed to be admitted as fact. His
18 right to a hearing has been waived.

19 On November 10th, 2011, Sands identified
20 an unusual number of checks being voided at the St.
21 James Gate restaurant. A surveillance review
22 indicated that on November 5th, 2011 Mr. Paterson
23 voided a check in the amount of \$36.04, a check in the
24 amount of \$68.31 and a check in the amount of \$69.48.
25 Additional surveillance review also indicated that on

1 November the 11th of 2011 Mr. Paterson voided a check
2 in the amount of \$65 and Mr. Paterson removed \$36 from
3 the cash register.

4 On November the 12th, 2011, Mr. Paterson
5 provided a verbal, written statement admitting that he
6 voided the customer's checks and he pocketed the money
7 while working at the St. James Gate. Mr. Paterson was
8 charged by the Pennsylvania State Police with theft by
9 unlawful taking, a felony three, and receiving stolen
10 property, a felony three. Those charges are still
11 pending in court. The total amount taken by Mr.
12 Paterson from the St. James Gate was \$274.83. On
13 October 17th, 2012, the OEC filed a request to enter
14 judgment upon default. This matter is now before the
15 Board to consider the revocation of Benjamin
16 Paterson's Non-Gaming Employee Registration.

17 CHAIRMAN:

18 Is Benjamin Paterson sitting in the
19 hearing room? Questions or comments from the Board?
20 Ex-officio members? May I have a motion?

21 MR. FAJT:

22 Mr. Chairman, I move that the Board issue
23 an Order to approve the revocation of Benjamin
24 Paterson's Non-Gaming Employee Registration as
25 described by the OEC.

1 MR. GINTY:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? The motion carries.

8 ATTORNEY ROLAND:

9 The next matter is a request to place
10 Pasquale Capasso on the Board's Excluded Persons List.
11 The OEC filed a petition on August 24th, 2012 to place
12 Mr. Capasso on the Excluded Persons List for using
13 counterfeit currency while gaming at Sands on July
14 8th, 2012. The petition was properly served upon Mr.
15 Capasso to the address listed on the criminal
16 complaint filed against him by both certified and
17 first class mail. Mr. Capasso did not respond to the
18 filing in any way. Due to Mr. Capasso's failure to
19 respond the averments of the petition are deemed to be
20 admitted as fact and his right to a hearing has been
21 waived.

22 The charges that were formally brought
23 against Mr. Capasso were one count forgery, felony
24 two, one count of theft by deception, a felony three.
25 The disposition of the case is still listed as

1 pending. There's a trial set for early next year.
2 There were actually 52 counterfeit 100 dollar bills
3 that were recovered from the Sands' Gaming Floor. On
4 October 17th, 2012, the OEC filed a request to enter
5 judgment upon default. The matter is now before the
6 Board to consider the placement of Pasquale Capasso on
7 the Board's Excluded Persons List.

8 CHAIRMAN:

9 Is Pasquale Capasso in the hearing room?
10 Any questions, comments from the Board? Ex-officio
11 members? May I have a motion?

12 MR. GINTY:

13 Mr. Chairman, I move that the Board issue
14 an Order to approve the addition of Pasquale Capasso
15 on the PGCB Involuntary Exclusion List as described by
16 the OEC.

17 CHAIRMAN:

18 Second?

19 MS. KAISER:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 ALL SAY AYE

24 CHAIRMAN:

25 Opposed? The motion carries.

1 ATTORNEY ROLAND:

2 And the last matter is a request to place
3 Yulissa Troncoso on the Board's Excluded Persons List.
4 The OEC filed a petition on August 24, 2012 to place
5 Ms. Troncoso on the Excluded List for leaving her five
6 children in a car while gaming at Sands. The petition
7 was properly served upon Ms. Troncoso to the address
8 listed on the criminal complaint filed against her by
9 both certified and first class mail. Ms. Troncoso did
10 not respond to the filing in any way. Due to Ms.
11 Troncoso's failure to respond the averments in the
12 petition are deemed to be admitted as fact and her
13 right to a hearing has been waived.

14 The formal charges brought against Ms.
15 Troncoso are five counts of endangering the welfare of
16 children. They are all misdemeanors of the first
17 degree. The case is still pending and set for trial
18 early next year. The ages of the children involved
19 were 12, 11, 6, 2 and 10 months. They were actually
20 found by Sands security who then contacted the police
21 department to come and assist. On October 17th, 2012,
22 the OEC filed a request to enter judgment upon
23 default. The matter is now before the Board to
24 consider the placement of Yulissa Troncoso on the
25 Board's Excluded Persons List.

1 CHAIRMAN:

2 Is Yulissa Troncoso in the hearing room?
3 Any questions, comments from the board? Ex-officio
4 members? May I have a motion?

5 MS. KAISER:

6 Mr. Chairman, I move that the Board issue
7 an Order to approve the addition of Yulissa Troncoso
8 to the Pennsylvania Gaming Control Board Involuntary
9 Exclusion List as described by the OEC.

10 MR. MCCALL:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE

15 CHAIRMAN:

16 Opposed? The motion carries.

17 ATTORNEY PITRE:

18 That concludes our business with the
19 Board. Happy Thanksgiving to everyone.

20 CHAIRMAN:

21 Thank you both and you also. Well,
22 ladies and gentlemen, that concludes today's meeting.
23 Our next scheduled public meeting will be held here on
24 December 12th at 10:00 a.m. Any final comments from
25 the Board or ex-officio members of the Board? May I

1 have a motion to adjourn?

2 MR. MCCALL:

3 So moved.

4 CHAIRMAN:

5 Second?

6 MR. MOSCATO:

7 Second.

8 CHAIRMAN:

9 Meeting is adjourned. Thank you all.

10 Have a good holiday.

11 * * * * *

12 MEETING CONCLUDED AT 1:34 P.M.

13 * * * * *

14

15

16

17

18

19

20

21 CERTIFICATE

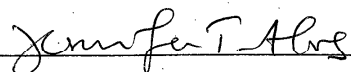
22

23 I hereby certify that the foregoing
24 proceedings, hearing held before Chairman Ryan was
25 reported by me on 11/20/2012 and that I Jennifer T.

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

4

5


Court Reporter

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25