

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN  
Keith R. McCall, Gary A. Sojka,  
Gregory C. Fajt, Anthony C. Moscato,  
Annemarie Kaiser, Members  
Christopher Craig, Representing Robert  
McCord, State Treasurer  
Robert Coyne, Representing Daniel Meuser,  
Secretary of Revenue  
Jorge Augusto, Representing George Greig,  
Secretary of Agriculture  
HEARING: Wednesday, January 9, 2013  
LOCATION: PA Gaming Control Board  
Strawberry Square Complex  
Second Floor  
Harrisburg, PA 17101

Reporter: Jennifer T. Alves

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CHAIRMAN:

Good morning, everyone. My name is Bill Ryan. I'm the Chairman of the Pennsylvania Gaming Control Board. Before we begin, I would like to ask everyone to please turn off cell phones, PDAs and other electronic devices. Thank you very much. With us today is Chris Craig, representing State Treasurer, Robert McCord. Bob Coyne, representing the Secretary of Revenue, Dan Meuser. And Jorge Augusto, representing the Secretary of Agriculture, George Greig.

Thank you, gentlemen, for being here. I'll call this meeting to order. We don't have one of our members, Mr. Jim Ginty, who's a little under the weather today. But nonetheless we do have a quorum, and we will continue with our meeting. The first order of business I would like to ask everyone to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

Thank you, ladies and gentlemen. By way of announcements, the Board held an executive session yesterday, January 8th, to discuss personnel matters

1 and to conduct quasi-judicial deliberations relating  
2 to matters being considered by the Board today.

3 I would also like to place on the record  
4 a matter of basically general housekeeping to clear up  
5 any confusion which may exist. And hopefully I won't  
6 create more. At our November 20th Board meeting,  
7 proposed regulation 125-166 was approved by the Board.  
8 However, it was recently discovered that the  
9 identifying number of that regulation was incorrectly  
10 stated on the agenda and in the motion made on that  
11 date, as 125-165. Heaven forbid.

12 The substance of the proposed  
13 regulation, the Board approved on November 20th, which  
14 provided the rules for Asia Poker, Five Card Hi Low  
15 and Three Dice Football, as well as a number of new  
16 side wagers and table game variations was and should  
17 have been noted as regulation 125-166. Obviously the  
18 only thing that was incorrect was the numbering.

19 All documents relating to this  
20 regulation have been changed to reflect the corrected  
21 number. And the Board apologizes for any confusion  
22 this may have caused.

23 Okay. Our next article here would be  
24 minutes and transcript. We have consideration of a  
25 motion to approve the transcripts and minutes of the

1 Board's November 20th meeting. May I have such a  
2 motion?

3 MR. SOJKA:

4 Yes, Mr. Chairman, I'll move that the  
5 Board approve the minutes and transcript of the  
6 November 20th, 2012 meeting.

7 MR. FAJT:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 Next Dave Rhen, Budget Manager. Dave?

15 MR. RHEN:

16 Good morning.

17 CHAIRMAN:

18 Good morning, Dave.

19 MR. RHEN:

20 I'm here today to provide a midyear  
21 fiscal year budget report for activity through the end  
22 of December. I'm happy to report the expenditures for  
23 the first six months are down \$771,000, or 4.7 percent  
24 versus the prior year. The total expenses for the  
25 first half of the year were \$15.5 million versus \$16.3

1 million last year at the same time. Greater than  
2 anticipated vacancy rates played a major role in the  
3 declining costs. The total complement as of 12/31/12  
4 was down, was 309, down 10 employees from the prior  
5 year. And that's down 17 people from one year ago.

6                   For the year personnel expenses, total  
7 \$13,008,000, down \$434,000, or 3.2 percent, from the  
8 prior year. In the operating and fixed asset  
9 expenditure category, those expenses combined total  
10 \$2,539,000 year to date. This total is \$337,000 or  
11 11.7 percent less than the prior year total of  
12 \$2,877,000. We have taken steps to reduce costs  
13 across the spectrum, including reducing IT costs and  
14 legal services, investigative database searches are  
15 down, as well as vehicle leases and our  
16 telecommunication expenses. So, in that category  
17 we're down across the board. Year to date the largest  
18 operating expenses, rentals and leases at \$1,018,000,  
19 comprising 43 percent of operating expenses.

20                   Services is next at \$574,000 or 24.7  
21 percent. Followed by other operating costs of  
22 \$298,000, or 12.8 percent. Office voice and data  
23 telecommunications at \$203,000. And travel at  
24 \$122,000, or 5.2 percent of operating expenses.

25                   The fixed asset component of the budget

1 totals \$213,000 in expenses, and is comprised of  
2 software licenses at \$206,000, and hardware servers at  
3 \$7,000. And that concludes the expenditure report. I  
4 just want to mention that we have scheduled February  
5 21st in the Senate and March 4th in the House, our  
6 appropriations hearing for consideration of next  
7 year's budget.

8 CHAIRMAN:

9 Okay. Any questions or comments from  
10 the Board? Ex-Officio members? Thank you, Dave. We  
11 appreciate it.

12 MR. RHEN:

13 Thank you.

14 CHAIRMAN:

15 Next, Doug Sherman, Chief Counsel.  
16 Doug?

17 ATTORNEY SHERMAN:

18 Good morning, Chairman and Members of  
19 the Board. Our first agenda item relates to Statement  
20 of Policy, which Assistant Chief Counsel Susan Yocum  
21 is here to present.

22 ATTORNEY YOCUM:

23 Good morning. I have one agenda item.  
24 It is the Statement of Policy 125-167, which relates  
25 to Junket Licensure Provisions. To provide some



1 background, the reason for the Statement of Policy,  
2 when the statute was amended in 2010, provisions were  
3 added requiring that the junket enterprise and the  
4 junket representatives obtain a licensing and  
5 occupation permit respectively, before a junket can be  
6 organized to a licensed facility. The statute also  
7 provided that individuals who are employed by a Slot  
8 Machine Licensee and held an occupation permit, could  
9 perform the functions of a junket representative  
10 without having to be independently licensed as a  
11 junket representative.

12                   Since that time, several individuals  
13 have applied as employees of Slot Machine Licensees.  
14 However during the investigation process, it appeared  
15 that they were not really bona fide employees of the  
16 Slot Machine Licensee, but they were more akin to an  
17 independent contractor and should therefore have to be  
18 licensed and permitted as through the junket license  
19 or provisions.

20                   This Statement of Policy will provide  
21 guidance to slot machine licensees, junket  
22 representatives and enterprises on how agency staff  
23 will interpret the statute and what it means to be an  
24 employee of a Slot Machine Licensee, for purposes of  
25 the junket licensure provisions. Additionally, this

1 Statement of Policy will allow junket enterprises to  
2 obtain a conditional license to provide their services  
3 to the Slot Machine Licensees prior to obtaining ---  
4 completing the full background investigation.  
5 Provided that they're licensed or otherwise  
6 credentialed in good standing in another jurisdiction  
7 with similar licensing provisions as Pennsylvania and  
8 that they pass a preliminary investigation which would  
9 include their criminal background check and tax  
10 clearances. This is --- the conditional licensure is  
11 similar to the conditional licensure for manufacturers  
12 and suppliers and the interim authorization that we  
13 allow for in the gaming service provider context.  
14 This Statement of Policy will be transitioned to a  
15 proposed rulemaking in the very near future. I'd be  
16 happy to answer any questions that you may have.

17 CHAIRMAN:

18 Questions or comments from the Board?  
19 Ex-Officio members? May I have a motion?

20 MR. FAJT:

21 Yes, Mr. Chairman, I move that the Board  
22 adopt Statement of Policy 125-167, as described by the  
23 Office of Chief Counsel (OCC). And that the statement  
24 of policy be posted to the Board's website.

25 MR. MOSCATO:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 ALL SAY AYE

5 CHAIRMAN:

6 Opposed? Motion carries.

7 ATTORNEY YOCUM:

8 Thank you.

9 CHAIRMAN:

10 Thank you, Susan.

11 ATTORNEY SHERMAN:

12 Chairman, our next agenda item relates  
13 to a Local Law Enforcement Grant, which Assistant  
14 Chief Counsel Allison Cassel is here to present.

15 CHAIRMAN:

16 Good morning, Allison.

17 ATTORNEY CASSEL:

18 Good morning, Mr. Chairman, Members of  
19 the Board. We have received an application for a  
20 Local Law Enforcement Grant from the Washington County  
21 District Attorney's Office. The application has been  
22 reviewed and has been determined to be in material  
23 compliance with the grant program. As with all grant  
24 recipients, if approved, the Washington County  
25 District Attorney's Office will be required to sign a

1 contract with the PGCB, agreeing to only spend the  
2 grant funds on eligible activities and to provide  
3 supporting documentation to enable auditing of how  
4 grant funds were utilized at the close of the grant  
5 period. I would ask the Board for a motion approving  
6 the Local Law Enforcement Grant for the Washington  
7 County District Attorney's Office, in the amount of  
8 \$100,605.

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  
14 approve the local law enforcement grant as present by  
15 the OCC.

16 MR. MCCALL:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries. Thank  
23 you, Allison.

24 ATTORNEY CASSEL:

25 Thank you.

1                   ATTORNEY SHERMAN:

2                   Next the Board has considerations for  
3 two petitions. Both of the matters will be considered  
4 based upon the documents in the record. The Board has  
5 in advance of this meeting been provided with the  
6 petitions, the OEC responses and other relevant  
7 pleadings or documentary submissions.

8                   The first matter is Emerson Network  
9 Power and Liebert Services, Incorporated. Emerson is  
10 requesting to be removed from the prohibited gaming  
11 service provider list. Emerson is a global  
12 manufacturing and technology company, which provides  
13 uninterruptible power supplies and other data center  
14 equipment. Emerson initially filed an application  
15 with the Board in April of 2009. However, at that  
16 time they failed to file the application through the  
17 sponsored Slot Machine Licensee, as was required under  
18 our regulations in early 2009. As a result the Bureau  
19 of Licensing did not accept the application.

20                   In June of 2009, Emerson then filed a  
21 sponsored vendor registration application through  
22 Downs Racing. However due to some deficiencies in the  
23 application which were not cured, they were eventually  
24 placed on the prohibited gaming service provider list.  
25 While on that list Emerson had actually conducted some

1 business with three Pennsylvania casinos, Sands,  
2 SugarHouse and Parx, for which they were compensated a  
3 total of \$80,000 and change.

4 Emerson has now filed a publicly-traded  
5 corporation authorization form, as allowed by the  
6 Board's present regulations. And the effect of that  
7 is thereby they cured a number of the deficiencies  
8 that previously existed. The Office of Enforcement  
9 Counsel (OEC) does not object to Emerson being removed  
10 from the prohibited gaming service provider list,  
11 provided they pay the standard \$1,500 civil penalty,  
12 which the Board imposes in like circumstances, along  
13 with a \$1,500 penalty for conducting business while on  
14 the prohibited list, with each of the three casinos.  
15 So, that would be a total of \$4,500, plus the \$1,500,  
16 or \$6,000.

17 OEC has also requested the imposition of  
18 their cost against Emerson in connection with the  
19 processing of this investigation. That fee is  
20 approximately \$575, which has been submitted by the  
21 OEC through an appropriate bill of cost. And my  
22 understanding is that that has also been provided in  
23 advance of this meeting to the Emerson Counsel.

24 And with that, unless there's any  
25 questions for counsel for either Emerson or OEC, we

1 think it would be appropriate to grant the petition to  
2 remove Emerson, subject to the payment of the \$6,000  
3 in sanction, plus the costs, as reflected in the bill  
4 of cost.

5 CHAIRMAN:

6 Questions or comments from the Board?

7 MR. SOJKA:

8 One quick one, and that is no problem  
9 specifically about this solution to the Emerson  
10 situation. But we see this periodically where  
11 somebody is on that list and then they do business  
12 with a casino, and of course for anything to go wrong,  
13 to quote the old song title, it takes two to tango.  
14 And they're clearly wrong for supplying services. But  
15 are we doing anything or can we do anything to be sure  
16 that the Licensees are paying more attention to that  
17 prohibited list and not doing business with prohibited  
18 vendors?

19 ATTORNEY SHERMAN:

20 I'm not sure that you can do anything  
21 more than what you already are doing. We often see  
22 Consent Agreements with the Licensees, coming before  
23 the Board. You would think that the pain in the  
24 pocketbook should get their attention. I don't know  
25 that we see it as often now as what we did maybe two

1 or three years ago. In addition I think there's been  
2 a learning curve for the providers of goods and  
3 services.

4 MR. SOJKA:

5 So, there is likely then to be some sort  
6 of consequence for these three Licensees. I don't  
7 want to go too far into directing.

8 ATTORNEY SHERMAN:

9 As I said, we often see those come  
10 before the Board.

11 MR. SOJKA:

12 Okay.

13 CHAIRMAN:

14 Any other comments, questions? Ex-  
15 Officio members? May I have a motion?

16 MR. FAJT:

17 Yes, Mr. Chairman, I move that the Board  
18 issue an Order to approve Emerson Network Power  
19 Liebert Services, Inc.'s Petition for Removal from the  
20 Prohibited Gaming Service Provider List, as described  
21 by the OCC.

22 CHAIRMAN:

23 Second?

24 MS. KAISER:

25 Second.



1                   CHAIRMAN:

2                   All in favor?

3 ALL SAY AYE

4                   CHAIRMAN:

5                   Opposed? The motion carries.

6                   ATTORNEY SHERMAN:

7                   The next matter is a request to place  
8 Dhaval Patel on the Board's exclusion list. Mr. Patel  
9 has waived his right to a hearing and the matter is  
10 appropriate to be decided on the documents. Briefly  
11 his background, on June 17th, 2012, Harrah's  
12 surveillance video revealed that Mr. Patel was  
13 cheating while playing Four-Card Poker, which resulted  
14 in him receiving an improper payout of about \$800.  
15 Mr. Patel was approached by security and escorted to  
16 the security offices, where he did repay the \$800 he  
17 had won while cheating. The State Police charged Mr.  
18 Patel with two violations of the Gaming Act and  
19 disorderly conduct. The Gaming Act violations were  
20 eventually dismissed as part of a plea bargain and Mr.  
21 Patel pled guilty to disorderly conduct.

22                   On August 15th the OEC filed a petition  
23 to place Mr. Patel on the exclusion list. He had  
24 originally requested a hearing regarding his placement  
25 on the list; however, on October 31st he signed a

1 waiver of right to a hearing and requested that the  
2 matter be decided upon the documents which are now  
3 before the Board. Unless there's any questions, the  
4 matter is appropriate for your consideration of the  
5 motion at this time.

6 CHAIRMAN:

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

9 MS. KAISER:

10 Mr. Chairman, I move that the Board  
11 issue an Order to approve the petition of the OEC to  
12 place Dhaval Patel on the Pennsylvania Gaming Control  
13 Board involuntary exclusion list, as described by the  
14 OCC.

15 MR. MCCALL:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 ALL SAY AYE

20 CHAIRMAN:

21 Opposed? The motion carries.

22 ATTORNEY SHERMAN:

23 Next are Reports and Recommendations and  
24 Emergency Suspension to be presented by Steve Cook,  
25 Deputy Chief Counsel.

1                   CHAIRMAN:

2                   Good morning, Steve.

3                   ATTORNEY COOK:

4                   Good morning. Next before the Board for  
5 consideration are three Reports and Recommendations  
6 received from the Office of Hearings and Appeals  
7 (OHA). These Reports and Recommendations, along with  
8 the complete evidentiary record for each hearing, has  
9 been provided to the Board in advance of this meeting.  
10 And additionally each of these persons has been  
11 notified that their matter would be taken up by the  
12 Board today. If there is any of these people in the  
13 room, we would ask them to come forward when their  
14 matter is announced.

15                   Emmanuel Pleasant is the first Report  
16 and Recommendation before the Board. Mr. Pleasant was  
17 issued a Non-Gaming Registration on June 14th, 2010,  
18 and was employed as a sous chef at Chester Downs  
19 Marina. On August 23rd 2012, the OEC became aware  
20 that on August 2nd, a few weeks prior, Mr. Pleasant  
21 had been arrested and charged with one felony count of  
22 possession of a firearm by a felon. He was also  
23 charged with several misdemeanor offenses, including  
24 possession of instrument of crime, terroristic  
25 threats, simple assault and recklessly endangering.

1 As a result of these charges, the OEC filed a request  
2 for Emergency Order of Suspension of Mr. Pleasant's  
3 Registration. The Order was signed by the Executive  
4 Director on August 23rd, 2012.

5 At the Board's September 12th meeting,  
6 the matter was referred to the OHA to conduct an  
7 evidentiary hearing, and to the validity of the  
8 Emergency Suspension and to issue a Report and  
9 Recommendation relative to same. This hearing was  
10 held at Hearings and Appeals on October 25th, 2012.  
11 Despite receiving proper notice, Mr. Pleasant did not  
12 attend the hearing and it proceeded in absentia. At  
13 that time OEC provided evidence to support the  
14 allegations made in its complaint. And as a result of  
15 that the Report and Recommendation issued, which is  
16 presently before the Board, recommends that the  
17 Emergency Suspension continue. I'd note for the  
18 record that the charges, the criminal charges remain  
19 pending.

20 CHAIRMAN:

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

23 MR. MCALL:

24 Mr. Chairman, I move that the Board  
25 adopt the recommendation of the OHA, regarding the

1 Non-Gaming Employee Registration of Emmanuel Pleasant,  
2 as described by the OCC.

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 COOK:

13 The next matter before the Board  
14 pertains to a Report and Recommendation relative to  
15 Paul Gibson. Mr. Gibson was issued a Gaming Employee  
16 Permit and worked as a security guard at the Parx  
17 Casino. The OEC filed a complaint on June 7th, 2012,  
18 to revoke Mr. Gibson's Gaming Permit. Mr. Gibson was  
19 served with the complaint but failed to respond within  
20 30 days. Subsequently the OEC filed a default  
21 judgment on this matter, which was to be taken up by  
22 the Board at its September 12th meeting. However,  
23 prior to that meeting, Mr. Gibson contacted Hearings  
24 and Appeals and requested a hearing, so the matter was  
25 pulled from the Board's agenda and sent to Hearings

1 and Appeals for a hearing, which was scheduled and  
2 held on October 18th, 2012. Despite receiving notice  
3 and requesting the hearing, Mr. Gibson did not attend  
4 or show up for the hearing.

5 OEC thereafter put in evidence which was  
6 undisputed that showed that on December 9th, 2011, Mr.  
7 Gibson, while working at the Parx Casino as a security  
8 guard, made a call from inside the casino to another  
9 security guard, stationed at another location,  
10 specifically the west entrance of Parx. During that  
11 conversation, Mr. Gibson, who did not identify  
12 himself, indicated that there was a bomb in the  
13 facility. This triggered security, Pennsylvania State  
14 Police and our casino compliance representatives to  
15 immediately search for any type of explosive. None  
16 was found. About an hour after that all transpired,  
17 Mr. Gibson came forward to his supervisors and  
18 admitted that he had made the call, but did it as a  
19 joke. As a result of this matter, Parx suspended and  
20 then I believe terminated Mr. Gibson. And as I say,  
21 all this evidence was put in the record before the  
22 Hearing Officer and the Report and Recommendation is  
23 that, based upon his conduct, that the matter --- that  
24 he now be revoked, his license be revoked.

25 CHAIRMAN:

1 Any questions, comments from the Board?  
2 Ex-Officio members? May I have a motion?

3 MR. MOSCATO:

4 Mr. Chairman, I move that the Board  
5 adopt the Report and Recommendation of the OHA  
6 regarding Paul Gibson's Gaming Employee Permit, as  
7 described by the OCC.

8 MR. FAJT:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 ATTORNEY COOK:

16 Just note for the record, the next  
17 matter which was scheduled on this agenda was Report  
18 and Recommendation relative to Debbie M. Pivarnik.  
19 That matter has been pulled from this agenda and will  
20 be taken up at a later date.

21 The last Report and Recommendation then  
22 pertains to Nicholas Repko-Moschini. Mr. Repko-  
23 Moschini was issued a Gaming Employee Permit on  
24 October 5th, 2011, and was employed as a security  
25 guard at the Sands Bethworks Casino. On October 1st

1 2012, the Bureau of Casino Compliance --- I'm sorry  
2 the Bureau of Investigations and Enforcement (BIE) was  
3 notified by the Bureau of Casino Compliance that Mr.  
4 Repko-Moschini was arrested on September 28th, 2012,  
5 and charged with 33 felonies and one misdemeanor. The  
6 arrest and charges filed against Mr. Repko-Moschini  
7 are all related to alleged illegal sexual conduct or  
8 contact with a minor.

9           As a result of these charges,  
10 Enforcement Counsel filed a request for an Emergency  
11 Order of Suspension of Mr. Repko-Moschini's Gaming  
12 Employee Permit. The Order was signed by the  
13 Executive Director on October 3rd, 2012. Then at the  
14 Board's October 10th, 2012 meeting, this matter was  
15 taken up and referred to the OHA to conduct a complete  
16 evidentiary record. That hearing was held at Hearings  
17 and Appeals on October 18th, 2012, and Mr. Repko-  
18 Moschini did appear. However, during that hearing he  
19 basically put on evidence simply that he enjoyed his  
20 job and he wanted to maintain it. He didn't put on  
21 any evidence to dispute the charges filed against him.  
22 And as a result of the evidence before the Hearing  
23 Officer, a Report and Recommendation issued. It  
24 recommends that Mr. Moschini's Emergency Suspension  
25 remain in place. At this point in time, the criminal



1 charges remain pending.

2 CHAIRMAN:

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

5 MR. FAJT:

6 Mr. Chairman, I move that the Board  
7 adopt the Report and Recommendation of the OHA  
8 regarding Nicholas Repko-Moschini's Gaming Employee  
9 Permit, as described by the OCC.

10 CHAIRMAN:

11 Second?

12 MR. MOSCATO:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 ATTORNEY COOK:

20 The next matter before the Board  
21 pertains to the Emergency Suspension of Kyshima  
22 Montgomery. Ms. Montgomery was issued a Non-Gaming  
23 Employee Registration on August 22nd, 2011, and was  
24 employed as a beverage server at Harrah's. On  
25 November 29th, 2012, the Pennsylvania State Police

1 notified BIE that Ms. Montgomery was arrested and  
2 charged with five felonies and two misdemeanors. The  
3 arrest and charges filed against Ms. Montgomery  
4 stemmed from allegations that she stole in excess of  
5 \$330,000 in welfare cash benefits, during employment  
6 with the Pennsylvania Department of Public Welfare.

7           As a result of these charges,  
8 Enforcement Counsel filed a request for an Emergency  
9 Order of Suspension. And the request was approved and  
10 an Order signed by the Executive Director on December  
11 18th, 2012. As indicated with the previous matter,  
12 the Board regulations, as presently drafted, require  
13 that the Board now decide whether to hear this matter  
14 itself or refer to Hearings and Appeals to conduct the  
15 evidentiary hearing. Chief Counsel would recommend  
16 that the matter be referred to Hearings and Appeals to  
17 conduct that hearing, and that the Emergency  
18 Suspension remain in place.

19           CHAIRMAN:

20           Questions or comments from the Board?  
21 Ex-Officio members? May I have a motion?

22           MR. MOSCATO:

23           Mr. Chairman, I move that the Board  
24 approve the emergency suspension of Kyshima  
25 Montgomery's Non-Gaming Employee Registration to the

1 OHA for a hearing to determine the validity of the  
2 Emergency Suspension Order and that the Emergency  
3 Suspension remain in place until this matter comes  
4 back before the Board.

5 CHAIRMAN:

6 Second?

7 MS. KAISER:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY SHERMAN:

15 And that concludes all matters of the  
16 OCC.

17 CHAIRMAN:

18 Thank you both. Next. Susan Hensel,  
19 Director of Licensing.

20 MS. HENSEL:

21 Thank you, Chairman Ryan and Members of  
22 the Board. Before the Board today will be motions  
23 regarding one management company license, one table  
24 games manufacturer renewal license, and 500 Principal  
25 Key Gaming and Non-Gaming Employees. In addition

1 there will be the consideration of 13 gaming service  
2 provider applications.

3           The first matter for your consideration  
4 is the approval of a management company license for  
5 IOC-PA, LLC. IOC-PA, LLC is wholly owned by Isle of  
6 Capri Casinos, Inc, who owns and operates gaming  
7 properties in several jurisdictions throughout the  
8 United States. Both companies are headquartered in  
9 St. Louis, Missouri. If approved, IOC-PA, LLC will  
10 operate and manage the Category 3 slot machine  
11 facility owned by Woodlands Fayette, LLC, pursuant to  
12 a management company agreement. The BIE has completed  
13 its investigation. And the Bureau of Licensing has  
14 provided you with a background investigation and  
15 suitability report. Counsel for IOC is in the  
16 audience, should you have any questions. Otherwise I  
17 have provided you with a draft Order and ask that the  
18 Board consider the approval of a management company  
19 license for IOC-PA, LLC.

20           CHAIRMAN:

21           Any comments from Enforcement Counsel?

22           ATTORNEY PITRE:

23           No comments. Enforcement Counsel fully  
24 supports the licensure.

25           CHAIRMAN:

1 Thank you. Any questions or comments  
2 from the Board? Ex-Officio members? May I have a  
3 motion?

4 MS. KAISER:

5 Mr. Chairman, I move that the Board  
6 approve the management company license IOC-PA, LLC, as  
7 described by the Bureau of Licensing.

8 MR. MCCALL:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 MS. HENSEL:

16 The next matter for your consideration  
17 is the renewal of a table game manufacturer license  
18 for Tech Art, Inc. Tech Art manufactures a hold card  
19 reader which is used in the game of blackjack to  
20 verify the dealer has blackjack. The company is  
21 headquartered in Las Vegas, Nevada. Tech Art has  
22 requested that the Board grant it a reduced licensing  
23 fee. The normal fee for a three-year renewal of a  
24 manufacturer's license is \$90,000.

25 Under the Gaming Act the Board may

1 modify the fee for a table game manufacturer, if it  
2 determines that the fee will unreasonably limit table  
3 game devices or associated equipment. Consistent with  
4 this provision of the Act, the Bureau of Licensing has  
5 adopted a reduced-licensing fee policy, which has  
6 previously been presented to the Board. Under the  
7 policy a reduction of the licensing fee to zero is  
8 warranted, if there is only one manufacturer of a  
9 product and the anticipated sales are less than  
10 \$100,000 annually.

11                   Tech Art is the only Pennsylvania  
12 manufacturer of hold card readers. And its projected  
13 annual sales are under \$100,000. The Bureau of  
14 Licensing therefore recommends that the Board grant a  
15 reduced licensing fee of zero to Tech Art, Inc. Note  
16 that the Bureau of Licensing will monitor Tech Art's  
17 revenues, and should the sales exceed the \$100,000  
18 threshold, the company will be charged a licensing  
19 fee. The BIE has completed its investigation of Tech  
20 Art, and the Bureau of Licensing has provided you with  
21 a renewal background investigation and suitability  
22 report. I have provided you with a draft Order and  
23 ask that the Board consider the renewal of a table  
24 game manufacturer license and the recommended reduced  
25 licensing fee for Tech Art, Inc.

1                   CHAIRMAN:  
2                   Any comments from Enforcement Counsel?

3                   ATTORNEY PITRE:  
4                   Enforcement Counsel does not object to  
5 their renewal, nor does it object to the reduction in  
6 the fee.

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

10                  MR. MCCALL:  
11                  Mr. Chairman, I move that the Board  
12 approve the renewal of Tech Art's table games  
13 manufacturer license, as described by the Bureau of  
14 Licensing.

15                  CHAIRMAN:  
16                  Second?

17                  MR. MOSCATO:  
18                  Second.

19                  CHAIRMAN:  
20                  All in favor?

21 ALL SAY AYE

22                  CHAIRMAN:  
23                  Opposed? The motion carries.

24                  MS. HENSEL:  
25                  The next matter for your consideration

1 is the approval of Principal and Key Employee  
2 Licenses. Prior to this meeting, the Bureau of  
3 Licensing provided you with a proposed Order for one  
4 Principal and nine Key Employee Licenses for Category  
5 1 and Category 2 Licensees. I ask that the Board  
6 consider the Order approving these licenses.

7 CHAIRMAN:

8 Any comments from Enforcement Counsel?

9 ATTORNEY PITRE:

10 Enforcement Counsel has no objection.

11 CHAIRMAN:

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

14 MR. MOSCATO:

15 Mr. Chairman, I move that the Board  
16 approve the issuance of Principal and Key Employee  
17 Licenses, as describe by the Bureau of Licensing.

18 MR. SOJKA:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 MS. HENSEL:



1                   Also for your consideration are  
2 Temporary Key Employee Licenses. Prior to this  
3 meeting, the Bureau of Licensing provided you with an  
4 Order regarding the issuance of Temporary Licenses for  
5 19 Key Employees. I ask that the Board consider the  
6 Order approving these licenses.

7                   CHAIRMAN:

8                   Any comments from Enforcement Counsel?

9                   ATTORNEY PITRE:

10                  Enforcement Counsel has no objection.

11                  CHAIRMAN:

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

14                  MR. SOJKA:

15                  Yes, Mr. Chairman, I'll move that the  
16 Board approve the issuance of Temporary Principal and  
17 Key Employee credentials, as described by the Bureau  
18 of Licensing.

19                  MR. FAJT:

20                  Second.

21                  CHAIRMAN:

22                  All in favor?

23 ALL SAY AYE

24                  CHAIRMAN:

25                  Opposed? The motion carries.

1                   MS. HENSEL:

2                   Next are Gaming Permits and Non-Gaming  
3 Registrations. Prior to this meeting, the Bureau of  
4 Licensing provided you with a list of 343 individuals  
5 to whom the Bureau has granted temporary or full  
6 occupation permits, and 90 individuals to whom the  
7 Bureau has granted registration, under the authority  
8 delegated to the Bureau of Licensing. I ask that the  
9 Board consider a motion approving the Order.

10                   CHAIRMAN:

11                   Any comments from Enforcement Counsel?

12                   ATTORNEY PITRE:

13                   Enforcement Counsel has no objection.

14                   CHAIRMAN:

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

17                   MR. FAJT:

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

22                   CHAIRMAN:

23                   Second?

24                   MS. KAISER:

25                   Second.

1                   CHAIRMAN:

2                   All in favor?

3 ALL SAY AYE

4                   CHAIRMAN:

5                   Opposed? The motion carries.

6                   MS. HENSEL:

7                   We also have for your consideration  
8 withdrawal requests for Key Employee Gaming and Non-  
9 Gaming Employees. In each case the license, permit or  
10 registration is no longer required. For today's  
11 meeting, I have provided the Board with a list of 5  
12 Key Employee, 23 Gaming and 10 Non-Gaming Employee  
13 withdrawals for approval. I ask that the Board  
14 consider the Orders approving the withdrawals.

15                   CHAIRMAN:

16                   Any comments from Enforcement Counsel?

17                   ATTORNEY PITRE:

18                   Enforcement Counsel has no objection.

19                   CHAIRMAN:

20                   Questions or comments from the Board?

21 Ex-Officio members? May I have a motion?

22                   MS. KAISER:

23                   Mr. Chairman, I move that the Board  
24 approve the withdrawals, as described by the Bureau of  
25 Licensing.

1                   MR. MCCALL:

2                   Second.

3                   CHAIRMAN:

4                   All in favor?

5 ALL SAY AYE

6                   CHAIRMAN:

7                   Opposed? The motion carries.

8                   MS. HENSEL:

9                   In addition we have an Order to certify  
10 the following gaming service providers; GF Management,  
11 LLC, Hobbs and Company, Inc., Victory Woodworks, Inc.,  
12 and TN Ward Company. And I note that the TN Ward  
13 Company is a renewal. I ask that the Board consider  
14 the Order approving these gaming service providers for  
15 certification.

16                   CHAIRMAN:

17                   Any comments from Enforcement Counsel?

18                   ATTORNEY PITRE:

19                   Enforcement Counsel has no objection.

20                   CHAIRMAN:

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

23                   MR. MCCALL:

24                   Mr. Chairman, I move that the Board  
25 issue an Order to approve the applications for gaming

1 service provider certification, as described by the  
2 Bureau of Licensing.

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 carriers.

12 MS. HENSEL:

13 Next we have an Order regarding gaming  
14 service provider registrations. The Bureau of  
15 Licensing provided you with an Order and an attached  
16 list of eight registered gaming service provider  
17 applicants. I ask that the Board adopt a motion  
18 approving the Order registering these gaming service  
19 providers.

20 CHAIRMAN:

21 Any comments from Enforcement Counsel?

22 ATTORNEY PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Questions or comments from the Board?

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

2 MR. MOSCATO:

3 Mr. Chairman, I move that the Board  
4 issue an Order to approve the applications for gaming  
5 service provider registration, as described by the  
6 Bureau of Licensing.

7 MR. SOJKA:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 Finally for your consideration we have a  
16 recommendation of denial for a gaming service provider  
17 applicant. Prior to this meeting, the Bureau of  
18 Licensing provided you with an Order addressing A One  
19 Bus, Inc., who the OEC has recommended for denial.  
20 The applicant failed to request a hearing within the  
21 specified time period. I ask that the Board consider  
22 an Order denying A One Bus, Inc.'s gaming service  
23 provider application.

24 CHAIRMAN:

25 Any comments from Enforcement Counsel?

1                   ATTORNEY PITRE:  
2                   Enforcement Counsel requests denial in  
3 this instance.

4                   CHAIRMAN:  
5                   Any questions or comments from the  
6 Board?

7                   MR. SOJKA:  
8                   This again is a move to protect the  
9 health and safety of the public; is that correct?

10                  ATTORNEY PITRE:  
11                  That's correct.

12                  CHAIRMAN:  
13                  Any comments or questions from Ex-  
14 Officio members? May I have a motion?

15                  MR. SOJKA:  
16                  Yes, Mr. Chairman, I'll move that the  
17 Board issue an Order to deny the gaming service  
18 provider application of A One Bus, Inc., as described  
19 by the Bureau of Licensing.

20                  MR. FAJT:  
21                  Second.

22                  CHAIRMAN:  
23                  All in favor?

24 ALL SAY AYE

25                  CHAIRMAN:

1                   Opposed? The motion carries.

2                   MS. HENSEL:

3                   That concludes the matters for the  
4 Bureau of Licensing.

5                   CHAIRMAN:

6                   Thank you, Susan. Next, Cyrus Pitre,  
7 Chief Enforcement Counsel.

8                   ATTORNEY PITRE:

9                   Good morning, Chairman, Members of the  
10 Board. We have six matters for the Board's  
11 consideration today, one Consent Agreement, two  
12 revocations and three involuntary exclusions.  
13 Cassandra Fenstermaker, Assistant Enforcement Counsel,  
14 will present the first four matters on behalf of the  
15 OEC.

16                   CHAIRMAN:

17                   Good morning.

18                   ATTORNEY FENSTERMAKER:

19                   Good morning, Chairman Ryan, Members of  
20 the Board. I'm Cassandra Fenstermaker,  
21 F-E-N-S-T-E-R-M-A-K-E-R, Assistant Enforcement  
22 Counsel. We have today for the Board's consideration  
23 a Consent Agreement between the OEC and Andrew  
24 McCally, who has been represented by Attorney Jonathan  
25 Freedman throughout the negotiation of this agreement.



1 The Consent Agreement is the result of an exclusion  
2 petition filed by the OEC on July 17th, 2012. In its  
3 exclusion petition, the OEC sought the exclusion of  
4 Mr. McCally as a result of his guilty plea to  
5 conspiracy, criminal usury, in December of 2008, for  
6 his involvement in a gambling ring that was operating  
7 out of the Borgata Casino. Mr. McCally, by and  
8 through his attorney, filed an Answer to OEC's  
9 petition on August 6th, 2012.

10                   Prior to a full evidentiary hearing  
11 being held in this matter, the parties entered into a  
12 Consent Agreement. The Consent Agreement provides for  
13 the placement of Mr. McCally on the Board's exclusion  
14 list, for a minimum period of three years, which has  
15 the effect of requiring Mr. McCally's exclusion from  
16 all Commonwealth casinos, while his name is on the  
17 list. The Consent Agreement also prohibits Mr.  
18 McCally from petitioning the Board for early  
19 consideration of his removal from the Board's  
20 exclusion list. The OEC asks that the Board approve  
21 the Consent Agreement as presented today. And I'd be  
22 happy to answer any questions you may have.

23                   CHAIRMAN:

24                   Is Andrew McCally in the hearing room?  
25 Do we know? I guess not.

1                   ATTORENY FENSTERMAKER:

2                   Not at this time.

3                   CHAIRMAN:

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

6                   MR. FAJT:

7                   Mr. Chairman, I move that the Board  
8 issue an Order to approve the Consent Agreement  
9 between the OEC and Andrew McCally, as described by  
10 the OEC.

11                   MR. SOJKA:

12                   Second.

13                   CHAIRMAN:

14                   All in favor?

15 ALL SAY AYE

16                   CHAIRMAN:

17                   Opposed? The motion carries. Next,  
18 proposed revocations.

19                   ATTORNEY FENSTERMAKER:

20                   Yes. I have a revocation for Patience  
21 Boley, VI. On October 18th, 2012, the OEC filed a  
22 complaint for revocation against Patience Boley, VI,  
23 who was issued a Non-Gaming Employee Registration and  
24 was employed as EBS attendant at Harrah's  
25 Philadelphia. While engaged in her employment

1 responsibilities at Harrah's, Ms. Boley picked up a  
2 \$100 bill she found on the floor and hid it in a  
3 cleaning closet. The Enforcement complaint was served  
4 on Ms. Boley by First Class and Certified mail. She  
5 did not respond to the complaint within 30 days, and  
6 therefore all facts alleged in the complaint are  
7 deemed admitted pursuant to Board regulations. The  
8 OEC filed a request for default judgment on November  
9 28th, 2012, and at this time requests that Patience  
10 Boley's Non-gaming Employee Registration be revoked.

11 CHAIRMAN:

12 Is Patience Boley present in the hearing  
13 room? Any questions or comments from the Board? Ex-  
14 Officio members? May I have a motion?

15 MR. FAJT:

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

20 CHAIRMAN:

21 Second?

22 MS. KAISER:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 ALL SAY AYE

2 CHAIRMAN:

3 Opposed? The motion carries.

4 ATTORNEY FENSTERMAKER:

5 The next revocation complaint I have is  
6 for Joseph Gioia. On October 18th, 2012, the OEC  
7 filed a complaint for revocation against Joseph A.  
8 Gioia, who was issued a Gaming Employee Occupation  
9 Permit, and was employed as a player services agent at  
10 SugarHouse. As a result of criminal activity,  
11 unrelated to his employment at SugarHouse, he pled  
12 guilty to one count of retail theft. The Enforcement  
13 complaint was served on Mr. Gioia by First Class and  
14 Certified mail. He did not respond to the complaint  
15 within 30 days, and therefore pursuant to Board  
16 regulations, all facts alleged in the complaint were  
17 deemed admitted. The OEC filed a request for default  
18 judgment on November 28th, 2012, and at this time  
19 requests that Joseph Gioia's Gaming Employee Permit be  
20 revoked.

21 CHAIRMAN:

22 Is Joseph Gioia in the hearing room?  
23 Any questions or comments from the Board? Ex-Officio  
24 members? May I have a motion?

25 MS. KAISER:

1                   Mr. Chairman, I move that the Board  
2 issue an Order to approve the revocation of Joseph  
3 Gioia's Gaming Employee Permit as described by the  
4 OEC.

5                   MR. MCCALL:

6                   Second.

7                   CHAIRMAN:

8                   All in favor?

9 ALL SAY AYE

10                  CHAIRMAN:

11                  Opposed? The motion carries.

12                  ATTORNEY FENSTERMAKER:

13                  Finally, I have an exclusion petition  
14 for Michael S. Goodwater. On October 18th, 2012, the  
15 OEC filed an exclusion petition against Michael  
16 Goodwater. The petition was filed after Mr. Goodwater  
17 pled guilty to one count of robbery. Mr. Goodwater  
18 was accused of following an 87-year-old man, the  
19 victim, throughout Harrah's for several hours.  
20 Following him to his home where he assaulted him and  
21 stole money and other items on his person. The  
22 petition was sent to Mr. Goodwater by both First Class  
23 and Certified mail at the State Correctional Institute  
24 at Camp Hill, where he is serving his prison sentence.  
25 He did not respond to the filing in any way, therefore

1 pursuant to Board regulations, all facts alleged in  
2 the complaint are deemed admitted. The OEC filed a  
3 request for default judgment on November 28th, 2012,  
4 and at this time requests that Michael Goodwater be  
5 place on the Board's exclusion list.

6 CHAIRMAN:

7 Thank you. I would guess that Mr.  
8 Goodwater didn't make the trip here today. Questions  
9 or comments from the Board? Ex-Officio members? May  
10 I have a motion?

11 MR. MCCALL:

12 Mr. Chairman, I move that the Board  
13 issue an Order to approve the addition of Michael  
14 Goodwater to the Pennsylvania Gaming Control Board's  
15 involuntary exclusion list, as described by the OEC.

16 CHAIRMAN:

17 Second?

18 MR. MOSCATO:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 ATTORNEY FENSTERMAKER:

1 Thank you.

2 CHAIRMAN:

3 Thank you, Cassandra.

4 ATTORNEY PITRE:

5 I'll make the note that Mr. Goodwater  
6 was caught stalking patrons inside the casino. So, I  
7 mean, we know that they've been reporting some of  
8 these incidents, let everybody know that we are  
9 following up on them, once the police make those  
10 arrests.

11 CHAIRMAN:

12 Thank you, Cyrus.

13 ATTORNEY PITRE:

14 The next two matters that we have for  
15 the Board's consideration will be presented by  
16 Assistant Enforcement Counsel Jeff Hoeflich.

17 CHAIRMAN:

18 Good morning, Jeff.

19 ATTORNEY HOEFLICH:

20 Good morning, Chairman Ryan, Members of  
21 the Board. Jeff Hoeflich, H-O-E-F, as in Frank,  
22 L-I-C-H, Assistant Enforcement Counsel. The next two  
23 individuals on the agenda were involved in the same  
24 incident and the facts will be read together. On  
25 August 2nd, 2012, Mr. Nattle and Mr. John Ceianti,

1 III, entered Valley Forge Casino Resort with two  
2 underage individuals. While at the resort, Mr. Nattle  
3 purchased casino access cards for the two underage  
4 individuals. Mr. Ceianti purchased alcohol for one of  
5 the underage individuals. And Mr. Nattle purchased  
6 alcohol for the other underage individual. Shortly  
7 thereafter Mr. Nattle escorted one of the underage  
8 individuals onto the casino floor and assisted him in  
9 playing blackjack for approximately one hour.

10                   During that time, Mr. Ceianti escorted  
11 the other underage individual onto the casino floor,  
12 where they wandered around the casino, before being  
13 carded at the center bar, while attempting to purchase  
14 more alcohol. At that time Mr. Ceianti and the  
15 underage individual informed casino security and the  
16 Bureau of Casino Compliance of another underage  
17 individual who was participating in gaming with Mr.  
18 Nattle. Valley Forge Security located Mr. Nattle and  
19 the underage individual and escorted them off the  
20 floor. Both Mr. Nattle and Mr. Ceianti were arrested  
21 and charged with furnishing alcohol to minors.

22                   As for John Anthony Ceianti, III, on  
23 October 3rd, 2012, the OEC filed a petition to place  
24 John Anthony Ceianti, III, on the exclusion list for  
25 furnishing alcohol to a minor, while at Valley Forge



1 Casino Resort. The petition was properly served upon  
2 Mr. Ceianti by both First Class and Certified mail.  
3 Mr. Ceianti did not respond to the filing in any way.  
4 Due to Mr. Ceianti's failure to respond, the averments  
5 in the petition are deemed to be admitted as fact, and  
6 his right to a hearing has been waived. On December  
7 13th, 2012, the OEC filed a request to enter a  
8 judgment upon default. The matter is now before the  
9 Board to consider the placement of John Anthony  
10 Ceianti, III, on the Board's excluded person's list.

11 CHAIRMAN:

12 Is John Anthony Ceianti in the hearing  
13 room? Any questions or comments from the Board?

14 MR SOJKA:

15 I'm a little confused in the narrative.  
16 Again, I read through it, I thought I understood it.  
17 But I just heard something now that I don't  
18 understand. The whole thing was sort of smoked out  
19 when a payer --- Mr. Ceianti and the underage --- the  
20 underage person that he was with, went to the center  
21 bar, tried to get served and she was carded, the whole  
22 thing fell apart. Did they then voluntarily mention  
23 that the other pair was on the gaming floor?

24 ATTORNEY HOEFLICH:

25 So, they all arrive together and then

1 they purchase the cards and got the alcohol and then  
2 separated into two pairs. At that time, Mr. Ceianti  
3 escorted who was believed to be his girlfriend around  
4 the casino. They wanted to get more alcohol. They  
5 went to the center bar. At that time, the bartender  
6 carded both of them. He provided his information.  
7 She stated that she didn't have her card on her. At  
8 that time, they contacted security and the Bureau of  
9 Casino Compliance. They then escorted the underage  
10 individual and Mr. Ceianti over. She disclosed that  
11 she was with two other individuals, as did he. And  
12 then that's when security and Casino Compliance  
13 reviewed the surveillance, found where Mr. Nattle and  
14 the other underage individual were, located them and  
15 brought them in.

16 MR. SOJKA:

17 So, they really volunteered that  
18 information.

19 ATTORNEY HOEFLICH:

20 Correct.

21 MR. SOJKA:

22 Interesting. Do we know anything at all  
23 about the circumstances under which those cards were  
24 issued to the two --- all four of these people? Was  
25 the server that issued the cards at fault for not

1 carding people? Is that the point where this thing  
2 broke down?

3 ATTORNEY HOEFLICH:

4 The attendant actually was terminated.  
5 And then it's believed that the security officer who  
6 actually was supposed to card them stated that he had  
7 seen Mr. Ceianti and Mr. Nattle on a routine basis and  
8 believed that they were already of age.

9 MR. SOJKA:

10 Which they were.

11 ATTORNEY HOEFLICH:

12 Right. And didn't card the other two  
13 guests when they came in, for having seen Mr. Nattle  
14 and Mr. Ceianti on a routine basis.

15 MR. SOJKA:

16 Okay.

17 CHAIRMAN:

18 Any other questions or comments from the  
19 Board or Ex-Officio members? May I have a motion?

20 MR. MOSCATO:

21 Mr. Chairman, I move that the Board  
22 issue an Order to approve the addition of John Anthony  
23 Ceianti, III, to the Pennsylvania Gaming Control Board  
24 involuntary exclusion list for a period of three  
25 years, at which time they may petition the Board to be

1 removed.

2 MR. SOJKA:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion carries.

9 ATTORNEY HOEFLICH:

10 As for Francis Nattle, on October 3rd,  
11 2012, the OEC filed a petition to place Francis P.  
12 Nattle, Jr. on the excluded person's list for  
13 furnishing alcohol to a minor and assisting him with  
14 participating in gaming. The petition was properly  
15 served on Mr. Nattle by both First Class and Certified  
16 mail. Mr. Nattle did not respond to the filing in any  
17 way. Due to Mr. Nattle's failure to respond, the  
18 averments in the petition are deemed to be admitted as  
19 fact, and his right to a hearing has been waived. On  
20 December 13th, 2012, the OEC filed a request to enter  
21 judgment upon default. The matter is now before the  
22 Board to consider the placement of Francis P. Nattle,  
23 Jr. on the Board's excluded person's list.

24 CHAIRMAN:

25 Is Francis P. Nattle in the hearing

1 room? Any questions or comments from the Board? Ex-  
2 Officio members? May I have a motion?

3 MR. SOJKA:

4 Yes, Mr. Chairman, I'll move that the  
5 Board issue an Order to approve the addition of  
6 Francis Nattle to the PGCB involuntary exclusion list  
7 for a period of three years, at which time he may  
8 petition the Board to be removed.

9 MR. FAJT:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed? The motion carries.

16 ATTORNEY PITRE:

17 Thank you.

18 CHAIRMAN:

19 Thank you, gentlemen. Appreciate it.

20 Okay. I believe that concludes today's meeting. Our  
21 next scheduled public meeting will be January 29th,  
22 2013, here in the meeting --- in the hearing room.

23 That meeting will begin at 10:00 a.m. Any final

24 comments from the Board? Ex-Officio members? May I  
25 have a motion to adjourn?

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MR. FAJT:

So moved.

CHAIRMAN:

Second?

MS. KAISER:

Second.

CHAIRMAN:

The meeting is adjourned. Thank you  
all. Appreciate it.

\* \* \* \* \*

MEETING CONCLUDED AT 10:49 A.M.

\* \* \* \* \*

## CERTIFICATE

I hereby certify that the foregoing proceedings,  
hearing held before Chairman Kane was reported by me  
on 1/9/2013 and that I Jennifer T. Alves read this  
transcript and that I attest that this transcript is a  
true and accurate record of the proceeding.

  
Court Reporter