

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

\* \* \* \* \*

PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN  
Gregory C. Fajt, Annmarie Kaiser, Keith R.  
McCall, John J. McCall, John J. McNally,  
III, Anthony C. Moscato, David W. Woods

MEETING: Wednesday, December 11, 2013  
10:00 a.m.

LOCATION: Strawberry Square Complex  
2nd Floor  
Harrisburg, PA 17101

Reporter: Cynthia Piro Simpson

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CHAIRMAN:

Good morning, ladies and gentlemen. I'm Bill Ryan, Chairman of the Pennsylvania Gaming Control Board. Before we begin, I would like to ask everyone to either turn off your cell phones, PDAs and other devices or at least put them on vibrate so we don't have to listen to them.

With us today is Jorge Augusto representing Secretary of Agriculture George Greig. Chris Craig representing State Treasurer Robert McCord and Bob Coyne representing the Secretary to the Department of Revenue, Dan Meuser. Thank you, gentlemen for coming. A quorum of the Board is present and I will, therefore, call the meeting to order. First I would ask everyone to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

Thank you. The Board held an executive session yesterday. The purpose of it which was to discuss personnel matters and to conduct quasi judicial deliberations relating to matters being considered by the Board today. Next, we will have

1 consideration of a motion to approve the minutes and  
2 transcript of the October 30th, 2013 Board meeting.  
3 Do I have such a motion?

4 MR. FAJT:

5 Yes, Mr. Chairman, I move that the Board  
6 approve the minutes and transcript of the October 30,  
7 2013 meeting.

8 MS. KAISER:

9 Seconded.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 Next under new business we have our  
16 Executive Director, Kevin O'Toole. Kevin.

17 MR. O'TOOLE:

18 Good morning, Chairman Ryan, members of  
19 the Board. This past November, the General Assembly  
20 enacted Act 90 of 2013, which is generally referred to  
21 as the Tavern Gaming Law. The Governor signed this  
22 Act into law on November 27th, 2013 and it becomes  
23 effective on January 27th, 2014.

24 This legislation is important to the  
25 Pennsylvania Gaming Control Board because the General

1 Assembly incorporated into the Tavern Gaming Law a  
2 provision of signing the responsibility to conduct  
3 background investigations to the Gaming Control  
4 Board's Bureau of Investigations and Enforcement,  
5 CBIES. As you know, our BIE conducts all background  
6 investigations from casino entities and casino  
7 employees in a thorough and highly professional  
8 manner.

9                   It is a well deserved recognition to BIE  
10 to be asked by the General Assembly to perform this  
11 important role within the Tavern Gaming Bill.  
12 Director Paul Morrow and Chief Enforcement Counsel,  
13 Cyrus Petri, and their staffs, have met with  
14 representatives of the Liquor Control Board to discuss  
15 all relevant issues. The cooperation between our  
16 agencies in this endeavor has been outstanding and it  
17 will ensure a smooth implementation under this law in  
18 a manner that fulfills the legislature's intent. As  
19 the process moves forward, I will provide additional  
20 updates to the Board on the Tavern Gaming Law.

21                   One point that I wish to emphasis before  
22 I close, an investigative fee will be paid by each  
23 applicant for a Tavern Gaming License that will cover  
24 all or part of the reasonable and necessary costs of  
25 the background investigation. Additional costs and

1 investigations --- additional costs and expenses that  
2 would exceed the investigative --- over and above the  
3 investigative fee, if necessary, will be billed to the  
4 applicants for actual expenses when the background  
5 investigation is completed. Finally, our  
6 communications department has placed a link on the  
7 home page of our website relative to tavern gaming.  
8 We will use this site to post information to ensure  
9 that the public and any potential applicants for a  
10 Tavern Gaming License, will receive information  
11 necessary to facilitate BIE's background investigation  
12 responsibilities. Thank you.

13 CHAIRMAN:

14 Thank you, Kevin. Any questions or  
15 comments from the Board? Ex-officio members? Thank  
16 you, Kevin, appreciate it. Next our Chief Counsel,  
17 Doug Sherman.

18 MR. SHERMAN:

19 Good morning, Chairman, members of the  
20 Board. Our first agenda item relates to a Temporary  
21 Regulation, which is something Chief Counsel, Susan  
22 Yocum, is here to present.

23 MS. YOCUM:

24 Good morning, Chairman, members of the  
25 Board. The first rule making for your consideration

1 today is a Temporary Reg 125-180, which will add free  
2 bet Blackjack to the compliment of games available for  
3 play. This is a variation on standard Blackjack in  
4 which players don't have to place an additional wager  
5 in order to split pairs or double down. The other  
6 fundamental rule of Blackjack dealer standing on a  
7 South (phonetic) 17, a player Blackjack plays out at  
8 three to two, those rules are the same. I'd be happy  
9 to answer any questions you may have.

10 CHAIRMAN:

11 Questions? May I have a motion?

12 MR. JOHN MCCALL:

13 Mr. Chairman, I move the Board to  
14 approve Temporary Regulation 125-180 and a Temporary  
15 Regulation be posted to the Board website.

16 MR. KAISER:

17 Second.

18 MR. CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries.

23 MS. YOCUM:

24 Thank you.

25 ATTORNEY SHERMAN:



1 Thank you, Susan. Next we have  
2 Withdrawals and Surrenders as well as six Report  
3 Recommendations which Deputy Chief Counsel Steve Cook  
4 is here to present.

5 ATTORNEY COOK:

6 Good morning.

7 ATTORNEY SHERMAN:

8 Good morning, Steve.

9 ATTORNEY COOK:

10 The Board has received six unopposed  
11 Petitions to withdraw the applications or surrender  
12 the credentials of individuals or businesses. The  
13 persons and entities subject to these Petitions are  
14 Blue Cube Microworks, LLC, Jerry Sizemore, Xavier  
15 Bernard Walsh, Magna Entertainment Corp., TSG  
16 Developments US Financing, Inc., and Wynn PA, Inc.  
17 The Office of Enforcement Counsel (OEC) has no  
18 objection to any of these Petitions for Withdrawals.  
19 As such if the Board were inclined to grant, saying  
20 they'd be doing so without prejudice.

21 CHAIRMAN:

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

24 MR. KAISER:

25 Mr. Chairman, I move that the Board

1 issue Orders to approve the Withdrawals or Surrenders  
2 as described by the Office of Chief Enforcement  
3 Counsel.

4 MR. MCCALL:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY COOK:

12 Next before the Board for consideration  
13 are six Reports and Recommendations received from the  
14 Office of Hearings and Appeals (OHA). In each of  
15 these cases the evidentiary record has been provided  
16 to the Board in advance of the meeting. Additionally  
17 each of the persons subject to these Reports and  
18 Recommendations has been notified that the Board will  
19 be taking their matter up today and that they had the  
20 right to come forward and briefly address the Board.

21 The first Report and Recommendation  
22 pertains to Brandon Green. I believe Mr. Green and  
23 his counsel, Mark Stewart, are present today. Briefly  
24 by way of background, Mr. Green works in the sales  
25 department of Gemaco, Inc., a manufacturer of table

1 game devices for approximately nine years. In order  
2 for him to service customers in Pennsylvania, Mr.  
3 Green submitted a Key Employee Application to the  
4 Pennsylvania Gaming Control Board on January 28, 2010.  
5 In his initial application, Mr. Green reported a prior  
6 misdemeanor drug arrest in 2001 and a 2007 DUI arrest  
7 which was ultimately dismissed. However, during BIE's  
8 investigation, it was discovered that Mr. Green had  
9 four additional arrests resulting in two DWI  
10 convictions as well as a conviction for a misdemeanor  
11 property crime.

12                   As a result of these undisclosed  
13 arrests, during April 2010, BIE conducted an interview  
14 under oath with Mr. Green at which time he indicated  
15 he did not remember his entire criminal history, had  
16 offered to retrieve information regarding the arrests  
17 he didn't previously report. Subsequent to that  
18 interview, Mr. Green in fact did provide BIE with all  
19 that information. Nevertheless, as a result of Mr.  
20 Green's failure to originally disclose all of his  
21 arrests, the OEC issued a Notice of Recommendation of  
22 Denial of Mr. Green's application.

23                   Mr. Green did not contest that notice  
24 and therefore his application was denied on March  
25 10th, 2011. As a result of this Denial, absent the

1 Board granting him permission to reapply early for  
2 licensure, Mr. Green will be precluded from  
3 re-applying for a Key Employee Licensure for five  
4 years, or until 2016.

5                   In May 2013, Mr. Green filed the  
6 Petition presently before the Board requesting the  
7 Board allow him to --- allow him early reapplication  
8 for his Key Employee License. The OEC filed an Answer  
9 to that request objecting to Mr. Green's request,  
10 although he is now presently licensed in New Jersey,  
11 Ohio and Kansas.

12                   A hearing in this matter was held on  
13 September 5th, 2013, the OEC and Mr. Green appeared  
14 and offered testimony and documentary evidence. Mr.  
15 Green testified that although he did not initially  
16 remember all of the details of his prior criminal  
17 history at the time of his original application, he  
18 did in fact come into compliance and ultimately  
19 provide BIE with all of the information that they  
20 required.

21                   Subsequently a Report and Recommendation  
22 was issued by the OHA recommending that Mr. Green be  
23 permitted to reapply for a Key Employee Licensure  
24 given the complete criminal history --- or his  
25 complete criminal history, is known. And that is the

1 recommendation before the Board. As indicated Mr.  
2 Green and Mr. Stewart are present.

3 CHAIRMAN:

4 Mr. Stewart, you're here on behalf of  
5 Mr. Green; is that correct, sir?

6 ATTORNEY STEWART:

7 Yes, Mr. Chairman.

8 CHAIRMAN:

9 Is there anything you wish to say to the  
10 Board?

11 ATTORNEY STEWART:

12 Mr. Chairman and Commissioners, thank  
13 you for the opportunity to appear before you. Mr.  
14 Green obviously stands on the Report and  
15 Recommendation. He is here today, he flew into  
16 Pennsylvania and he's prepared to make a brief  
17 statement to the Board or simply stand for questions,  
18 if the Commission has any.

19 CHAIRMAN:

20 Okay. I will ask this of my colleagues,  
21 any questions or comments from the Board? Ex-officio  
22 members? May I have a motion?

23 MR. MCCALL:

24 Mr. Chairman, I move that the Board  
25 adopt the Report and Recommendation issued by the OHA.

1 In result that the Petition of Brandon L. Green be  
2 granted and that Mr. Green be permitted to reapply for  
3 Key Employee Licensure.

4 MR. MCNALLY:

5 Second.

6 CHAIGRANTRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY STEWART:

12 Thank you.

13 CHAIRMAN:

14 Thanks, gentlemen.

15 ATTORNEY STEWART:

16 Thank you, Mr. Chairman, Commissioners.

17 ATTORNEY COOK:

18 The next Report and Recommendation  
19 pertains to John Carns. Mr. Carns was issued a Gaming  
20 Employee Registration on May 5th, 2012 and was  
21 employed as a table games dealer at the Meadows  
22 Racetrack and Casino. On August 10th, 2012, the  
23 Bureau of Casino Compliance became aware that Mr.  
24 Carns had been arrested and charged with a series of  
25 criminal offenses, including felony offenses, as the

1 result of a road rage incident. Upon request of the  
2 OEC, the Executive Director issued an Emergency  
3 Suspension of Mr. Carns' Gaming Employee Permit on  
4 November 5th, 2012. The Emergency Suspension remained  
5 in place since that date. Mr. Carns subsequently  
6 filed a Petition to lift the suspension, the OEC filed  
7 an Answer objecting to Mr. Carns' request solely based  
8 on the fact that his Gaming Permit expired on May  
9 25th, 2013 and therefore the matter was moot. A  
10 hearing of Mr. Carns' Petition was held on September  
11 24th, 2013. Both the OEC and Mr. Carns participated  
12 in that hearing.

13                   At the hearing Mr. Carns provided  
14 undisputed evidence that he was acquitted of all  
15 charges after a jury trial and as a result he argued  
16 his Emergency Suspension should be lifted. A Report  
17 and Recommendation was thereafter issued recommending  
18 Mr. Carns' Petition be granted and the Emergency Order  
19 of Suspension be dissolved, notwithstanding the fact  
20 that his Gaming Employee Permit had, at that point in  
21 time, been expired --- or had expired. And this is  
22 the Report and Recommendation presently before the  
23 Board.

24                   CHAIRMAN:

25                   Any questions, comments from the Board?

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

2 MR. MCNALLY:

3 Mr. Chairman, I move that the Board  
4 adopt the Hearing Officer's Findings of Fact in this  
5 matter but reject his Recommendation as moot, given  
6 that Mr. Carns' Gaming Permit is now expired, and as a  
7 result the temporary suspension of the permit has also  
8 expired. Pursuant to the Board's regulations, Mr.  
9 Carns is free to reapply for licensure if offered  
10 employment with a Pennsylvania casino.

11 CHAIRMAN:

12 Second?

13 MR. MOSCATO:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 ATTORNEY COOK:

21 The next matter to be heard by the Board  
22 is the Report and Recommendation pertaining to Jodie  
23 Sue Foran. Ms. Foran was issued a Gaming Employee  
24 Permit on November 8th, 2012 and was employed as a  
25 table games dealer at the Hollywood Casino at Penn



1 National. On July 15th, 2013, the OEC filed the  
2 complaint to revoke Ms. Foran's Gaming Permit upon  
3 learning that while she was dealing Blackjack she was  
4 observed to be tipping off players with respect to the  
5 purchase of the insurance side bet available in the  
6 game of Blackjack. As a result of this conduct, Ms.  
7 Foran was terminated by Penn National. After being  
8 served with a Permit Revocation Complaint, Ms. Foran  
9 requested a hearing, which was held on September 26th,  
10 2013. Both the OEC and Ms. Foran participated in that  
11 hearing and offered evidence.

12 At the hearing Ms. Forman --- or Ms.  
13 Foran admitted her actions, stated that she would tip  
14 players off who were losing badly or placed large bets  
15 because she felt bad for them and she did not have ---  
16 or make any pecuniary gain as a result of this  
17 conduct. In fact, at the conclusion of the hearing,  
18 there was really no evidence put in the record that  
19 she did do this for pecuniary gain. Nevertheless, a  
20 Report and Recommendation was issued by the Board  
21 Hearing Officer recommending that Ms. Foran's Gaming  
22 Permit be revoked, and that is the Report and  
23 Recommendation presently before the Board.

24 CHAIRMAN:

25 Any questions or comments from the

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

2 MR. MOSCATO:

3 Yes, Mr. Chairman. I move that the  
4 Board adopt the Hearing Officer's Findings of Fact but  
5 reject his recommendation and that the Board issue an  
6 Order suspending Jodie Sue Foran's Gaming Employee  
7 Permit for a period of six months.

8 MR. WOODS:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 ATTORNEY COOK:

16 Shirley Ann Green is the next Report and  
17 Recommendation before the Board today. I believe Ms.  
18 Green is also present, if she wishes to address the  
19 Board, she should come forward. Ms. Green was issued  
20 a Non-Gaming Employee Registration on August 14th,  
21 2009 and is employed as an EVS Attendant at the  
22 Harrah's Philadelphia Casino.

23 On May 6th, 2013, the OEC filed a  
24 complaint to revoke Ms. Green's Registration based on  
25 theft charges. These charges stem from an incident

1 where Ms. Green took a bank drive-thru canister  
2 containing \$400 in cash after it was mistakenly sent  
3 to her drive-thru lane while she was attempting to  
4 conduct a transaction of her own. Ms. Green pled  
5 guilty to one count of theft by unlawful taking and  
6 was sentenced to two years probation as a result of  
7 this conduct. Ms. Green requested a hearing relative  
8 to the OEC's request for revocation. That hearing was  
9 held on October 1st, 2013 and both Ms. Green and the  
10 OEC participated and offered evidence. The evidence  
11 submitted by Ms. Green included letters of  
12 recommendation from both her current and former  
13 supervisors at Harrah's Philadelphia as well as  
14 Harrah's Philadelphia's human resources office  
15 supporting her continued licensure and employment.

16                   After hearing all of the evidence, the  
17 Hearing Officer issued a Report and Recommendation  
18 recommending that Ms. Green's Non-Gaming Registration  
19 not be revoked and in fact that she not be sanctioned  
20 in any way. Ultimately, I believe it was the Hearing  
21 Officer's conclusion that she recognized her  
22 wrongdoing and had basically learned her lesson. And  
23 that is the recommendation before the Board today.

24                   CHAIRMAN:

25                   Ms. Green?

1                   MS. GREEN:

2                   Yes.

3                   CHAIRMAN:

4                   I would take it that you wish to address  
5 the Board with respect to this matter; is that  
6 correct, ma'am?

7                   MS. GREEN:

8                   Yes.

9                   CHAIRMAN:

10                  Okay. Why don't you stand for just a  
11 moment and just state your full name for the record  
12 and spell your last name?

13                  MS. GREEN:

14                  Shirley Ann Green, G-R-E-E-N.

15                  CHAIRMAN:

16                  And the witness should be sworn.

17 -----

18 SHIRLEY ANN GREEN, HAVING FIRST BEEN DULY SWORN,  
19 TESTIFIED AS FOLLOWS:

20 -----

21 A.     Yes.

22                  CHAIRMAN:

23                  All right. Ms. Green, you may sit down.  
24 Okay, Ms. Green, you're free to tell us what you want  
25 the Board to know.

1 A. Well I love my job at Harrah's and I go to work  
2 every day and everybody love me there. And I was  
3 hoping that I could stay there. And I have grandkids  
4 that I want to raise and help them out the best way I  
5 can. And I just ---.

6 CHAIRMAN:

7 Ma'am, your employer ---?

8 A. I want to be at Harrah's.

9 CHAIRMAN:

10 I'm sorry. Your employer apparently is  
11 willing to take you back as an employee; is that  
12 correct?

13 A. Yes.

14 CHAIRMAN:

15 All right. Anything else, ma'am?  
16 Questions, comments from the Board? Ex-officio  
17 members? May I have a motion?

18 MR. WOODS:

19 Mr. Chairman, I move that the Board  
20 adopt the Hearing Officer's Findings of Fact but  
21 reject his recommendation, and that Shirley Ann  
22 Green's Non-Gaming Employee Registration be suspended  
23 for two weeks.

24 MR. FAST:

25 Second.

1                    CHAIRMAN:

2                    All in favor?

3 ALL SAY AYE

4                    CHAIRMAN:

5                    Opposed? The motion carries. Ms.

6 Green, what the Board has done here, because you have

7 committed a serious offense here, and you know that;

8 right, ma'am?

9 A. Yes.

10                   CHAIRMAN:

11                   You shouldn't have taken the money. And

12 the Board has to be concerned about that kind of

13 conduct. We understand your situation here and what

14 the Board has decided to do is suspend your license

15 for two weeks. After you serve the two weeks

16 suspension, your license will be returned and you can

17 go back to work. Okay?

18 A. Thank you.

19                   CHAIRMAN:

20                   Thank you, ma'am. You're free to go.

21                   ATTORNEY COOK:

22                   The next matter before the Board today

23 pertains to Nicholas Repko-Moshini. And Mr.

24 Repko-Moshini was issued a Gaming Employee Permit on

25 October 5th, 2011 and was employed as a security

1 officer at the Sands Bethworks Casino. On September  
2 28th, 2013, Mr. Repko-Moshini was arrested and charged  
3 with 33 felonies and one misdemeanor. The arrest and  
4 charges filed against Mr. Repko-Moshini were all  
5 related to an alleged sexual relationship with a  
6 minor. As a result of these charges, an Emergency  
7 Order of Suspension of this individual's Gaming  
8 Employee Permit was signed by the Executive Director  
9 on October 3rd, 2012. After a full evidentiary  
10 hearing on the matter before a Board Hearing Officer,  
11 a Report and Recommendation was issued and the Board  
12 entered an Order at its January 9th, 2013 meeting  
13 approving the Hearing Officer's recommendation to  
14 continue the suspension of Mr. Repko-Moshini's permit  
15 as the criminal charges remained pending at that time.

16                   The District Attorney of North Hampton  
17 County has since withdrawn all criminal charges  
18 against Mr. Repko-Moshini in this case and the matter  
19 was closed effective the end of this past January,  
20 2013. On February 21st, 2013, Mr. Repko-Moshini filed  
21 a Petition notifying the Board that all charges  
22 against him had been withdrawn and he's requesting  
23 that the suspension of his Gaming Employee Permit be  
24 lifted. The Petition was brought before the Board on  
25 June 5th, 2013, at which time the Board took no action

1 relative to his suspension but issued a Rule to Show  
2 Cause requesting Mr. Repko-Moshini appear before the  
3 Board's OHA for a hearing to show cause why the Board  
4 should continue to find him suitable given the alleged  
5 conduct.

6                   A hearing on that rule was held on  
7 September 17th, 2013. The OEC as well as Mr.  
8 Repko-Moshini, who was represented by counsel,  
9 participated and offered evidence. Mr.  
10 Repko-Moshini's evidence essentially showed that the  
11 minor in question had repeatedly portrayed herself as  
12 a 19 year old college student and in fact continued to  
13 do so up until the day of that hearing. Upon hearing  
14 all of the evidence, the hearing found Mr.  
15 Repko-Moshini credible and as a result the Hearing  
16 Officer has issued a Report and Recommendation  
17 recommending that the Board continue to find him  
18 suitable and in fact that his Emergency Suspension be  
19 lifted and he have his Gaming Permit reinstated. And  
20 that is the Report and Recommendation presently before  
21 the Board.

22                   CHAIRMAN:

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

25                   MR. WOODS:



1                   Mr. Chairman, I move that the Board  
2 adopt the Report and Recommendation issued by the OHA  
3 regarding Gaming Employee Permit revocation of  
4 Nicholas Repko-Moshini as described by the Office of  
5 Chief Counsel (OCC).

6                   MR. FAJT:

7                   Second.

8                   CHAIRMAN:

9                   All in favor?

10 ALL SAY AYE

11                   CHAIRMAN:

12                   Opposed? The motion carries.

13                   ATTORNEY COOK:

14                   The final report and recommendation  
15 before the Board today pertains to John Rothschild,  
16 III. I know Mr. Rothschild intended on hearing ---  
17 intended on appearing today. I don't know if he is in  
18 the room but if he is I'd ask him to come forward.  
19 The OEC commenced an action to place Mr. Rothschild on  
20 the Board's exclusion list alleging that on March  
21 17th, 2013 he gained entrance to the Valley Forge  
22 Casino, utilizing his father's seasonal dining club  
23 membership card, despite being under 21 years of age.  
24 While on the gaming floor, Mr. Rothschild did not  
25 engage in any gaming activities, however, he did

1 consume alcoholic beverages. Subsequently, casino  
2 personnel did request identification from Mr.  
3 Rothschild and because he was unable to provide any,  
4 security and the Pennsylvania State Police were  
5 called. Mr. Rothschild was subsequently issued  
6 several summary citations, the charges of which remain  
7 pending at this time.

8           A hearing in this matter to place him on  
9 the Board's exclusion list was held on August 20th,  
10 2013. Both Mr. Rothschild and the OEC appeared and  
11 offered evidence. Thereafter, the Hearing Officer  
12 issued his report recommending that Mr. Rothschild be  
13 placed on the Boards' exclusion list until his 22nd  
14 birthday, which will be October 20th, 2014, at which  
15 time he should be able to petition the Board for  
16 removal from the list. This matter is now ready for  
17 the Board's consideration.

18           Before the Board acts in the matter,  
19 however, I would note for the record that, as  
20 indicated, Mr. Rothschild's birthday was in October.  
21 So, he is now 21 years of age and as a result if the  
22 Board were inclined to place him on the list,  
23 consistent with its past practice for underage  
24 patrons, that what it should do is put him on the list  
25 for one year, again since he's now 21, with the

1 ability to petition to come off the list after one  
2 year.

3 CHAIRMAN:

4 Is John Rothschild, III in the hearing  
5 room? Any questions, comments from the Board?  
6 Ex-officio members? May I have a motion?

7 MS. KAISER:

8 Mr. Chairman, I move that the Board  
9 adopt the Report and Recommendation issued by the OHA,  
10 and place John Rothschild, III on the Pennsylvania  
11 Gaming Control Board Involuntary Exclusion list for no  
12 less than one year.

13 MR.MCCALL:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 MR. SHERMAN:

21 And that concludes all of the matters of  
22 the OCC.

23 CHAIRMAN:

24 Thank you, gentlemen. Next is Susan  
25 Hensel, Director of Licensing.

1                   MS. HENSEL:

2                   Thank you, Chairman Ryan and members of  
3 the Board. Before the Board today will be motions  
4 regarding 369 Key Gaming and Non-Gaming Employees. In  
5 addition, there will be the consideration of two  
6 Gaming Service Provider applicants. The first matter  
7 for your consideration is the approval of Temporary  
8 Key Employee Licenses. Prior to this meeting, the  
9 Bureau of Licensing provided you with an Order  
10 regarding the issuance of temporary licenses for eight  
11 key employees. I ask that the Board consider the  
12 Order approving these licenses.

13                   CHAIRMAN:

14                   Any comments from Enforcement Counsel?

15                   MR. PITRE:

16                   Enforcement Counsel has no objection.

17                   CHAIRMAN:

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

20                   MR. JOHN MCCALL:

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

24                   MR. MCNALLY:

25                   Second.

1                    CHAIRMAN:

2                    All in favor?

3 ALL SAY AYE

4                    CHAIRMAN:

5                    Opposed? The motion carries.

6                    MS. HENSEL:

7                    Next are Gaming Permits and Non-Gaming  
8 Registrations. Prior to this meeting, the Bureau of  
9 Licensing provided you with a list of 249 individuals  
10 to whom the Bureau has granted temporary or full  
11 occupation permits and 97 individuals to whom the  
12 Bureau has granted registrations under the authority  
13 delegated to the Bureau of Licensing. I ask that the  
14 Board consider a motion approving the Order.

15                    CHAIRMAN:

16                    Any comments from Enforcement Counsel?

17                    MR. PITRE:

18                    Enforcement Counsel has no objection.

19                    CHAIRMAN:

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

22                    MR. MCNALLY:

23                    Mr. Chairman, I move that the Board  
24 approve the issuance of Gaming Employee Permits and  
25 Non-Gaming Employee Registrations as described by the

1 Bureau of Licensing.

2 CHAIRMAN:

3 Second?

4 MR. MOSCATO:

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 is the  
13 Withdrawal Request for Gaming and Non-Gaming  
14 Employees. In each case the Permit of Registration is  
15 no longer required. For today's meeting, I have  
16 provided the Board with a list of seven Gaming and  
17 eight Non-Gaming Employee Withdrawals for approval. I  
18 ask that the Board consider the Order approving the  
19 list of Withdrawals.

20 CHAIRMAN:

21 Any comments from Enforcement Counsel?

22 MR. PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Any questions, comments from the Board?

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

2 MR. MOSCATO:

3 Yes, sir. I move that the Board approve  
4 the Withdrawals, as described by the Bureau of  
5 Licensing.

6 MR. WOODS:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? The motion carries.

13 MS. HENSEL:

14 Finally, we have an Order to certify the  
15 following gaming service providers: Falaska  
16 Mechanical, Inc. and the Printer, Inc., doing business  
17 as T.P.I. I ask that the Board consider the Order  
18 approving these gaming service providers for  
19 certification.

20 CHAIRMAN:

21 Any comments from Enforcement Counsel?

22 MR. PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Any questions or comments from the

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

2 MR. WOODS:

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

7 MR. FAJT:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 That concludes the matters of the Bureau  
16 of Licensing.

17 CHAIRMAN:

18 Thank you, Susan. Next will be Cyrus  
19 Pitre, our Enforcement Counsel. Good morning, Cyrus.

20 MR. PITRE:

21 Good morning. We have five matters for  
22 the Board's consideration today consisting of two  
23 revocations and three involuntary exclusions. The  
24 first matter will be the revocation of Feldon Butler's  
25 Non-Gaming Employee Registration, which will be



1 presented by Assistant Enforcement Counsel, Dustin  
2 Miller.

3 CHAIRMAN:

4 Good morning, Dustin.

5 MR. DUSTIN MILLER:

6 Good morning, Chairman Ryan and members  
7 of the Board. As Cyrus said, the first matter today  
8 is a request for revocation involving Feldon Butler.  
9 Mr. Butler was employed as an EVS attendant at Parks  
10 Casino and registered as a Non-Gaming Employee. The  
11 OEC filed an Enforcement Complaint to revoke Mr.  
12 Butler's Non-Gaming Registration for failing to  
13 maintain suitability on August 29th, 2013.

14 On or about May 19th, 2013, Mr. Butler  
15 was charged by the Pennsylvania State Police with  
16 theft by unlawful taking and receiving stolen  
17 property. In the early morning hours of May 19th,  
18 2013, Mr. Butler was working at Parks East and picked  
19 up an iPad belonging to a patron, concealed it inside  
20 a garbage can he was using as part of his employment.  
21 Later that day the patron returned to Parks East and  
22 required about his missing iPad. Surveillance footage  
23 revealed that Mr. Butler had taken the iPad.  
24 Pennsylvania State Police met with Mr. Butler later  
25 that evening and he returned the iPad to them.

1                   Mr. Butler was terminated from Parks  
2 Casino for his actions. He is not currently employed  
3 by any Pennsylvania casino facility. Mr. Butler  
4 waived his right to a preliminary hearing on the  
5 criminal charges on July 18th, 2013 and all charges  
6 were bound over to the Court of Common Pleas of Bucks  
7 County. The Enforcement Complaint filed against him  
8 was properly served upon Mr. Butler to the address  
9 listed on his application by both certified and First  
10 Class mail. Mr. Butler did not respond to the filing  
11 in any way. Due to Mr. Butler's failure to respond,  
12 the averments in the Enforcement Complaint were deemed  
13 to be admitted as fact and his right to a hearing has  
14 been waived. On November 5th, 2013, the OEC filed a  
15 request to enter judgment upon default. The matter is  
16 now before the Board to consider the revocation of Mr.  
17 Butler's Non-Gaming Employee Registration.

18                   CHAIRMAN:

19                   Is Feldon Butler in the hearing room?  
20 Any questions, comments from the Board? Ex-officio  
21 members? May I have a motion?

22                   MR. FAJT:

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

1 by the OEC.

2 MS. KAISER:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion carries.

9 MR. DUSTIN MILLER:

10 Thank you.

11 CHAIRMAN:

12 Thank you, Dustin.

13 MR. PITRE:

14 The next matter on the agenda for the  
15 Board's consideration is the revocation of Christopher  
16 Crowell's Gaming Employee Permit. That matter will be  
17 presented by Assistant Enforcement Counsel, Jeff  
18 Hoeflich.

19 ATTORNEY HOEFLICH:

20 Good morning, Chairman Ryan.

21 CHAIRMAN:

22 Good morning, Jeff.

23 ATTORNEY HOEFLICH:

24 Good morning, members of the Board.

25 Jeff Hoeflich, H-O-E-F-L-I-C-H. The next matter

1 before the Board today is a request for revocation of  
2 Christopher Crowell's Gaming Employee Permit. The OEC  
3 filed an enforcement action against Mr. Crowell  
4 following charges for murder and possession of an  
5 instrument of a crime. The criminal complaint alleged  
6 that on April 24th, 2013, Mr. Crowell caused the death  
7 of another individual by shooting him multiple times  
8 with a firearm. OEC's Enforcement Action was filed on  
9 September 24th, 2013. The Enforcement Action was  
10 properly served upon Mr. Crowell by both certified and  
11 First Class mail. Mr. Crowell did not respond to the  
12 filing in any way. Due to Mr. Crowell's failure to  
13 respond, the averments in the Enforcement Action are  
14 deemed to be admitted as fact and his right to a  
15 hearing has been waived. On November 5th, 2013, the  
16 OEC filed a request to enter judgment upon default.  
17 The matter is now before the Board to consider the  
18 revocation of Christopher Crowell's Gaming Employee  
19 Permit.

20 CHAIRMAN:

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

23 MS. KAISER:

24 Mr. Chairman, I move the Board issue an  
25 Order to approve the revocation of Christopher

1 Crowell's Gaming Employee Permit as described by the  
2 OEC.

3 MR. MCCALL:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE

8 CHAIRMAN:

9 Opposed? The motion carries.

10 MR. HOEFLICH:

11 Thank you, Chairman.

12 CHAIRMAN:

13 Thank you, Jeff.

14 MR. PITRE:

15 The next matter that we have for the  
16 Board's consideration is the placement of Robert  
17 Bowman on the PGCB's Involuntary Exclusion List. That  
18 matter will be presented by Assistant Enforcement  
19 Counsel, Beth Manifesto.

20 ATTORNEY MANIFESTO:

21 Good morning.

22 CHAIRMAN:

23 Morning, Beth.

24 ATTORNEY MANIFESTO:

25 Manifesto,

1 M-A-N-I-F, as in Frank, E-S-T-O. Gentlemen, on April  
2 --- and, I'm sorry, and Ms. Kaiser. On April 30th  
3 of 2013, the OEC filed a petition to place Mr. Bowman  
4 on the Board's Excluded Person List as on April ---  
5 I'm sorry, January 9th, 2013 Mr. Bowman entered the  
6 Rivers Casino at roughly 1:50 a.m. and at 2:28 a.m. he  
7 attempted to open a float on a table game, which was  
8 not in use at the time. He broke the key off, that he  
9 was using to attempt to open the lock, and then he  
10 attempted to open two additional floats on tables that  
11 were also closed. Mr. Bowman was not observed by any  
12 Rivers personnel at the time, however a review of the  
13 surveillance tape led to the identification of Mr.  
14 Bowman as the actor, as his ID was scanned when he  
15 entered the casino. The value of the chips contained  
16 within the floats totaled \$82,684. Mr. Bowman was  
17 charged with a felony three criminal attempt of theft  
18 and also a summary criminal mischief. These charges  
19 still remain pending as of yesterday.

20                   The Enforcement Petition was properly  
21 served upon Mr. Bowman via First Class mail and also  
22 Certified Mail, which was signed for on May 3rd of  
23 this year. Mr. Bowman did not respond to the  
24 complaint in any manner, therefore the averments  
25 contained within are deemed admitted. The OEC filed a

1 request for judgment --- default judgment on November  
2 18th of this year and today we request that Mr. Bowman  
3 be placed on the Board's excluded list.

4 CHAIRMAN:

5 Is Robert Bowman in the hearing room?  
6 Any questions or comments from the Board? Ex-officio  
7 members? May I have a motion?

8 MR. MCCALL:

9 Mr. Chairman, I move that the Board  
10 issue an order to approve the addition of Robert  
11 Bowman to the Pennsylvania Gaming Control Board  
12 Involuntary Exclusion List as described by the OEC.

13 MR. MCNALLY:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 ATTORNEY MANIFESTO:

21 Thank you.

22 CHAIRMAN:

23 Thank you, Beth.

24 MR. PITRE:

25 The next matter that we have for the

1 Board's consideration is the placement of Asher Minh  
2 Le on the Board's Involuntary Exclusion List. That  
3 matter and the subsequent matter will be presented by  
4 Assistant Enforcement Counsel, Cassandra Fenstermaker.

5 CHAIRMAN:

6 Good morning, Cassandra.

7 ATTORNEY FENSTERMKHER:

8 Good morning, Chairman Ryan, members of  
9 the Board. I'm Cassandra Fenstermaker,  
10 F-E-N-S-T-E-R-M-A-K-E-R. I have two Underage  
11 Exclusion Petitions for the Board's consideration  
12 today. The first is for Asher Minh Le. On August  
13 15th, 2013, the OEC filed a Petition to place Asher  
14 Minh Le on the Board's exclusion list. Mr. Le gained  
15 access to the gaming floor and gambled at Harrah's  
16 after presenting Harrah's personnel with false  
17 identification. The Petition was served by First  
18 Class and Certified Mail. Mr. Le failed to respond to  
19 the complaint in any way and therefore all facts  
20 alleged in the Complaint are deemed admitted. A  
21 request to enter judgment upon default --- on November  
22 19th, 2013 and at this time the OEC requests that  
23 Asher Minh Le be included --- or added, to the Board's  
24 Exclusion list.

25 CHAIRMAN:



1                   Is Asher Minh Le in the hearing room?  
2 Questions or comments from the Board? Ex-officio  
3 members? May I have a motion?

4                   MR. MCNALLY:

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

9                   CHAIRMAN:

10                   Second?

11                   MR. MOSCATO:

12                   Second. Oh, I'm sorry, I apologize,  
13 sir.

14                   MR. MCNALLY:

15                   I further move that Mr. Le may petition  
16 for removal from the list after his 22nd birthday but  
17 the Board retains the discretion to grant the relief  
18 requested by any such petition.

19                   CHAIRMAN:

20                   Second?

21                   MR. MOSCATO:

22                   Second.

23                   CHAIRMAN:

24                   All in favor?

25 ALL SAY AYE

1                    CHAIRMAN:

2                    Opposed? The motion carries.

3                    ATTORNEY FENSTERMAKER:

4                    The second petition is for the exclusion  
5 of Fatima Amaro Malik Reed. On September 12, 2013,  
6 the OEC filed a Petition to place Ms. Reed on the  
7 Board's exclusion list. Ms. Reed gained access to the  
8 gaming floor at Harrah's after presenting false  
9 identification to Harrah's personnel. The Petition  
10 was served by First Class and Certified Mail. Ms.  
11 Reed failed to respond to the complaint in any way and  
12 therefore all facts alleged in the complaint are  
13 deemed admitted. A request to enter judgment upon  
14 default was filed on November 19th, 2013. And at this  
15 time the OEC requests that Ms. Reed be added to the  
16 Board's exclusion list.

17                    CHAIRMAN:

18                    Is Fatima Reed in the hearing room? Any  
19 questions or comments from the Board? Ex-officio  
20 members? May I have a motion?

21                    MR. MOSCATO:

22                    Yes, sir. I move that the Board issue  
23 an Order to approve the addition of Fatima Reed to the  
24 PGCB Involuntary Exclusion List as described by the  
25 OEC and I further move that Ms. Reed may petition for

1 removal from the list after one year, however the  
2 Board does retain the discretion to grant the relief  
3 requested in such petition.

4 MR. WOODS:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries. Thank  
11 you, Cassandra.

12 ATTORNEY FENSTERMAKER:

13 Thank you.

14 MR. PITRE:

15 That concludes our business, thank you.

16 CHAIRMAN:

17 Thank you, ladies and gentlemen, that  
18 concludes today's meeting. Our next scheduled public  
19 meeting will be Wednesday, January 8th, 2014, in this  
20 room. So with that I would wish all of you who  
21 celebrate Christmas, Merry Christmas, and certainly to  
22 everyone Happy Holidays and a very Happy New Year.  
23 Any final comments from the Board? Ex-officios? May  
24 I have a motion to adjourn?

25 MR. FAJT:

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So moved.

CHAIRMAN:

Seconded?

MS. KAISER:

Second.

CHAIRMAN:

Thank you, ladies and gentlemen. I appreciate it.

\* \* \* \* \*

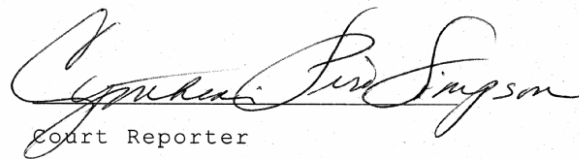
MEETING CONCLUDED AT 11:00 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,  
meeting held before Chairman Ryan was reported by me  
on 12/11/2013 and that I Cynthia Piro Simpson read  
this transcript and that I attest that this transcript  
is a true and accurate record of the proceeding.



Cynthia Piro Simpson  
Court Reporter