#### Chairman

WILLIAM H. RYAN, JR. Phone: (717) 346-8300 Fax: (717) 346-8350 www.gamingcontrolboard.pa.gov



Commissioners
GREGORY C. FAJT
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ANTHONY C. MOSCATO
DAVID W. WOODS

Ex-Officio Members
GEORGE GREIG
ROBERT McCORD

DANIEL MEUSER

# BOARD ACTION - MINUTES WEDNESDAY, JANUARY 8, 2014 - 10:00 a.m. STRAWBERRY SQUARE COMPLEX, $2^{\rm ND}$ FLOOR, HARRISBURG

17106-9060

A meeting of the Pennsylvania Gaming Control Board was held at the Office of Hearings and Appeals, Strawberry Square Complex, 2nd Floor, Harrisburg. The meeting began immediately following the public hearings.

#### Members in attendance were:

William H. Ryan, Jr., Chairman Gregory C. Fajt Annmarie Kaiser Keith R. McCall John J. McNally, III Anthony C. Moscato David W. Woods

#### Ex-Officio members in attendance were:

Robert Coyne, Designee, Department of Revenue Jennifer Langan, Representative, State Treasurer's Office Jorge Augusto, Representative, Department of Agriculture

## PA Gaming Control Board Executive Staff who appeared before the Board:

Claire Yantis – Personnel Related Items
R. Douglas Sherman – Petitions
Steve Cook - Withdrawals, Report and Recommendations
Susan Hensel – Licensing Matters
Cyrus Pitre – Enforcement Actions

A quorum of the Board being present, Chairman Ryan called the meeting to order.

## **PUBLIC HEARING(S)**

The following hearings were held prior to the regularly scheduled board meeting.

- Oral Argument on Mount Airy #1, LLC Petition to Modify the Board's June 13, 2012 Order
- Éclair Holdings Company, MTR Gaming Group, Inc. and their Related Entities Seeking Approval of a Transfer of Interest
- Congregation Rodeph Shalom, The Mathematics, Civics and Science Charter School and Friends Select School Petition to Intervene in Tower Entertainment's Cat 2 Proceedings
- Oral Argument on HSP Gaming, LP (Sugarhouse) Petition to Amend to Add a Party [in the matter of the Petition of Sugarhouse HSP Gaming, L.P. to Intervene in Licensing Proceedings concerning the Potential Reissuance of a Category 2 Gaming License]

#### **PGCB MOTION NO. 2014-1 OCC**

Motions: 1st—Board Member Moscato / 2nd—Board Member Woods

The Board hereby denied the Oral Argument on HSP Gaming, LP's Petition to Amend to add a Party [in the matter of the Petition of Sugarhouse HSP Gaming, L.P. to Intervene in Licensing Proceedings concerning the Potential Reissuance of a Category 2 Gaming License] as untimely filed and also because Chester Downs and Marina, LLC's interests are adequately represented by Sugarhouse HSP Gaming LP.

• HSP Gaming, LP (Sugarhouse) – Petition to Intervene in the Category 2 License Proceedings

#### **ANNOUNCEMENTS**

The Board held an Executive Session on January 7 and January 8, 2014 prior to the public meeting. The purpose of the Executive Sessions was to discuss personnel matters, pending litigation, and to conduct quasi-judicial deliberations relating to matters being considered by the Board on January 8, 2014.

#### **MINUTES & TRANSCRIPTS**

On a motion by Commissioner Fajt, seconded by Commissioner Kaiser the minutes and transcripts of the November 20 and December 11, 2013 meetings were approved.

#### **HUMAN RESOURCES**

#### PGCB MOTION NO. 2014-2 HR - New Hire

Motions: 1st\_Board Member Kaiser / 2nd\_Board Member Fait

The Board hereby approved the hiring of Mr. Anthony Penna, as Casino Compliance Representative at the Meadows

Racetrack and Casino.

Board Decision: Passed by unanimous vote

#### **OFFICE OF FINANCIAL MANAGEMENT**

Mr. David Rhen, Director, provided a mid-year fiscal year budget update for expenditure activity through December 31, 2013.

#### OFFICE OF CHIEF COUNSEL

#### PGCB MOTION NO. 2014-3 OCC

**Motions:** 1st—Board Member Moscato / 2nd—Board Member Woods

The Board hereby approved the Petition, with conditions, of Éclair Holdings Company, MTR Gaming Group, Inc. and their Related Entities Seeking Approval of a Transfer of Interest.

Docket Number: 3361-2013

Board Decision: Passed by unanimous vote

#### **PGCB MOTION NO. 2014-4 OCC**

Motions: 1st—Board Member Woods / 2nd—Board Member Fait

The Board hereby tabled the Petition of Mount Airy #1, LLC for a period of 90 days in which the Petitioner and the Office of Enforcement Counsel should meet to discuss and agree on any background investigation is required of Mr. DeNaples.

Docket Number: 3257-2013

Board Decision: Passed by unanimous vote

#### **PGCB MOTION NO. 2014-5 OCC**

Motions: 1st—Board Member Fajt / 2nd—Board Member McCall

The Board hereby granted the Congregation Rodeph Shalom; The Mathematics, Civics and Sciences Charter School; and Friends Select School's Petition to Intervene in the pending Category 2 licensure proceedings. The granting of the Petition is limited, however to issues of traffic and parking and denied to the degree that Petitioners seek to object to Tower Entertainment, LLC's proposed Category 2 licensed facility for any other reason. Petitioners must submit all information they wish to present to the Board, consistent with the Board's regulations, by 12:00 p.m. on January 10, 2014.

Docket Number: 3395-2013

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-6 OCC

Motions: 1st\_Board Member McCall / 2nd\_Board Member McNally

The Board hereby granted the Petition of HSP Gaming, LP limited to issues surrounding the Philadelphia gaming market and the impact a second Philadelphia Casino will have on that Market. The Board further moved that intervention on issues of compliance by the applicants with Sections 1304 and 1330 of the Act are denied as Intervener's interests in those areas are adequately represented by the Office of Enforcement Counsel. Finally, the Board moved that Petitioner shall submit all information it wishes to present to the Board, consistent with the Board's regulations, by noon on January 10, 2014

Docket Number: 3396-2013

Board Decision: Passed by unanimous vote

# **PGCB MOTION NO. 2014-7 OCC**

Motions: 1st—Board Member McNally / 2nd—Board Member Moscato

The Board hereby approved the withdrawals / surrenders of:

Seamus M. McGill Licensing #1123 PGCB Docket #3364-2013
 Barbara Jeanette Reed Licensing #64121 PGCB Docket #3365-2013

Board Decision: Passed by unanimous vote

## **PGCB MOTION NO. 2014-8 OCC**

**Motions:** 1st—Board Member Fait / 2nd—Board Member Woods

The Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals stating that the Order of Emergency Suspension of Karri Jean Graham's Gaming Employee Permit shall remain in effect until, at least, successful completion of her Beaver County ARD Program, at which point she may petition the Board to have the suspension lifted.

Docket Number: 3290-2013

Board Decision: Passed by unanimous vote

## **PGCB MOTION NO. 2014-9 OCC**

Motions: 1st-Board Member Woods / 2nd-Board Member Fajt

The Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and denied Jamar Larry's application for a Non-Gaming Employee Registration.

Docket Number: 3269-2013

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-10 OCC

Motions: 1st—Board Member Moscato/ 2nd—Board Member Kaiser

The Board hereby rejected the Report and Recommendation issued by the Office of Hearings and Appeals. Substantial evidence exists which warrants Jihad Abdur-Razzaq's placement on the Pennsylvania Gaming Control Board's Involuntary Exclusion List. The Board ordered that Mr. Razzaq shall not enter or place any wager at a licensed facility or collect any winnings as a result of wagering. It is further ordered that, should Mr. Razzaq gain entrance to a licensed facility, he shall be promptly ejected from said licensed facility.

Docket Number: 3118-2013

Board Decision: Passed by unanimous vote

#### **BUREAU OF LICENSING**

#### **PGCB MOTION NO. 2014-11 BOL**

Motions: 1st-Board Member Kaiser/ 2nd-Board Member McCall

The Board hereby approved the issuance of the following Principal and Key Employee Licenses:

## Downs Racing, LP

Principal Renewal

Robert Soper, Chief Executive Officer of Mohegan Sun Connecticut – Docket #1268-4

Key Employee Initial Licensure

Paul Toennes, Director of Marketing Campaign Management – Docket #72105-2

#### Mountainview Thoroughbred Racing Association, LLC

Key Employee Renewal

• Lucretia A. Fetcho, Vice President of Marketing – Docket #41494-2

#### Woodlands Fayette, LLC

Principal Initial Licensure

• Elizabeth Anne Tranchina, Vice President of Legal Affairs and Compliance with Isle of Capri Casinos, Inc., the management company for Woodlands Fayette, LLC– Dkt #46947-2

## Global Cash Access, Inc.

Kev Employee Renewal

• Michael Aughney, Senior Vice President of Development and Operations – Dkt #2051-5

#### Multimedia Games, Inc.

Key Employee Renewal

David C. Hartman, Account Executive – Docket #25006-4

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2014-12 BOL

Motions: 1st—Board Member McCall/ 2nd—Board Member McNally

The Board hereby approved the issuance of 1 Temporary Principal and 15 Key Employee Credentials.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-13 BOL

Motions: 1st—Board Member McNally / 2nd—Board Member Moscato

The Board hereby approved the issuance of 330 (25 full G2 employees; 145 initial; 85 renewals; 75 Temporary G2 employees)

Gaming Employee Permits and 107 Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-14 BOL

**Motions:** 1st\_Board Member Moscato / 2nd\_Board Member Woods

The Board hereby approved the denial of Tyheed Roane's Gaming Employee Application.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-15 BOL

Motions: 1st\_Board Member Woods / 2nd\_Board Member Fait

The Board hereby approved the withdrawals of 1 Key Employee, 22 Gaming Employees and 5 Non-Gaming Employee

Applications.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-16 BOL

Motions: 1st—Board Member Fajt / 2nd—Board Member Kaiser

The Board hereby approved the Gaming Service Provider Certification as follows:

# REGISTERED GAMING SERVICE PROVIDERS

Arley Wholesale, Inc.

Arts Anvil Iron Works, Inc.

Davis Landscape, Ltd.

Economy Decorators, Inc./ DBA EDI

Indian Ridge Provisions, Inc.

Just For Fun, DBA: JFF Uniforms

Maritz Holdings Inc., DBA: Maritz Motivation Solutions

Monmouth Entertainment, Inc.

Paris Produce Company, Inc.

Paul Rabinowitz Glass Co., Inc.

Quality Concepts, Inc.

Rainbow Marketing Group, LLC

S.A. Comunale Co., Inc.

Success Seminars, DBA: Select Sales

Super Heat Inc.

Board Decision: Passed by unanimous vote

#### OFFICE OF ENFORCEMENT COUNSEL

## PGCB MOTION NO. 2014-17 OEC

**Motions:** 1st–Board Member Kaiser / 2nd–Board Member McCall

The Board hereby approved the Consent Agreement, with conditions, between Chester Downs and Marina LLC and the Office of Enforcement Counsel. Chester Downs and Marina shall pay a civil penalty in the amount of \$70,000 for internal control violations involving issuing credit and procedures violation. Chester Downs and Marina shall also pay administrative costs in the amount of \$2,500.

Board Decision: Passed by unanimous vote

# PGCB MOTION NO. 2014-18 OEC

**Motions:** 1st–Board Member McNally / 2nd–Board Member Moscato

The Board hereby approved the Consent Agreement between Charles Cornell, III and the Office of Enforcement Counsel. As a result of the approved Consent Agreement, Charles Cornell, III's G2 Permit is suspended for a period of fifteen (15) days.

Board Decision: Passed by unanimous vote

## **PGCB MOTION NO. 2014-19 OEC**

**Motions:** 1st—Board Member Moscato / 2nd—Board Member Woods

The Board hereby approved the Consent Agreement between Paul Nyce and the Office of Enforcement Counsel. As a result of the approved Consent Agreement, Paul Nyce's G2 Permit is suspended for a period of thirty (30) days.

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2014-20 OEC

Motions: 1st—Board Member McCall / 2nd—Board Member McNally

The Board hereby approved the Consent Agreement, with conditions, between Chester Downs and Marina LLC and the Office of Enforcement Counsel. Chester Downs and Marina shall pay a civil penalty in the amount of \$20,000 for underage gaming. Chester Downs and Marina shall also pay administrative costs in the amount of \$2,500.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2014-21 OEC

Motions: 1st\_Board Member Woods / 2nd\_Board Member Fajt

The Board hereby approved the placement of Anna Marie Wilkins on the PGCB Involuntary Exclusion List.

Docket Number: 3306-2013

Board Decision: Passed by unanimous vote

#### **PGCB MOTION NO. 2014-22 OEC**

**Motions:** 1st—Board Member Fajt/ 2nd—Board Member Kaiser

The Board hereby approved the placement of Alteese Williams on the PGCB Involuntary Exclusion List. The Board further ordered that Alteese Williams may petition for removal from the list after one (1) year.

Docket Number: 3288-2013

Board Decision: Passed by unanimous vote

## **ADJOURNMENT**

On a motion by Commissioner Kaiser, seconded by Commissioner McCall, the meeting was adjourned.

I HEREBY CERTIFY THAT THESE MINUTES WERE APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD AT A PUBLIC MEETING ON THE <u>26th</u> DAY OF <u>FEBRUARY</u>, <u>2014</u>.

Mickey Kane, Board Secretary