

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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IN RE: GREENWOOD GAMING'S PETITION TO RESCIND THE
REQUIREMENT TO RUN A SHUTTLE BUS FROM THE MAIN CASINO
TO THE HORSE RACING GRANDSTAND

* * * * *

ORAL ARGUMENT

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BEFORE: DAVID M. BARASCH, CHAIRMAN
Gregory C. Fajt; Richard G. Jewell; Keith
R. McCall; Anthony C. Moscato; William H.
Ryan, Jr.; David W. Woods; Members
Fred Strathmeyer, Jr., representing Russell
Redding, Secretary of Agriculture
Jennifer Langan, representing Timothy
Reese, State Treasurer;
Robert P. Coyne, representing Eileen H.
McNulty, Secretary of Revenue

HEARING: March 30, 2016

Reporter: Corey Elizabeth Summers
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LOCATION: Pennsylvania Gaming Control Board
Strawberry Square Complex, Suite 261
Harrisburg, PA 17101

WITNESSES: Joseph Wilson

A P P E A R A N C E S

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P R O C E E D I N G S

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CHAIRMAN:

We now have an oral argument scheduled regarding Greenwood Gaming's Petition to Rescind the requirement to run a shuttle bus from the main casino to the horse racing grandstand.

Counsel, before you begin your arguments, would you please spell your name for the court reporter and anybody who's going to be speaking do the same?

ATTORNEY STEWART:

Absolutely, Mr. Chairman and the Commissioners. Good morning. My name is Mark Stewart, S-T-E-W-A-R-T with Eckert Siemens on behalf of Greenwood Gaming and Entertainment. I'll let my colleagues here introduce themselves, starting with Joseph Wilson.

MR. WILSON:

Hi, I'm Joseph Wilson, Chief Operating Officer of Parx Racing, W-I-L-S-O-N.

ATTORNEY SCHROEDER:

Good morning. My name is Bryan Schroeder, Assistant General Counsel of Parx Casino, S-C-H-R-O-E-D-E-R.

1 CHAIRMAN:

2 Are you intending to call this gentleman
3 as a witness, or ---?

4 ATTORNEY STEWART:

5 No, Mr. Chairman. It's only oral
6 argument, but in case the Board had questions, we
7 wanted ---.

8 CHAIRMAN:

9 Just out of the abundance of caution,
10 could you please stand and be sworn?

11 -----

12 JOSEPH WILSON, CALLED AND SWORN.

13 -----

14 CHAIRMAN:

15 Thank you very much. Proceed.

16 ATTORNEY STEWART:

17 May it please the Board, Mr. Chairman,
18 Board Members, thank you very much for the opportunity
19 to be here this morning. This is an issue that at
20 least some of you, I know, have been around for since
21 the beginning. It involves the running of a shuttle
22 service between Parx's casino facility and its
23 grandstand. This is, in our view, the final step of a
24 --- hopefully a phase-out of this service. It was
25 begun in 2007.

1 At that time, it was envisioned that we
2 could come in and request modifications and rescission
3 of the requirement. In 2011 and ultimately approved
4 by the Board in 2012, a modification was approved so
5 that the shuttle would only run during certain times
6 on live racing days. Essentially, we've operated that
7 way since then. We've dutifully kept the logs that
8 were required by the Board in terms of ridership and
9 weather conditions and the like.

10 They pretty much definitively show that
11 there's very low demand for this service, so we are
12 before you today asking that the service be permitted
13 to be discontinued. The horsemen have indicated that
14 they have no objection to that. The Racing Commission
15 has indicated that it has no objection to that, and
16 you know, with that, frankly, we'll stand on our
17 Petition and answer any questions you may have.

18 CHAIRMAN:

19 OEC?

20 ATTORNEY MILLER:

21 Good morning, Chairman Barasch, Members
22 of the Board. Dustin Miller on behalf of the OEC.
23 Yeah, as Mr. Stewart said, the --- this originates
24 from a December 18th, 2007 Board Order where the Board
25 considered and approved the phase one of Greenwood's

1 master plan to create a permanent facility. The ---
2 and that put in the shuttle bus requirement, and
3 they've been running that since 2009.

4 Then in 2011, they filed a Petition to
5 rescind that shuttle bus requirement, and it was
6 modified, as Mr. Stewart described. With regard to
7 Greenwood's current Petition, the reason the OEC
8 objected was because we didn't feel that the contents
9 of Greenwood's Petition alone was sufficient to
10 provide an evidentiary record upon which the Petition
11 should be granted.

12 After we filed our objection, we worked
13 with Greenwood to reach a Stipulation of Fact that
14 included a statement from the shuttle bus company that
15 logged the passenger use, and also letters from the
16 Pennsylvania Thoroughbred Horsemen's Association and
17 the Pennsylvania State Horse Racing Commission, both
18 expressing no objection to Greenwood's Petition. And
19 with that additional evidence now in the record, the
20 OEC leaves this matter to the sound discretion of the
21 Board.

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23 ORAL ARGUMENT CONCLUDED

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CERTIFICATE

I hereby certify that the foregoing proceedings,
hearing held before Chairman Barasch was reported by
me on 3/30/16 and that I, Corey Elizabeth Summers,
read this transcript, and that I attest that this
transcript is a true and accurate record of the
proceeding.

Corey Elizabeth Summers
Court Reporter

Corey Elizabeth Summers