



## **PENNSYLVANIA GAMING CONTROL BOARD**

### **Meeting of the Board August 14, 2008 Minutes**

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A meeting/hearing of the Pennsylvania Gaming Control Board was held on August 14, 2008 in the State Museum Auditorium, Harrisburg, PA. The meeting began at 10:00 a.m.

#### ***Members in attendance were:***

Mary DiGiacomo Colins, Chairman  
Raymond S. Angeli  
Jeffrey W. Coy  
James B. Ginty  
Kenneth T. McCabe  
Sanford Rivers  
Gary A. Sojka

#### ***Individuals who appeared officially before the Board:***

Cyrus Pitre – Enforcement Counsel  
Melinda Tucker – Racetrack Gaming  
Eileen McNulty – personnel issue  
Mickey Kane – roll call

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

### **ANNOUNCEMENTS**

Chairman Colins announced that the Board held an executive session on August 13 in accordance with the Sunshine Act, to discuss personnel issues, privileged agency business, and to consult with counsel and other professional advisors to the Board concerning current litigation or matters in which complaints are expected to be filed.

### **OLD BUSINESS**

An update on the Valley View Downs Category 1 Slot Machine Application was provided. Melinda Tucker, Director of Racetrack Gaming updated the Board indicating that the Harness Racing Commission granted Valley View Downs an unconditional extension to commence racing operations at their facility until September 5, 2010. Cyrus Pitre, Director, Office of Enforcement Counsel (OEC) updated the Board on OEC's current investigation with regard to the application and a potential completion date of September 1. Mr. Pitre indicated that when Valley View Downs completes the

negotiations, with the lenders, those financial documents would require the review of the OEC forensic accountants. Chairman Colins stated that barring any situation beyond the Agency's control, OEC's investigation should be complete by early September.

Attorney Maureen McBride of Lamb McErlane presented evidence on behalf of the Valley View Downs application.

Chairman Colins introduced the next item and indicated that the PGCB will reopen the Public Hearing which was last convened on July 10, 2008.

**Public Hearing:**  
**Joint Application of PITG Gaming, LLC and Holdings Acquisition Company, L.P.**

Testimony and argument was provided by representatives or affiliates of PITG Gaming, LLC and Holdings Acquisition Company, L.P. as follows: Neil Bluhm, Don Barden, John Donnelly, Esquire, Barbara Kaye, Esquire, Neil Bluhm, Greg Carlin, Dan Keating, Dean Mosites, and Jon O'Brien.

Chairman Colins moved into the public comment segment of the hearing.

*Speakers included:* Gerald Wiemann, Paul Bonnie, Esquire, Jethro Heiko, Lily Cavanagh, Sharon Capretto and Debbie King (ceded time to Paul Bonnie). Public comment period concluded.

Testimony and argument was provided by PGCB staff and advisor Pricewaterhouse Coopers as follows: Cyrus Pitre, Esquire Eugene Creany, Esquire, Susan Hensel, Esquire, Dave Kwait, Jim Talerico, Richard O'Neill and Michael French.

Testimony and arguments concluded. Chairman Colins returned to public meeting to address a personnel issue prior to recessing into executive session for deliberations on the Joint Application.

**ADMINISTRATION**

**PGCB MOTION NO. 2008-169 HR – Employment**

Motion Made: Board Member Rivers  
Seconded: Board Member McCabe

New Hires:  
Chelsea Donahue, Statistician, Gaming Laboratory

Resolved, the Board hereby approves the hiring of the above candidate for employment.

Board Decision: Passed by unanimous vote

*The Board recessed for entry into executive session and then returned from executive session and Chairman Colins reconvened the public meeting.*

**OFFICE OF CHIEF COUNSEL**

**PGCB MOTION NO. 2008-170 OCC – Joint Application of PITG Gaming, LLC and Holdings Acquisition Company, L.P.**

Motion Made: Board Member McCabe  
Seconded: Board Member Rivers

Resolved, the Board hereby conditionally approved the Joint Application of PITG Gaming, LLC and Holdings Acquisition Company, L.P. for Approval of Reorganization, Change of Control and Recapitalization of PITG Gaming, LLC and other Relief in Connection Therewith effectively reassigning the Pittsburgh Category 2 slot machine license to Holdings Acquisition Company L.P.

Board Decision: Roll call vote taken. Passed by unanimous vote

**ADJOURNMENT**

There being no further business before the Board, Chairman Colins adjourned the meeting.