



## PENNSYLVANIA GAMING CONTROL BOARD

### Meeting of the Board August 28, 2008 Minutes

---

A meeting of the Pennsylvania Gaming Control Board was held on August 28, 2008 in the North Office Building, Hearing Room 1, Harrisburg, PA. The meeting began at 1:00 p.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:*

Frank Donaghue – agency update  
Eileen McNulty – agency financial report  
Melinda Tucker – racetrack gaming  
Richard Sandusky – regulations  
Doug Sherman – employee withdrawals  
Steve Cook – report and recommendations  
Sean Hannon – licensing matters  
Cyrus Pitre – Enforcement Counsel

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

#### **ANNOUNCEMENTS**

Chairman Colins announced that the Board held executive sessions on August 27<sup>th</sup> and prior to the meeting 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.

#### **TRANSCRIPTS/MINUTES**

On a motion by Board Member Angeli, seconded by Board Member Coy, the minutes and transcripts of the June 11 and July 10, 2008 meetings were unanimously approved.

### **EXECUTIVE DIRECTOR**

Mr. Frank Donaghue, Acting Executive Director, provided an update on the Pittsburgh casino project following the August 14<sup>th</sup> approval of transfer of the Category 2 Slot Machine License to Holdings Acquisition Company, L.P.

Mr. Donaghue stated that the Adjudication, which clearly defines the Board's August 14<sup>th</sup> decision, would be issued as early as August 29, 2008. He further stated that a Press Release would be issued as well as the documents being available via the agency's web-site.

### **BUREAU OF FINANCIAL MANAGEMENT AND ADMINISTRATION**

Mrs. Eileen McNulty, Chief Financial Officer, provided a report on the agency's revenue and expenditures.

### **RACETRACK GAMING**

Ms. Melinda Tucker, Director of Racetrack Gaming, introduced speakers from the Horsemen's Organizations who provided a Second Quarter Report on the Status of Backstretch Improvements for Category 1 Thoroughbred Facilities. The Speakers were:

- Thomas C. Bonner, Vice President & General Counsel, Greenwood Gaming & Entertainment, Inc.
- Joe Wilson, Vice President Racetrack Operations, Bensalem Racing Association, Inc.
- Michael Ballezzi, Esquire, Executive Director, PA Thoroughbred Horsemen's Association
- Richard Knight, President, CEO, Presque Isle Downs
- J. Gary Ludertiz, Vice President & General Manager, Hollywood Casino at Penn National
- Chris McErlean, Corporate Vice President of Racing, Penn National Gaming
- Rob Marella, Director of Racing, Penn National Race Course
- Todd Mostoller, Executive Director, Horsemen's Benevolent & Protective Association
- Joe Santanna, President, Horsemen's Benevolent & Protective Association

### **PGCB MOTION NO. 2008-171 RG – Horseman's Benevolent & Protective Association Health Benefit Plan**

Motion Made: Board Member Coy  
Seconded: Board Member McCabe

Resolved, the Board hereby tables the Horseman's Benevolent & Protective Association Health Benefit Plan.

Board Decision: Passed by unanimous vote

**OFFICE OF CHIEF COUNSEL**

**PGCB MOTION NO. 2008-172 REG – Final-form Regulation No. 125-84**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby adopts the Final-form Regulation No. 125-84 amending Chapters 405a, 421a, and 433a; and directs that the amendments be posted to the Board's website and published by the Pennsylvania Bulletin.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-173 REG – Proposed Regulation of 125-93**

Motion Made: Board Member Angeli  
Seconded: Board Member Coy

Resolved, the Board hereby adopts the Proposed Regulation No. 125-93 amending Chapters 403a, 491a, 494a, 495a, 497a, 4994 and 511a; and that the Board establishes a public comment period of 30 days; and directs that the proposed regulation is posted on the Board's website.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-174 OCC – Washington Trotting Association, Inc. Petition**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Washington Trotting Association, Inc. Petition for Waiver for Fixed Seating.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-175 OCC – Pro Hac Vice Petition**

Motion Made: Board Member McCabe  
Seconded: Board Member Rivers

Resolved, the Board hereby approves the Order for Admission of Pro Hac Vice of David A. Jividen.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-176 OCC – HSP Gaming, L.P. Petition**

Motion Made: Board Member Rivers  
Seconded: Board Member Sojka

Resolved, the Board hereby approves the HSP Gaming, L.P. Petition for the Proposed Changes to Organizational Structure and imposes a \$5,000 civil penalty for failing to comply with the Board's regulation.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-177 OCC – Principal and Key Employee Withdrawals**

Motion Made: Board Member Sojka  
Seconded: Board Member Angeli

Resolved, the Board hereby approves the Order regarding the withdrawal of Principal and Key employees as follows:

Grant Ashley	Licensing No. 2462; PGCB Doc No. 42121
Garlon Banks	Licensing No. 19240; PGCB Doc No. 41928
Robert Bradley	Licensing No. 24270; PGCB Doc No. 41927
Stephen Brammell	Licensing No. 1423; PGCB Doc No. 42119
Lincoln Cates	Licensing No. 16927; PGCB Doc No. 42008
Joy Conway	Licensing No. 15071; PGCB Doc No. 11185
Louis N. DelRosso	Licensing No. 19432; PGCB Doc No. 41920
David Dominick	Licensing No. 18149; PGCB Doc No. 42033
Shari Dudley	Licensing No. 4156; PGCB Doc No. 42128
Kirk England	Licensing No. 1396; PGCB Doc No. 42120
Anthony Feruzzi	Licensing No. 24098; PGCB Doc No. 42025
Ryan Sidun	Licensing No. 21022; PGCB Doc No. 42002
Jay Tarbell	Licensing No. 3656; PGCB Doc No. 42007
Daniel Vogelsong	Licensing No. 23402; PGCB Doc No. 41929
Lawrence Wheeler	Licensing No. 24170; PGCB Doc No. 41992
Bruce John Yahl	Licensing No. 1197; PGCB Doc No. 42117

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-178 OCC – Revocation of Gaming Employee Permit for Gardner Carter**

Motion Made: Board Member Angeli  
Seconded: Board Member Coy

Resolved, the Board hereby approves an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to dissolve the Emergency Suspension Order for Gaming Employee Gardner Carter, OHA Docket No. 42065, and that his permit be immediately revoked.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-179 OCC – Gaming Employee Permit for Lora Mayer**

Motion Made: Board Member Coy  
Seconded: Board Member Ginty

Resolved, the Board hereby approves an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to grant the Gaming Employee Permit for Lora Mayer, OHA Docket No. 41961.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-180 OCC – Gaming Employee Permit for Jonathan Nicolais**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby dismisses the Office of Hearings and Appeals Recommendation to grant a Gaming Employee Permit renewal application to Jonathan Nicolais, OHA Docket No. 41984, as the matter is considered technically moot as he has been issued a Temporary Key Employee Credential.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-181 OCC – Gaming Employee Permit for Christopher Saab**

Motion Made: Board Member McCabe  
Seconded: Board Member Rivers

Resolved, the Board hereby issues an Order, after review of the Report and Recommendation of the Office of Hearings and Appeals, to grant a Gaming Employee Permit for Christopher Saab, OHA Docket No. 42004 is denied.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-182 OCC – Non-Gaming Employee Registration for Holly Huber**

Motion Made: Board Member Rivers  
Seconded: Board Member Sojka

Resolved, the Board hereby issues an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to deny the Non-Gaming Employee Registration for Holly Huber, OHA Docket No. 41942.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-183 OCC – Non-Gaming Employee Registration for Nicholas Meenan**

Motion Made: Board Member Sojka  
Seconded: Board Member Angeli

Resolved, the Board hereby issues an Order rejecting the Report and Recommendation of the Office of Hearings and Appeals to grant the Non-Gaming Employee Registration for Nicholas Meenan, OHA Docket No. 42015. The Board further ordered that the matter be remanded back to the Office of Hearings and Appeals for further hearings on the character of the applicant relative to his eligibility and suitability to receive a Non-Gaming Employee Registration.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-184 OCC – Temporary Emergency Suspension for Allen Gartei**

Motion Made: Board Member McCabe  
Seconded: Board Member Ginty

Resolved, the Board hereby issues an Order that the Temporary Emergency Suspension of Allen Gartei, OHA Docket No. 42077 remain in effect until otherwise ordered by the Board. It is further ordered that the matter be referred to the Office of Hearings and Appeals to conduct a hearing to determine the validity of the Temporary Emergency Order and to issue a Report and Recommendation regarding same.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-185 OCC – Delegation of Authority**

Motion Made: Board Member Rivers  
Seconded: Board Member McCabe

Resolved, the Board hereby issues an Order delegating authority to the Executive Director, in consultation with the Office of Chief Counsel, Gaming Operations, Casino Compliance, Gaming Laboratory Operations and Compulsive and Problem Gambling to approve a reconfiguration or relocation of slot machines on a gaming floor plan.

Board Decision: Passed by unanimous vote

**BUREAU OF LICENSING**

**PGCB MOTION NO. 2008-186 LIC – Renewal of Manufacturer License**

Motion Made: Board Member Angeli  
Seconded: Board Member Coy

Resolved, the Board hereby approves an Order to renew the Manufacturer License of Ainsworth Game Technology Limited.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-187 LIC – Renewal of Manufacturer License**

Motion Made: Board Member Coy  
Seconded: Board Member Ginty

Resolved, the Board hereby approves an Order to renew the Manufacturer License of Aruze Corporation.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-188 LIC – Principal and Key Employee Licenses**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Order issuing the Principal and Key Employee licenses as follows:

**Chester Downs and Marina, LLC**

**Principal**

Christopher Issac Chang, Vice President of Innovation and IT Strategy

**Downs Racing, LP**

**Key Employees**

Lori A. Dokas, Slot Attendant Supervisor  
Shawn Harris, Slot Supervisor  
Tammy Lynne Edwards, Security Supervisor  
Joshua Church, Slot Supervisor  
Leonard Nardozzo, Security Shift Supervisor  
Jeffrey Wainwright, Slot Supervisor  
Aubrey Daniels, Slot Supervisor  
Cherre Roberto, Lead Surveillance Agent  
Gavin Southworth, Lead Surveillance Agent  
Fredrick Brown, IV, Director of Information Technology Operations  
Charles Patrick Jorda, Surveillance Supervisor  
Anthony Connell McGowan, Director of Finance  
Amy Schneider, Cage Shift Supervisor

David Zarn, Surveillance Technical Manager  
Dennis Driscoll, Security Manager  
Bernardine Radici, Cage Shift Supervisor  
Rita Polney, Cash Cage Manager

**Washington Trotting Association, Inc.**

**Key Employees**

John Allen, Surveillance Shift Manager  
Trudy L. Malkey, Director of Accounting

**Mount Airy #1, LLC**

**Key Employees**

Timothy J. Yahn, Director of Slot Operations  
Thomas M. Brennan, Director of Food & Beverage  
Jacqueline M. Bloh, Executive Director of Marketing  
Ann M. Levandowski, Security Shift Manager  
Donald J. Buzney, Executive Director of Administration  
Freda Darlene Lavender, Slot Shift Manager  
Anthony Ceddia, Appointed Trustee  
Richard W. Whitby, Slot Operations Manager  
Becky Tavares, Slot Shift Manager  
Scott Lyons, Surveillance Shift Manager  
Christine Pirone, Cage Shift Manager  
Joel Daum, Chief Financial Officer  
Livingston Simpson, Director of Surveillance  
Mary Rakus, Director of Hotel Operations  
Michael Ray, Chief Information Officer  
Vincent Viola, Director of Purchasing  
Paula Wisnewski, Count Room Manager  
Brian Vetter, Slot Shift Supervisor  
Charles Miller, Cage Supervisor

**Philadelphia Entertainment and Development Partners, LP**

**Principals**

Randee D. Bach, Director of Design & Construction, Foxwoods Development Company, LLC  
Nicholas F. Moles, Vice President and General Counsel, Philadelphia Entertainment and Development Partners, LP  
Leonard B. Shore, Managing Member, Washington Philadelphia Investors, LP

**Sands Bethworks Gaming, LLC**

**Key Employee**

Douglas Niethold, Vice President of Finance

**Principal**

Charles Forman, Outside Director for Las Vegas Sands Corp.

**IGT**

**Key Employee**

George Kerrigan, Account Executive

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-189 LIC – Temporary Key Employee Licenses**

Motion Made: Board Member McCabe

Seconded: Board Member Rivers

Resolved, the Board hereby approves the issuance of 88 Temporary Key Employee Licenses.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-190 LIC – Issuance of Permits and Registrations**

Motion Made: Board Member Rivers  
Seconded: Board Member Sojka

Resolved, the Board hereby approves the Order issuing 517 Gaming Employee Permits and 466 Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-191 LIC – Denial of Gaming and Non-Gaming Employee Licenses**

Motion Made: Board Member Sojka  
Seconded: Board Member Angeli

Resolved, the Board hereby approves an Order denying the Gaming and Non-Gaming Employee Permits and Registrations as listed below:

<u>BOL Dbase</u>	<u>Docket #</u> <u>SLOTSLink</u>	<u>Applicant</u>
	23240	James Reilley
G1009468	24867	Theodore Wentz
G1010106	25974	Ginamarie Petrasso
G1010537	27200	Ira Jackson, Jr.
G1010614	26954	Gregory Cagle
G1011341	28299	Michael Turner
G1011814	28897	Michael Zollo
G1012176	29610	Dwayne Gland
	23091	Rodney Barber
G1010855	27497	Joseph Corcoran
G1002551	7290	Thomas Izzo-Renewal
G1002815	7347	Mukti Desai-Renewal
N1010718	27143	Adrienne McClendon
N1010877	27304	Paul Brignoni
N1011218	27968	David Keith
N1011332	28260	Ulric McKenzie, Jr.
N1011363	28289	Leonard Joyce
N1011383	28627	John Piscatelli, Jr.
N1011475	28459	Najee Thomas
N1007647	22894	Dawn Curtis
N1010036	25784	Jason Maldonado
N1010302	26299	Sean Henry
N1010514	26713	Shawn Kerr
N1010679	27124	Jonathan Garrett

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-192 LIC – Applications for Vendor Certification**

Motion Made: Board Member Angeli  
Seconded: Board Member Coy

Resolved, the Board hereby approves an Order approving the applications for vendor certification as follows:

Anderson Interiors, Inc.  
Hershocks, Inc.  
J.R. Metzger, Inc.  
Orlando Diefenderfer Electrical Contractors  
Stephen M. Timchack  
The Chicago Consultants Studio, Inc.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-193 LIC – Applications for Vendor Registration**

Motion Made: Board Member Coy  
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Order approving the applications for vendor registration as follows:

3-R Electric, Inc.  
All State Traffic Control of PA, Inc.  
American Janitor and Paper Supply, Inc.  
Applied Communications Technology, DBA: In-building wireless  
Arizona Commerical Printing, Inc.  
Avalotis Corporation  
Avero, LLC  
Baker's Perfection, Inc.  
BCI Communications, Inc.  
Bergie, Inc., DBA: Royal Office Products  
Bruce and Merrilees Electric Company  
C.S. Office Interiors  
Centerline Models  
Ceridian Company  
Clean & Polish - Delaware Valley, LLC, DBA: Clean & Polish, Inc.  
Coleman Technologies, Inc.  
Communication Graphics, Inc.  
Control Point Technologies, LLC  
Cooper Retail Consulting Group, LLC  
Cronmiller - McCormick Company  
D.W. Haber & Son, Inc.  
Data Supplies, Inc., DBA: DSI  
Digitek, Inc.  
DMX, Inc.

Erie Carbonic Company  
Graybar Electric Company, Inc.  
KSL Holdings, Inc.; DBA: Harley-Davidson of Erie  
Metro Beverage of Philadelphia, Inc.  
Modular Space Corporation  
Patricia Dell Poe  
Paul Rabinowitz Glass Company, Inc.  
Peter M. Morelli Fencing, DBA: Morelli Fence  
Quinn Gellar, LLC, DBA: Q & G Marketing Island Design  
Reinhart Foodservice, LLC  
Rock Street Music  
Royal Petroleum Corporation  
Signs Now 335  
Stanley Access Technologies, LLC  
Stevenson & Associates  
Strother/Novick Brothers Distribution Joint Ventures  
Valley Case Management and Consulting Services, LLC, DBA: VCM  
Visual Sound, Inc.  
Walter Walker, DBA: WEB Ad – Specialty  
WWT, DBA: VOIP Networks, DBA: Worldwide Telecom

Board Decision: Passed by unanimous vote

**OFFICE OF ENFORCEMENT COUNSEL**

**PGCB MOTION NO 2008-194 OEC – Harrah’s Chester Downs and Marina, LLC Consent Agreement**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Consent Agreement between the Bureau of Investigations and Enforcement and Harrah’s Chester Downs and Marina, LLC, (Chester Downs) regarding underage gaming. In accordance with the terms of the Consent Agreement, Chester Downs shall pay a civil fine in the amount of twenty thousand dollars (\$20,000) and a donation to the Problem Gaming Education and Outreach Fund in the amount of five thousand dollars (\$5,000).

Board Decision: Passed by unanimous vote

**PGCB MOTION NO 2008-195 OEC – Harrah’s Chester Downs and Marina, LLC Consent Agreement**

Motion Made: Board Member McCabe  
Seconded: Board Member Rivers

Resolved, the Board hereby approves the Consent Agreement between the Bureau of Investigations and Enforcement and Harrah’s Chester Downs and Marina, LLC (Chester Downs), regarding violation

of internal controls. In accordance with the terms of the Consent Agreement, Chester Downs shall pay a fine of ten thousand dollars (\$10,000).

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-196 OEC – Suspension of Gaming Employee Permit for Brittani Christian**

Motion Made: Board Member Rivers  
Seconded: Board Member Sojka

Resolved, the Board hereby approves an Order to suspend the Non-Gaming Employee Permit for Brittani Christian, OHA Docket No. 41343, pending the outcome of her criminal charges.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-197 OEC – Revocation of Non-Gaming Employee Registration for Milagros Arroya-Tirado**

Motion Made: Board Member Sojka  
Seconded: Board Member Angeli

Resolved, the Board hereby approves an Order to revoke the Non-Gaming Employee Registration of Milagros Arroya-Tirado, OHA Docket No. 420043, and is prohibited from applying for any form of license, permit, or registration for a period of five (5) years.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-198 OEC – Revocation of Non-Gaming Employee Registration for Bianca Snedden**

Motion Made: Board Member Angeli  
Seconded: Board Member Coy

Resolved, the Board hereby approves an Order to revoke the Non-Gaming Employee Registration of Bianca Snedden, OHA Docket No. 41913, and is prohibited from applying for any form of license, permit, or registration for a period of five (5) years.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-199 OEC – Suspension of Gaming Employee Permit for Tonya Ogbin**

Motion Made: Board Member Coy  
Seconded: Board Member Ginty

Resolved, the Board hereby approves an Order to suspend the Gaming Employee Permit for Tonya Ogbin, OHA Docket No. 41915, until such time as she fully remedies her delinquent tax obligations to the Pennsylvania Department of Revenue.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-200 OEC – Revocation of Non-Gaming Employee Registration for Kerrie Serge**

Motion Made: Board Member Ginty  
Seconded: Board Member McCabe

Resolved, the Board hereby approves an Order to revoke the Non-Gaming Employee Registration for Kerrie Serge, OHA Docket No. 41777, and is prohibited from applying for any form of license, permit, or registration for a period of five (5) years.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-201 OEC – Suspension of Gaming Employee Permit for Michael Drew**

Motion Made: Board Member McCabe  
Seconded: Board Member Rivers

Resolved, the Board hereby approves an Order to suspend the Gaming Employee Permit for Michael Drew, OHA Docket No. 40991, for a period of one (1) year.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-202 OEC – Revocation of Non-Gaming Employee Registration for Steven Morelli**

Motion Made: Board Member Rivers  
Seconded: Board Member Sojka

Resolved, the Board hereby approves an Order to revoke the Non-Gaming Employee Registration for Steven Morelli, OHA Docket No. 41342, and is prohibited from applying for any form of license, permit, or registration for a period of five (5) years.

Board Decision: Passed by unanimous vote

**PGCB MOTION NO. 2008-203 OEC – Revocation of Non-Gaming Employee Registration for Michael Serge**

Motion Made: Board Member Sojka  
Seconded: Board Member Angeli

Resolved, the Board hereby approves an Order to revoke the Non-Gaming Employee Registration for Michael T. Serge, OHA Docket No. 41778, and is prohibited from applying for any form of license, permit, or registration for a period of five (5) years.

Board Decision:        Passed by unanimous vote

**ADJOURNMENT**

There being no further business before the Board, Chairman Colins motioned to adjourn, Commissioner Sojka seconded