



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board
September 30, 2008
Minutes

A meeting of the Pennsylvania Gaming Control Board was held on September 30, 2008 in the PUC Keystone Building, Hearing Room 1, Harrisburg, PA. The meeting began at 11:00 a.m.

Members in attendance were:

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

Individuals who appeared officially before the Board:

Frank Donaghue – agency update
Eileen McNulty – agency financial report
Stacey Knavel – local law enforcement grants
Melinda Tucker – racetrack gaming
Richard Sandusky – regulations
Doug Sherman – employee withdrawals
Steve Cook – report and recommendations
Sean Hannon – licensing matters
Cyrus Pitre – revocations and suspensions
Nan Davenport – revocations and suspensions
Kathleen Higgins – revocations and suspensions
Dr. Anthony Ceddia – Mount Airy #1 LLC update

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 September 29th 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 transcript of the August 14, 2008 meeting were unanimously approved.

EXECUTIVE DIRECTOR

Mr. Frank Donaghue, Acting Executive Director and Thomas Sturgeon, Director, Casino Compliance commended the work of the Casino Compliance Representatives who represent a total of 42 professionals working within the 7 casinos. In particular, Mr. Donaghue singled out two representatives, John Walczak, supervisor of the Philadelphia Park Casino and Chris Costigan, supervisor at the Harrah's Casino and Racetrack who have provided outstanding leadership and have been the foundation of the Casino Compliance staff.

BUREAU OF FINANCIAL MANAGEMENT AND ADMINISTRATION

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

PGCB MOTION NO. 2008-204 CFO – Local Law Enforcement Grants

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approves 2006-07 Local Law Enforcement Grants as follows:
Hellertown Police Department (\$41,569.56)
Borough of Homestead Police Department (\$79,074.00)

Board Decision: Passed by unanimous vote

RACETRACK GAMING

PGCB MOTION NO. 2008-205 RG – Horseman's Benevolent & Protective Association Health Benefit Plan

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

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

Board Decision: Passed by unanimous vote

OFFICE OF CHIEF COUNSEL

PGCB MOTION NO. 2008-206 REG – Final-form Regulation No. 125-85

Motion Made: Board Member McCabe
Seconded: Board Member Angeli

Resolved, the Board hereby adopts the Final-form Regulation No. 125-85 amending Chapter 401a; and directs that the amendment be posted to the Board's website and published by the Pennsylvania Bulletin.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-207 REG – Final-form Regulation No. 125-88

Motion Made: Board Member Coy
Seconded: Board Member Sojka

Resolved, the Board hereby adopts the Final-form Regulation No. 125-88 amending Chapters 461a, 463a, and 465a and 467a; 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. 2008-208 REG – Final-form Regulation No. 125-89

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby adopts the Final-form Regulation No. 125-89 amending Chapters 435a, 441a, and 465a; 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. 2008-209 REG – Proposed Regulation No. 125-92

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby adopts the Proposed Regulation No. 125-92 amending Chapters 441a and 467a; and that the Board establishes a public comment period of 30 days; and directs that the proposed regulation be posted on the Board's website.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-210 REG – Proposed Regulation No. 125-95

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby adopts the Proposed Regulation No. 125-95 amending Chapters 431a, 435a, 437a and 451a; and that the Board establishes a public comment period of 30 days; and directs that the proposed regulation be posted on the Board's website.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-211 OCC – Marsico Capital Management Petition

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves the Marsico Capital Management Petition, with conditions, which sought Waiver of the Requirement of Licensure Contained in the PA Race Horse Development and Gaming Act.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-212 OCC – Principal and Key Employee Withdrawals

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Orders regarding the withdrawal of Principal and Key Employees, without prejudice, as follows:

Yoshito Hori, OHA Docket No. 42150
Ken Kaszubinski, OHA Docket No. 42223
Frances Lemery, OHA Docket No. 42202
James Naylor, OHA Docket No. 42169
James Larry Nelson, OHA Docket No. 42213
Timothy Paulo, OHA Docket No. 42168
Donald Pamula, OHA Docket No. 40066
Emily Peavey, OHA Docket No. 42167
Kurt Rawding, OHA Docket No. 42034
Anthony Sorbello, OHA Docket No.42218
Colleen Sypolt, OHA Docket No. 42201
Mikio Tanji, OHA Docket No.42152
Mikio Tanji, OHA Docket No. 42153
Kunihiko Yogo, OHA Docket No. 42151
Kunihiko Yogo, OHA Docket No. 42154
Cheryl Watkins, OHA Docket No. 42222

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-213 OCC – Denial of Gaming Employee Permit for Thelma Evans

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approves an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to deny the Gaming Employee Permit for Thelma Evans, OHA Docket No. 42125, without prejudice. However, all fees associated with re-applying for said permit shall be the sole responsibility of the applicant.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-214 OCC – Denial of Gaming Non- Employee Registration for Michael Spratley

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby approves an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to deny the Non- Gaming Employee Registration for Michael Spratley, OHA Docket No. 42238.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-215 OCC – Denial of Gaming Employee Permit for Walter L. Bradley

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 deny the Gaming Employee Permit for Walter L. Bradley, OHA Docket No. 42133.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-216 OCC – Denial of Gaming Employee Permit for Robin Neary

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 deny the Gaming Employee Permit for Robin Neary, OHA Docket No. 42215.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-217 OCC – Denial of Gaming Employee Permit for Louis Scarantino

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves an Order to adopt the Report and Recommendation of the Office of Hearings and Appeals to deny the Gaming Employee Permit for Louis Scarantino, OHA Docket No. 42230.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-218 OCC – Emergency Suspension of Non-Gaming Employee Registration for Nicole Besic

Motion Made: Board Member McCabe
Seconded: Board Member Coy

Resolved, the Board hereby orders that the matter be referred back to the Office of Hearings and Appeals, to determine the validity of the issuance of an Emergency Order to suspend the Non-Gaming Employee Registration of Nicole Besic, OHA Docket No 42391, it is further ordered that the temporary suspension remain in effect until such time as the Board acts upon OHA's Report and Recommendation.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-219 OCC – Emergency Suspension of Gaming Employee Permit for Michael Crawford

Motion Made: Board Member Angeli
Seconded: Board Member Ginty

Resolved, the Board hereby orders that the matter be referred back to the Office of Hearings and Appeals, to determine the validity of the issuance of an Emergency Order to suspend the Gaming Employee Permit of Michael Crawford, OHA Docket No 42401, it is further ordered that the temporary suspension remain in effect until such time as the Board acts upon OHA's Report and Recommendation.

Board Decision: Passed by unanimous vote

BUREAU OF LICENSING

PGCB MOTION NO. 2008-220 LIC – Principal and Key Employee Licenses

Motion Made: Board Member McCabe
Seconded: Board Member Coy

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

Chester Downs and Marina, LLC

Helen Allman, Assistant General Manager and Vice President for Property Operations
Mark Andrews, Surveillance Manager
Vincent Donlevie, Senior Vice President and General Manager

Downs Racing, LP

Jennie Henderson, Cage Shift Manager
Michael Stiefel, Surveillance Lead
Kenneth Matthews, Security Shift Supervisor
James Andruskiewicz Jr., Slot Shift Manager
Thomas Sean Davenport, Security Supervisor

James Heist, Slot Supervisor
Robert John Soper, President/CEO
William Daniel Finken, VP of Slot Operations
Curtis James Rogers, Corporate Counsel

Greenwood Gaming and Entertainment, Inc.

Gary Edward Prestage, Director of Information Technologies
Andrew James Green, Group Vice President of Human Resources

Mountainview Thoroughbred Racing Association

Danielle Ruth Espenshade, Count Team Supervisor

Presque Isle Downs, Inc.

Thomas F. Trygar, Director of Internal Audit, MTR Gaming Group, Inc.
Ray Morrow, Director of Corporate Security, MTR Gaming Group, Inc.
Jacobs Investments, Inc.
Gameco Holdings, Inc.
Jacobs Entertainment, Inc.
The Richard E. Jacobs Revocable Living Trust Dated 4/23/87
Jacobs Family Control Trust Dated 9/27/05
Jacobs Family Economic Trust Dated 9/27/05
The Richard E. Jacobs 2005 Irrevocable Trust Dated 9/27/05
Richard E. Jacobs
Jeffrey P. Jacobs
Stanley R. Gorom, III
Lynda L. Jacobs
Minor Beneficiaries of Jacobs' Trusts:
Claire Jacobs (minor child)
Hanna Jacobs (minor child)
Renee Jacobs (minor child)
Caroline Jacobs (minor child)
Richard D. Jacobs (minor child)
Jeffrey P. Jacobs, II (minor child)

HSP Gaming, LP

Joann Weber, Vice President of Human Resources
Lisa S. Reilly, Director of Finance
Nicholas Kontonicolas, Director of Information Technology
George C. Mancuso, Vice President of Slot Operations

Mount Airy #1, LLC

James Oliveri, Slot Operations Manager
Joseph T. Marut, Director of Security
Christopher Wendolowski, Staff Accountant
Marie Sauers, Cage Shift Manager
Matthew G. Magda, Security Manager

Atronic Americas, LLC

David Hartman, Gaming Operations Sales Manager

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-221 LIC – Temporary Key Employee Licenses

Motion Made: Board Member Ginty

Seconded: Board Member Sojka

Resolved, the Board hereby approves the issuance of 101 Temporary Key Employee Licenses.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-222 LIC – Issuance of Permits and Registrations

Motion Made: Board Member Sojka

Seconded: Board Member Angeli

Resolved, the Board hereby approves the Order issuing 308 Gaming Employee Permits and 242 Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-223 LIC – Denial of Gaming and Non-Gaming Employee Permits and Registrations

Motion Made: Board Member Angeli

Seconded: Board Member Coy

Resolved, the Board hereby approves the Order denying gaming and non-gaming employee licenses as follows:

<u>BOL Dbase</u>	<u>Docket #</u>	<u>SLOTSLink</u>	<u>Applicant</u>
28522	G1011476		Gary Solomon
9084	G1011504		Tonny Payton
27500	G1010827		Shawn McConnell
27905	G1011084		Charles Clements
27904	G1011113		Mark McCandless
28203	G1011207		Tonya Kirkland
	G25608		Erika Morrison
9584	G1001011		Stacy Bettler-Renewal
27857	N1011069		Elwood Fusaro
28226	N1011298		Lonnie Wall

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-224 LIC – Applications for Vendor Certification

Motion Made: Board Member Coy
Seconded: Board Member Ginty

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

Blasz Construction, LLC
Edward Don & Company
Philadelphia D&M, Inc.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-225 LIC – Applications for Vendor Registration

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

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

A Personnel Connection, LLC
Action Lift, Inc.
Beaver Avenue Associates
Bettinger West Interiors, Inc.
Buckhead Beef Company
Carey Assets, Inc., DBA, Millennium Technologies
Casey Danielle Segen, DBA: Dimension Graphics
Clark - McKibben Safety Products, Inc.
Courtyard Management Corporation
Cumming Construction Management, Inc.; Cumming Corporation
Fine Consulting, Inc., DBA: The Fine Point Group
FORCE Drilling, LLC
Franklin Chemical Company, d/b/a Franklin Chemical and Equipment Co.
Global Sign & Design, Inc.
IJN, Inc.; DBA: Beths' Barricades
Joseph Waring
Kenneth L. Kramer
Lake Matley Clothing, Inc.
Levent, Inc., DBA: Architectural Brass Company
Levy Ad Group, Inc. DBA: Levy Production Group
Lincoln Meadow Lands, LLC
Morgan Company, Inc.
Mountain Vista Rentals, Inc., DBA: Tron Enterprises
NEC Unified Solutions, Inc.
Peter K. Griffin, Ltd., DBA: Beth-Allen Scaffold & Equipment
Randall Industries, LLC
Russo's Auto Service, Inc.
Skutski & Oltmanns, Inc.

SPC Services, Inc.
Strongstown's B and K Enterprises, Inc.
Suzanne Negro Consultant, LLC
The Baut Studios, Inc.
Upper Room, Inc., DBA: G-Zus Wear
Utz Quality Foods, Inc.
Valley Ag & Turf, LLC, DBA: Prime Line Equipment

Board Decision: Passed by unanimous vote

OFFICE OF ENFORCEMENT COUNSEL

PGCB MOTION NO 2008-226 OEC – Mountainview Thoroughbred Racing Association Consent Agreement

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approves the Consent Agreement between the Bureau of Investigations and Enforcement and Mountainview Thoroughbred Racing Association (Penn National) regarding underage gaming. In accordance with the terms of the Consent Agreement, Penn National shall pay a civil fine in the amount of five thousand dollars (\$5,000).

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-227 OEC – Revocation of Non-Gaming Employee Registration for Christopher Burns

Motion Made: Board Member Coy
Seconded: Board Member Sojka

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Christopher Burns, OHA Docket No. 42102.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-228 OEC – Revocation of Non-Gaming Employee Registration for Michelle Pauchnik

Motion Made: Board Member Sojka
Seconded: Board Member Angeli

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Michelle Pauchnik, OHA Docket No. 42021.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-229 OEC – Revocation of Non-Gaming Employee Registration for Jackie Gardner

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Jackie Gardner, OHA Docket No. 42127.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2008-230 OEC – Revocation of Non-Gaming Employee Registration for Michelle Lynn Kapalski

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Michelle Lynn Kapalski, OHA Docket No. 42158. It is further ordered that she 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. 2008-231 OEC – Revocation of Non-Gaming Employee Registration for Yen Bach Ngo

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby revokes the Non-Gaming Employee Registration for Yen Bach Ngo, OHA Docket No. 42072. It is further ordered that she 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. 2008-232 OEC – Revocation of Gaming Employee Permit for Emily Danielle Walters

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved, the Board hereby revokes the Gaming Employee Permit for Emily Danielle Walters, OHA Docket No. 42035. It is further ordered that she 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. 2008-233 OEC – Revocation of Gaming Employee Permit for Tamara Sallot

Motion Made: Board Member Angeli
Seconded: Board Member Sojka

Resolved, the Board hereby revokes the Gaming Employee Permit for Tamara Sallot, OHA Docket No. 42103. It is further ordered that she 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 Commissioner Coy motioned to adjourn, Commissioner McCabe seconded.