



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board October 27, 2010 Minutes

A meeting of the Pennsylvania Gaming Control Board was held on October 27, 2010 at the PUC Keystone Building, Hearing Room 1, Harrisburg, PA. The meeting began at approximately 10:00 a.m.

Members in attendance were:

Gregory C. Fajt, Chairman
Raymond S. Angeli
Jeffrey W. Coy
James B. Ginty
Kenneth T. McCabe
Gary A. Sojka
Kenneth Trujillo

Individuals who appeared officially before the Board:

David Rhen – Agency Financial Report
Claire Yantis – Personnel Related Items
Susan Yocum - Regulations
R. Douglas Sherman – Petitions
Steve Cook –Withdrawals, Report and Recommendations
Susan Hensel – Licensing Matters
Cyrus Pitre – Enforcement Actions
Dale Miller – Enforcement Actions
Katie Higgins – Enforcement Actions
Billie Jo Matelevich-Hoang – Enforcement Actions
Alan Kohler, Counsel, Greenwood Gaming & Entertainment, Inc.
Michael Sklar, Counsel, Mount Airy #1

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

PUBLIC HEARINGS/ARGUMENTS:

- Philadelphia Entertainment and Development Partners, LP (Foxwoods) - Office of Enforcement Counsel – Motion for Summary Judgment; Revocation
- Philadelphia Entertainment and Development Partners, LP (Foxwoods) - Motion for Summary Judgment; Revocation
- Aristocrat Technologies, Inc. – Modify Table Games’ Manufacturer License Fee

- Konami Gaming Inc., - Modify Table Games' Manufacturer License Fee
- Washington Trotting Association (The Meadows Racetrack & Casino) – Petition to Intervene in Woodlands Fayette (Nemacolin) Category 3 License Application
- Greenwood Gaming & Entertainment, Inc. – Petition for Approval of the Expansion of its Gaming Floor (OP-15) and Confidentiality Motion

PUBLIC MEETING

ANNOUNCEMENTS

Chairman Fajt announced that the Board held an Executive Session on October 26th and, again, just prior to this meeting. The purpose of yesterday's Executive Session was to discuss personnel matters, including new hires being acted upon at today's meeting and to discuss pending litigation with its counsel, as well as to conduct quasi-judicial deliberations relating to matters coming before the Board today.

He stated that today's Executive Session was for the purpose of conducting quasi-judicial deliberations regarding the hearings held earlier.

The Chairman also announced the Category 3 Resort Casino License schedule for the remaining applicants.

The hearings will be held at the Pennsylvania State Museum located at the corner of Third and North Streets in Harrisburg, with the order of hearings as follows:

On Tuesday, November 16, 2010 the Mason-Dixon Resorts, LP hearing, with a proposed location at the Eisenhower Hotel, Conference Center and Resort in Cumberland Township, Adams County will be held from 11:00 am to 3:00 pm and the Bushkill Group, Inc. hearing, with a proposed location at the Fernwood Hotel and Resort, Middle Smithfield Township, Monroe County will be held from 4:00 pm to 8:00 pm.

On Wednesday, November 17, 2010 the Woodlands Fayette, LLC hearing, with a proposed location at the Nemacolin Woodlands Resort, Wharton Township, Fayette County will be held from 10:00 am to 2:00 pm and the Penn Harris Gaming, LP hearing, with a proposed location at the Holiday Inn Harrisburg West, Hampden Township, Cumberland County will be held from 3:00 pm to 7:00 pm.

MINUTES/TRANSCRIPT

Approved the minutes of the August 19th and September 16th meetings and the transcript of the September 16, 2010 meeting.

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Board Decision: Passed by unanimous vote

HUMAN RESOURCES

PGCB MOTION NO. 2010-348 HR – Employment

Motion Made: Board Member Coy

Seconded: Board Member Sojka

Resolved, the Board hereby approves the following new hires for employment.

- ✓ Cassandra Fenstermaker – OEC - Assistant Enforcement Counsel
- ✓ Edward Barry – BIE Investigator Eastern Region
- ✓ Kathryn McDermott Speaks – Senior Counsel, Office of Chief Counsel

Board Decision: Passed by unanimous vote

OFFICE OF FINANCIAL MANAGEMENT

David Rhen, Budget Manager provided an Agency Financial Report.

OFFICE OF CHIEF COUNSEL

PGCB MOTION NO. 2010-349 REG – Temporary Regulation #125-134

Motion Made: Board Member Angeli

Seconded: Board Member Ginty

Resolved, the Board hereby adopts Temporary Regulation #125-134 and establishes a comment period of 30 days; and directs that the Temporary Regulation be posted on the Board's website.

Board Decision: Passed by unanimous vote

TABLED DURING PUBLIC MEETING:

- Philadelphia Entertainment and Development Partners, LP (Foxwoods); Office of Enforcement Counsel's Motion for Summary Judgment; RE: Revocation; OHA Docket Number 1408-2010
- Philadelphia Entertainment and Development Partners, LP (Foxwoods); Motion for Summary Judgment; RE: Revocation; OHA Docket Number 1408-2010
- Aristocrat Technologies, Inc.'s Petition to Modify Table Games' Manufacturer License; OHA Docket Number 1534-2010
- Konami Gaming, Inc.'s Petition to Modify Table Games' Manufacturer License; OHA Docket Number 1545-2010

PGCB MOTION NO. 2010-350 OCC – Petition / Washington Trotting Association

Motion Made: Board Member Angeli

Seconded: Board Member Coy

Resolved, the Board hereby approves Washington Trotting Association's Petition to Intervene in Woodlands Fayette Category 3 License Application. Intervenor is required to disclose any evidence it intends to introduce in the Woodlands Fayette, LLC proceedings to the applicant as directed by the Office of Hearings and Appeals.

Docket Number: 1664-2010

Board Decision: Passed 6-1 (Trujillo Dissenting)

PGCB MOTION NO. 2010-351 OCC – Petition / Mountainview Thoroughbred Racing Association

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approves Mountainview Thoroughbred Racing Association's (Hollywood Casino) Petition to Intervene in Penn Harris' Category 3 License Application.

Docket Number: 1626-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-352 OCC – Petition / Sands Bethworks, LLC

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approves Sands Bethworks, LLC's Petition for Approval of Gaming Floor Reconfiguration OP-10 with Confidentiality Motion.

Docket Number: 1679-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-353 OCC – Petition / Greenwood Gaming and Entertainment, Inc.

Motion Made: Board Member McCabe
Seconded: Board Member Ginty

Resolved, the Board hereby approves the Petition of Greenwood Gaming and Entertainment, Inc. to Expand its Gaming Floor (OP-15) and Motion for Confidentiality and with the conditions requested by the Office of Enforcement Counsel as well as an additional condition that, for the purpose of the Clean Indoor Air act that each separate gaming floor on the Greenwood property maintain at least 50% non-smoking.

Docket Number: 1630-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-354 OCC – Withdrawals / Surrenders

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby grants the withdrawal or surrender of Principal and Key Employee Applications, or Licenses, as well as Gaming Service Provider Registrations or Certifications as follows:

- ✓ Hagen Construction, Inc. PGCB Docket Number 1632-2010
- ✓ Imagraphics Corporations dba Branded Solutions PGCB Docket Number 1631-2010

✓ Vita Bus & Tours, Inc. PGCB Docket Number 1637-2010
✓ Donald P. Shiffer PGCB Docket Number 1578-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-355 OCC – Report and Recommendation / Michael Buckley

Motion Made: Board Member Sojka
Seconded: Board Member Trujillo

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and denied the Gaming Employee Permit of Michael Buckley.

Docket Number: 1553-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-356 OCC – Report and Recommendation / Henry Ceaser

Motion Made: Board Member Trujillo
Seconded: Board Member Angeli

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and approved the Gaming Employee Permit of Henry Ceaser.

Docket Number: 1541-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-357 OCC – Report and Recommendation / Willard M. Cooper

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and denied the Gaming Employee Permit of Willard M. Cooper.

Docket Number: 1573-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-358 OCC – Report and Recommendation / James Harris

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and approved the Gaming Employee Permit of James Harris. Harris' Gaming Employee Occupation Permit shall be conditioned so as to require that, once Harris receives his Permit and is employed by Penn National, he must provide documentation monthly to the Bureau of Licensing, demonstrating that he is current on his monthly payments to the Bankruptcy Trustee. This documentation should include copies of the monthly payments made to the Bankruptcy Trustee for the extent of Harris' payment arrangements and obligations.

Docket Number: 1561-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-359 OCC – Report and Recommendation / Orlando Simms

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and Appeals and continued the Emergency Suspension of Orlando Simms' Gaming Employee Permit.

Docket Number: 1575-2010
Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-360 OCC – Report and Recommendation / William Toupe

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby adopted the Report and Recommendation issued by the Office of Hearings and denied the Gaming Employee Permit of William Toupe. An additional notation was added that OEC issued its Notice of Recommendation of Denial of Original Application on June 17, 2010 not June 17, 2009.

Docket Number: 1535 -2010
Board Decision: Passed by unanimous vote

BUREAU OF LICENSING

PGCB MOTION NO. 2010-361 LIC – Atronic Americas, LLC

Motion Made: Board Member Sojka
Seconded: Board Member Trujillo

Resolved, the Board hereby approved the renewal of Atronic Americas, LLC's Slot Operator Manufacture License.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-362 LIC – GTECH Corporation

Motion Made: Board Member Trujillo
Seconded: Board Member Angeli

Resolved, the Board hereby approved the renewal of GTECH Corporation's Slot Operator Manufacture License.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-363 LIC – Spielo Manufacturing

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby approved the renewal of Spielo Manufacturing ULC’s Slot Operator Manufacture License.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-364 LIC – KGM Gaming, LLC

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby approved the renewal of KGM Gaming LLC’s Slot Operator Supplier License.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-365 LIC –Key Employee Licenses

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby approved the issuance of Key Employee Licenses as follows:

- ✓ **Mountainview Thoroughbred Racing Association**
Key Employee Initial Licensure
Joseph Lombardi, Director of Information Technology – Docket #22088-4
- ✓ **Sands Bethworks Gaming, LLC**
Key Employee Initial Licensure
Michael David Brodnan, Surveillance Shift Manager – Docket #37796-1

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-366 LIC – Temporary Principal and Key Employee Credentials

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approved the issuance of 4 Temporary Principal and 12 Temporary Key Employee Credentials.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-367 LIC – Issuance of Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member Sojka
Seconded Board Member Trujillo

Resolved, the Board hereby approves the Order for the issuance of 660 (408 initial; 1 renewal; 248 temporary G2; 3 full G2) Gaming Employee Permits and 204 Non-Gaming Employee Registrations

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-368 LIC – Denial / Gaming and Non-Gaming Permits and Registrations

Motion Made: Board Member Trujillo
Seconded Board Member Angeli

Resolved, the Board hereby approves the Order for denial of 11 Gaming Employee Permits and Non-Gaming Employee Registrations.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-369 LIC – Withdrawal / Key Employees, Gaming & Non-Gaming

Motion Made: Board Member Angeli
Seconded: Board Member Coy

Resolved, the Board hereby issued Orders approving the withdrawal of 61 Key Employee Applications, 32 Gaming Employee Permits and 4 Non-Gaming Employee Registrations

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-370 LIC – Gaming Service Provider Certification

Motion Made: Board Member Coy
Seconded: Board Member Ginty

Resolved, the Board hereby issues an Order approving the Gaming Service Provider Certifications as follows:

- ✓ Amerigas Propane d/b/a Amerigas and Propane Transport International
- ✓ The A.G. Mauro Company

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2010-371 LIC – Gaming Service Provider Registration

Motion Made: Board Member Ginty
Seconded: Board Member McCabe

Resolved, the Board hereby issues an Order approving the Gaming Service Provider Registrations as follows:

- ✓ B.J. McGlone & Co., Inc.
- ✓ Chadwick Service Company
- ✓ Digital Instinct LLC
- ✓ DNA Ambulance, Inc.
- ✓ Edmunds Communications Group
- ✓ EM Designs Inc.
- ✓ Felice R Bundy, DBA: Bry-Lex, LLC
- ✓ First Philadelphia Labor Services
- ✓ Galway Development Corporation
- ✓ Golden Rock Entertainment and Travel, Inc.
- ✓ Husky Provisions-Peter Musinski
- ✓ Jani-King of Pittsburgh, Inc.
- ✓ John Levy Lighting Productions, Inc.
- ✓ McCollisters Transportation Group, DBA: Logistic Management Services
- ✓ Mount Pocono Fence, DBA: Michael J. Connors
- ✓ P.B. Weiss Construction, Inc., DBA: Weiss Construction, Inc.
- ✓ Peregrine Co., Inc.
- ✓ R. Palmieri Electrical Contractors Inc.
- ✓ RedRock Software, LLC
- ✓ South Jersey Paper Products, Inc.
- ✓ Splash Media, LLC
- ✓ Starr Restaurants Catering Group, L.P., DBA: Starr Events
- ✓ TI Broadcast Solutions Group, LLC
- ✓ Tile Redi USA, LLC
- ✓ TKO Pest Control, Inc.
- ✓ Trace Electrical Services & Testing, LLC
- ✓ Two-K, Inc.

Board Decision: Passed by unanimous vote

OFFICE OF ENFORCEMENT COUNSEL

PGCB MOTION NO. 2010-372 OEC – Consent Agreement / Mount Airy #1 LLC

Motion Made: Board Member McCabe
Seconded: Board Member Sojka

Resolved, the Board hereby approves the Consent Agreement between the Office of Enforcement Counsel and Mount Airy #1, LLC for individuals on Self-Exclusion List gaming at facility and 1 individual on Self Exclusion List received promotional mailings. Mount Airy shall pay a civil penalty in the amount of \$40,000.

ADJOURNMENT

On a motion by Board Member Sojka, and seconded by Board Member Trujillo, the meeting was adjourned.

I HEREBY CERTIFY THAT THESE MINUTES WERE APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD AT A PUBLIC MEETING ON THE 16th DAY OF DECEMBER, 2010.

Mickey Kane, Board Secretary