

PENNSYLVANIA GAMING CONTROL BOARD

PUBLIC MEETING

JULY 10, 2008, 3:31 P.M.

STATE MUSEUM AUDITORIUM  
HARRISBURG, PENNSYLVANIA

BEFORE:

MARY DiGIACOMO COLINS, CHAIRMAN  
RAYMOND S. ANGELI  
JEFFREY W. COY  
JAMES B. GINTY  
KENNETH T. McCABE  
SANFORD RIVERS  
GARY A. SOJKA

HILLARY M. HAZLETT, REPORTER  
NOTARY PUBLIC

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1           CHAIRMAN DiGIACOMO COLINS: I was waiting for  
2 the PITG parties. I don't see them here. What we will  
3 do is we'll begin with the public meeting and then we  
4 can break and finish off that hearing.

5           All right. We have a quorum present. We'll  
6 begin our public meeting.

7           By way of announcement, the Board held an  
8 Executive Session on July 1st, July 9th, and prior to  
9 today's meeting in accordance with the Sunshine Act to  
10 discuss personnel issues, privileged agency business,  
11 and to consult with counsel and other professional  
12 advisors to the Board concerning current litigation or  
13 matters in which complaints are expected to be filed.

14           Now, the transcript and minutes, may I have a  
15 motion regarding the transcript and minutes?

16           COMMISSIONER SOJKA: Yes, Madam Chairman, I  
17 move that the Board approve the minutes and transcript  
18 of the May 29th, 2008 meeting.

19           COMMISSIONER RIVERS: Second.

20           CHAIRMAN DiGIACOMO COLINS: All in favor?

21           COMMISSIONERS: Aye.

22           CHAIRMAN DiGIACOMO COLINS: Opposed?

23           Motion carries.

24           The Executive Director's report.

25           MR. DONAGHUE: Good afternoon. Several members

1 of the Gaming Control Board, PGCB staff, and I traveled  
2 to Presque Isle Downs, the Meadows, and the Majestic  
3 Star construction site about two weeks ago. I would  
4 like to take a few moments to provide an update on these  
5 facilities and these projects.

6 During our visit to Presque Isle Downs, the  
7 Chair and PGCB executive staff toured the gaming  
8 facility, toured the backside of the facility, viewed  
9 the new barns, and met with the operations staff.

10 There had been some concerns about the material  
11 used for the floor of the barns creating an inordinate  
12 amount of dust that could be causing harm to the horses.  
13 We have received reports that the issue has been  
14 resolved.

15 With regard to the Meadows, there was a meeting  
16 held with casino officials on June 27th. The  
17 anticipated opening date is in April of 2009 with regard  
18 to their permanent project.

19 They will have 2,500 machines and the number of  
20 employees will increase from slightly more than 500 to  
21 approximately 700. The project is progressing on  
22 schedule.

23 Turning to the Mohegan Sun facility, with  
24 respect to Mohegan Sun, the PGCB staff has been working  
25 diligently with regard to the opening of the permanent

1 facility.

2           The Gaming Laboratory Operations Staff have  
3 verified the connectivity to the GTECH Central Control  
4 Computer System. Currently, there is a 98 percent  
5 connectivity on the GTECH system and 95 percent  
6 connectivity on the Bally ACSC in-house accounting  
7 systems.

8           This confirmed that only approved Pennsylvania  
9 software is installed and continued to inspect the floor  
10 for compliance with the minimum of 85 percent of payback  
11 pursuant to the Statute.

12           The Bureau of Casino Compliance indicates that  
13 the facility opening appears to be on track without any  
14 important issues at this point.

15           The racetrack facility will have 1,186 machines  
16 operational during the six-hour test period with an  
17 additional 2,180 machines in the new facility for a  
18 total slightly more than 3,300 machines. That number  
19 will be reduced to 2,479 as Mohegan will be shutting  
20 down their lower level of the racetrack, which includes  
21 approximately 900 games.

22           They will begin to systematically remove and  
23 replace machines in what they are referring to as  
24 Project Sunrise with the older games after they open.  
25 They purchased a lot of short-term lease games to

1 fulfill their new facility and will swap the lease games  
2 with the games that they own after opening.

3 The current employees is 685, and they  
4 anticipate hiring to reach a total of approximately  
5 1,400 employees upon the opening of the permanent  
6 facility.

7 The test night is being held on Tuesday, July  
8 15th from 5:00 to 11:00 p.m., and the opening ceremony  
9 is currently scheduled for Thursday, July 17th. That  
10 completes my report.

11 CHAIRMAN DiGIACOMO COLINS: Thank you very  
12 much.

13 Eileen McNulty, please.

14 MS. McNULTY: Thank you, Chairman Colins and  
15 Board members. The first item on our agenda is the  
16 hiring of agency staff. We have three new employees who  
17 have been vetted and have been -- have completed their  
18 background and drug testing.

19 The three employees are Nicole Yager, Licensing  
20 Technician in the Bureau of Licensing; Alvanto Chandler,  
21 Casino Compliance Representative at Presque Isle Downs  
22 and Geraldine Long, Forensic Accountant at BIE's Eastern  
23 Regional Office.

24 CHAIRMAN DiGIACOMO COLINS: Thank you.

25 May I have a motion?

1           COMMISSIONER RIVERS: Yes. Madam Chairman,  
2 based on the Recommendation of the CFO, I move that the  
3 Board approve the hiring of staff on the basis that  
4 these employees have completed the necessary background  
5 investigation and drug testing program.

6           COMMISSIONER McCABE: Second.

7           CHAIRMAN DiGIACOMO COLINS: All in favor?

8           COMMISSIONERS: Aye.

9           CHAIRMAN DiGIACOMO COLINS: Opposed?

10          Motion carries.

11          Go on.

12          MS. McNULTY: Thank you. This months's report  
13 of the Chief Financial Officer covers expenses for  
14 fiscal year 2007 recorded by the Gaming Control Board  
15 through the end of June of 2008.

16          The year-to-date figures in this report do not  
17 necessarily represent the entire fiscal year's expenses  
18 as many expenses that will accrue to fiscal year 2007  
19 will not be billed until later this month.

20          A more complete report of this fiscal year's  
21 total expenditures will be made at a later date.

22          Spending to date this fiscal year totaled  
23 \$26,824,418. June spending was \$3,002,133 or 11.2  
24 percent of the year-to-date total.

25          Payroll expense through June totaled

1 \$20,727,238 or 77 percent of total spending to date in  
2 the fiscal year. June's personnel expense totaled  
3 \$1,736,835.

4 Operating expenses recorded in June totaled  
5 \$1,265,297, bringing the year-to-date total of operating  
6 expenses to \$6,097,180. Operating expenses were 42.1  
7 percent of June spending and 22.7 percent of  
8 year-to-date spending.

9 Rentals and leases totalling \$1,639,024 is our  
10 largest category of operating expense to date and  
11 represents 27 percent of operating expenses for the  
12 period. June lease rental expense was \$109,877.

13 The second largest category of operating  
14 expense accounting for 16.2 percent is the category  
15 described as other.

16 Subscription costs to Choice Point Data  
17 Services for background investigations represents 78  
18 percent of this category. This category added \$106,436  
19 to the month's operating expenses and \$987,684 year to  
20 date.

21 Equipment purchases totalling \$961,991 are the  
22 third largest category of operating expense year to date  
23 and represent 15.8 percent of operating expenses. More  
24 than 90 percent of this category is computer hardware  
25 and software.

1           Services are the fourth largest category of  
2 year-to-date expense contributing \$959,283 or 15.7  
3 percent of year-to-date operating expenses. June  
4 expenses in this category totaled \$139,471. Interagency  
5 billings are a significant portion of this category.  
6 Billings for computer, financial, and legal consultants  
7 make up the remainder of that category.

8           Telecommunication costs of \$674,102 comprise,  
9 and travel expenses totalling \$525,224 comprise another  
10 20 percent of operating expenses through the end of  
11 June.

12           Investigative reimbursements of \$3,986,987 were  
13 earned during the fiscal year. Additionally, license  
14 fees of \$490,000 were collected and operations of the  
15 gaming lab amounting to \$903,545 were reimbursed to us.  
16 That completes the financial report.

17           Next is the consideration of Local Law  
18 Enforcement Grants and I'll ask Stacey Knavel to present  
19 those.

20           CHAIRMAN DiGIACOMO COLINS: Okay.

21           MS. KNAVEL: I have five local law enforcement  
22 grants recommended for approval today. They are the  
23 municipality of Penn Hills in Allegheny County, \$44,972;  
24 the Luzerne County District Attorney, \$52,630; the South  
25 Fayette Township Police Department, \$69,923.83; the

1 Monroe County District Attorney, \$90,000; and the  
2 Harrison Township Police Department, \$14,839. The total  
3 is \$272,364.83.

4 CHAIRMAN DiGIACOMO COLINS: All right. Thank  
5 you.

6 May I have a motion for the approval?

7 COMMISSIONER McCABE: Madam Chair, I move that  
8 the Board approve the local law enforcement grants as  
9 described by the Grant Administrator.

10 COMMISSIONER GINTY: Second.

11 CHAIRMAN DiGIACOMO COLINS: All in favor?

12 COMMISSIONERS: Aye.

13 CHAIRMAN DiGIACOMO COLINS: All opposed?

14 Motion carries.

15 Thank you very much.

16 (PITG public hearing continued.)

17 CHAIRMAN DiGIACOMO COLINS: All right. Let's  
18 continue with our hearing. Office of Chief Counsel,  
19 please.

20 MR. SHERMAN: Good afternoon, Madam Chairman,  
21 members of the Board. Our first agenda item relates to  
22 proposed regulations, which Director of Regulatory  
23 Review, Richard Sandusky will address.

24 MR. SANDUSKY: Good afternoon. The first item  
25 for Board consideration is Final-form Adoption of

1 Regulation No. 125-78.

2           This regulation has to do with unredeemed  
3 gaming vouchers and really was precipitated by the  
4 receipt from the Department of Treasury of a legal  
5 opinion that unredeemed gaming vouchers fall under the  
6 disposition of the Abandoned and Unclaimed Property Act.

7           The regulation will require slot machine  
8 licensees to amend their internal controls related to  
9 gaming vouchers to do three things; establish procedures  
10 for the payment of the value of unredeemed gaming  
11 vouchers to patrons who can be identified, establishment  
12 of procedures for tracking all unredeemed gaming  
13 vouchers, and providing the required reports to the  
14 Department of Treasury, and also the inclusion of  
15 provisions, which call for the submission of copies of  
16 those reports to Treasury to the Board so that we can  
17 monitor compliance.

18           We had received comments from Treasury, the  
19 Independent Regulatory Review Commission, and three slot  
20 machine licensees. A number of the comments offered  
21 suggestions for perhaps streamlining the process.

22           Unfortunately, most of those suggestions run  
23 afoul of the statutory language in the Disposition of  
24 Abandon and Unclaimed Property Act so they could not be  
25 adopted.

1           We did add some clarification as requested by  
2 commentators by establishing a \$25 threshold, which will  
3 trigger the responsibility on the part of the slot  
4 machine licensee to make a refund to patrons that can be  
5 identified.

6           We refined that phrase patrons that can be  
7 identified to specify identity through the player  
8 tracking system.

9           Aside from that, if there are any questions,  
10 I'll be happy to try and answer them. If there are no  
11 questions, we would ask for a motion for adoption of the  
12 Final-form Regulation.

13           CHAIRMAN DiGIACOMO COLINS: All right. A  
14 motion please?

15           COMMISSIONER COY: Madam Chair, I move the  
16 Board adopt the Final-form Regulation No. 125-78  
17 amending Chapter 461a and that the Final-form Regulation  
18 be posted on the Board's website.

19           COMMISSIONER ANGELI: Second.

20           CHAIRMAN DiGIACOMO COLINS: All in favor?

21           COMMISSIONERS: Aye.

22           CHAIRMAN DiGIACOMO COLINS: Opposed?

23           Motion carries.

24           MR. SANDUSKY: Thank you. The second item for  
25 consideration by the Board today is Final-form Adoption

1 of Regulation No. 125-79.

2 This regulation is an omnibus package, which  
3 contains a variety of amendments which were proposed as  
4 a result of experience the Board has gained.

5 Included in the rulemaking are changes to slot  
6 machine design standards, a number of changes to  
7 existing internal control requirements, and a total  
8 rewrite of jackpot payout procedures and an expansion of  
9 the procedures related to merchandise jackpots.

10 On this regulation, we received comments from  
11 the Independent Regulatory Review Commission, IGT, and  
12 three of the slot licensees.

13 The bulk of these comments requested either  
14 further clarification on certain provisions or offered  
15 suggestions for clarification.

16 A number of those suggestions have been rolled  
17 into this Final-form package. I would be happy to  
18 answer any questions the Board members may have; and if  
19 not, would ask for a motion for adoption.

20 CHAIRMAN DiGIACOMO COLINS: Motion please?

21 COMMISSIONER ANGELI: Madam Chairman, I move  
22 that the Board adopt Final-form Regulation No. 125-79  
23 amending Chapters 401a, 435a, 439a, 441a, 461a, 463a,  
24 and 465a and that the Final-form Regulation be posted on  
25 the Board's website.

1 COMMISSIONER SOJKA: Second.

2 CHAIRMAN DiGIACOMO COLINS: Any questions?

3 All in favor?

4 COMMISSIONERS: Aye.

5 CHAIRMAN DiGIACOMO COLINS: Opposed?

6 Motion carries. Thank you very much.

7 MR. SHERMAN: Next on the agenda are  
8 withdrawals presented by Deputy Chief Counsel Steve  
9 Cook.

10 MR. COOK: Good afternoon. The Board has  
11 received 14 unopposed petitions to withdraw  
12 applications, which include 12 Key Employee  
13 applications, one waiver application, and one renewal  
14 application.

15 A listing of the individuals in each category  
16 along with the licensing docket numbers have been  
17 provided to the Board. These petitions would all be  
18 granted without prejudice.

19 The Office of Enforcement Counsel is present to  
20 represent its position with respect to these petitions.

21 Chief Counsel's Office submits the 14 petitions  
22 to the Board for consideration of a motion to grant the  
23 petitions without prejudice.

24 The individuals are as follows: The Key  
25 Employees are Patrick Agnello, Philipp Hawkins, James

1 Perillo, Michael Stephens, Shaun Hall, Kenneth Luchka,  
2 Steven Planchion, Kathryn Lantzy, Francis Haynes,  
3 Stephen Parker, Ronald Skotarczak, and Seth Berger.

4 The one waiver application is Martin Oliveras.

5 The renewal application is Roland Harris.

6 CHAIRMAN DiGIACOMO COLINS: Office of Chief of  
7 Enforcement Counsel.

8 MR. PITRE: Office of Enforcement Counsel has  
9 no objection to the withdrawals.

10 CHAIRMAN DiGIACOMO COLINS: Okay. Good.

11 May I have a motion then?

12 COMMISSIONER SOJKA: Yes. Madam Chairman, I  
13 move that the Board approve the Orders to withdraw the  
14 applications as just described by the Office of Chief  
15 Counsel.

16 COMMISSIONER RIVERS: Second.

17 CHAIRMAN DiGIACOMO COLINS: All in favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN DiGIACOMO COLINS: Opposed?

20 Motion carries.

21 MR. COOK: The Board has also received one  
22 additional petition to withdraw. This final petition  
23 being presented to the Board is Presque Isle Downs  
24 petition to withdraw the Key Employee application of  
25 Mauryon Gamble.

1           Prior to licensing, Mr. Gamble resigned his  
2 position and will no longer be employed with Presque  
3 Isle Downs. He sought to withdraw his application  
4 without prejudice.

5           The Office of Enforcement Counsel has filed a  
6 response in which it objected to the withdrawal without  
7 prejudice and argued that the withdrawal should be with  
8 prejudice averring that during the background  
9 investigation of Mr. Gamble, the Bureau of  
10 Investigations and Enforcement discovered that he failed  
11 to provide complete and accurate information including  
12 information concerning prior arrests, involvement in  
13 civil litigation, and other matters.

14           Mr. Gamble was served with a copy of the Office  
15 of Enforcement Counsel's answer. However, he did not  
16 file any response or objections, nor did he request a  
17 hearing.

18           Moreover, Mr. Gamble has been provided with  
19 notice that the matter was being submitted to the Board  
20 for consideration.

21           The Office of Enforcement Counsel submits this  
22 petition to withdraw to the Board for consideration upon  
23 a documentary hearing basis.

24           CHAIRMAN DiGIACOMO COLINS: Any objection?

25           MR. CREANY: Barry Creany for the Office of

1 Enforcement Counsel. The Enforcement Counsel would  
2 agree with the summary provided by Chief Counsel. We  
3 were just waiting on proof of service, and that was  
4 filed with the Clerk on May 5th.

5 MR. PITRE: We have no objection.

6 CHAIRMAN DiGIACOMO COLINS: Thank you.

7 May I have a motion?

8 COMMISSIONER RIVERS: Yes. Madam Chairman, I  
9 move that the Board approve the petition to withdraw the  
10 Key Employee application with prejudice as described by  
11 the Office of Chief Counsel.

12 CHAIRMAN DiGIACOMO COLINS: All in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN DiGIACOMO COLINS: Did we get a  
15 second? Was there a second to that?

16 COMMISSIONER McCABE: Second.

17 CHAIRMAN DiGIACOMO COLINS: Okay. Thank you.

18 Now all in favor?

19 COMMISSIONERS: Aye.

20 CHAIRMAN DiGIACOMO COLINS: Opposed? Motion  
21 carries.

22 Thank you. Next matter.

23 MR. SHERMAN: Next, we have petitions. Today  
24 the Board is being presented with three petitions before  
25 it.

1           The Board has been provided with the petitions,  
2 the responses from Enforcement Counsel, and supporting  
3 evidentiary materials. In addition, in each case, the  
4 petitioners have been notified that the Board is  
5 considering the matters today and that they have a right  
6 to be present to address the Board.

7           The first Petition before the Board is that of  
8 Downs Racing. It's the Petition for Approval to Operate  
9 Additional Slot Machines.

10           As presented in preparation for the grand  
11 opening of its permanent facility, Downs Racing is  
12 requesting to operate 3,684 machines at its licensed  
13 facility for a limited six-hour period during the test  
14 night to be held on July 15th.

15           Those machines include 2,481 machines in the  
16 permanent facility and call for 1,203 machines, which  
17 are currently available in the temporary facility to  
18 remain operational during the test period.

19           OEC has filed an answer and did not object to  
20 the relief requested by Downs Racing. However, they  
21 have proposed a list of conditions to be imposed upon  
22 the request for the additional machines should the Board  
23 grant the Petition.

24           The Board is considering this matter upon a  
25 documentary hearing. It is ripe for review.

1           MR. PITRE:  Would you like Office of  
2 Enforcement Counsel to read the conditions requested  
3 into the record?

4           CHAIRMAN DiGIACOMO COLINS:  No.  I don't think  
5 that's necessary.  We have those in our documents?

6           MR. PITRE:  Yes.

7           CHAIRMAN DiGIACOMO COLINS:  All right.  
8 Therefore, I would like a motion.

9           COMMISSIONER McCABE:  Madam Chair, I move that  
10 the Board approve the Petition submitted by Downs  
11 Racing, LP, with certain conditions recommended by the  
12 Office of Enforcement Counsel.

13          COMMISSIONER GINTY:  Second.

14          CHAIRMAN DiGIACOMO COLINS:  All in favor?

15          COMMISSIONERS:  Aye.

16          CHAIRMAN DiGIACOMO COLINS:  Opposed?

17          Motion carries.

18          MR. SHERMAN:  The next Petition before the  
19 Board today is of Washington Trotting Association.  It's  
20 their Petition for Waiver of Certain Educational  
21 Agencies and Schools from Vendor Registration and  
22 Certification Requirements.

23                 As presented in the Petition, educational  
24 agencies and schools participate in fund-raising efforts  
25 whereby they purchase gift certificates from restaurants

1 or businesses at reduced rates and then sell them for  
2 full price keeping the difference to benefit the school.

3 WTA has indicated a desire to participate in  
4 that proposed program and has requested that the vendor  
5 registration requirements otherwise applicable to those  
6 who do business with casinos be waived.

7 While this is being presented upon a  
8 documentary hearing, Marie Jones, counsel for WTA is  
9 present and is able to address the matter further on  
10 behalf of WTA in the form of oral argument.

11 MS. JONES: Good afternoon, Chairman Colins and  
12 Board members. As Chief Counsel so nicely put it, this  
13 is a great program that WTA is proposing.

14 They are going to hopefully be able to purchase  
15 gift cards from educational institutions and schools,  
16 both public and private.

17 Basically, they pay full price and the  
18 difference that the school gets them at a discounted  
19 rate goes to the school for fund-raising purposes.

20 To do this, we are seeking an exemption from  
21 the vendor registration and vendor certification  
22 requirements.

23 With respect to the public schools, they are  
24 considered under Pennsylvania Case Law to be political  
25 subdivision and as such could be considered local

1 agencies and therefore exempt pursuant to your  
2 regulation 437(a)(1) -- I lost my spot here -- (5).  
3 Okay. So we would just like confirmation of that.

4 With respect to the private educational  
5 agencies and there are schools such as private schools,  
6 Catholic schools, schools for the blind, we seek  
7 exemption for them.

8 They are licensed by the Pennsylvania  
9 Department of Education. They have been properly  
10 licensed in each instance or would be. We find that  
11 they would fit within an exemption, we believe. So we  
12 are seeking those approvals.

13 CHAIRMAN DiGIACOMO COLINS: Very good. Thank  
14 you.

15 May I have a motion?

16 COMMISSIONER GINTY: I have a question. Just  
17 so -- this is a very limited waiver, which would simply  
18 put these private schools on the same basis and standing  
19 as the public schools?

20 MS. JONES: Correct.

21 COMMISSIONER GINTY: With that, Madam Chairman,  
22 I move the Board approve the Petition submitted by  
23 Washington Trotting Association with the conditions  
24 recommended by the Office of Enforcement Counsel.

25 COMMISSIONER COY: Second.

1           COMMISSIONER SOJKA: Could we have one very  
2 quick discussion on that? These would then go down as  
3 far as charter schools but would not touch home  
4 schooling, I trust?

5           MS. JONES: No, they would not.

6           COMMISSIONER SOJKA: Okay. Fine. Thank you.

7           CHAIRMAN DiGIACOMO COLINS: All in favor?

8           COMMISSIONERS: Aye.

9           CHAIRMAN DiGIACOMO COLINS: Motion carries.

10          MS. JONES: Thank you.

11          CHAIRMAN DiGIACOMO COLINS: Thank you.

12          MR. SHERMAN: The final Petition before the  
13 Board is Valley View Downs, LP, Petition for  
14 Consideration of Alternative and/or Conditional  
15 Licensing Standards.

16                 The Board has held the hearing earlier today on  
17 that Petition and the record is now closed. We would  
18 suggest that it is now appropriate for the Board to  
19 consider that motion.

20          CHAIRMAN DiGIACOMO COLINS: Very good.

21          MR. SHERMAN: That Petition. I'm sorry.

22          CHAIRMAN DiGIACOMO COLINS: All right.

23                 Office of Enforcement Counsel?

24          MR. PITRE: We basically --

25          CHAIRMAN DiGIACOMO COLINS: You have nothing

1 further?

2 MR. PITRE: The record is closed. We have  
3 nothing further.

4 CHAIRMAN DiGIACOMO COLINS: Very good.

5 Then may I have a motion at this point?

6 COMMISSIONER GINTY: Madam Chairman --

7 CHAIRMAN DiGIACOMO COLINS: Yes.

8 COMMISSIONER GINTY: -- you know, first of all,  
9 I want to compliment Justice Lamb and Mr. King and the  
10 Valley View people as well as the good people from  
11 Lawrence County.

12 You certainly have made a compelling case as to  
13 what your project means for the Horse Association, as  
14 well as for the economic development of Lawrence County.

15 Having said that, it's clear to me in the  
16 statute that those two things that the statute hopes to  
17 accomplish are secondary to the requirement that this  
18 Board act in the public interest to maintain the  
19 integrity of our process and procedure.

20 And if nothing else, over the past number of  
21 months since, at least since I have been on the Board,  
22 the Legislature has made it abundantly clear that that  
23 is the priority.

24 So, with regret, I don't see how given the  
25 nature of the application -- Mr. King, I don't agree

1 that it meets the requirements of 315 but also because  
2 of where the status of the investigation is. I don't  
3 see how this Board can grant your application.

4 So, with regret, Madam Chairman, I move that we  
5 deny the application for an Alternative or Conditional  
6 License.

7 CHAIRMAN DiGIACOMO COLINS: May I have a  
8 second?

9 COMMISSIONER COY: Second.

10 CHAIRMAN DiGIACOMO COLINS: Any questions or  
11 further comments?

12 All in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN DiGIACOMO COLINS: Opposed?

15 Motion carries. The Petition is denied for  
16 Conditional Licensing.

17 I just want to add that this is an interim  
18 petition. It does not impact on the status of the  
19 application going forward at this point. Thank you.

20 MR. COOK: Next to be considered by the Board  
21 are Reports and Recommendations. The Board has received  
22 four Reports and Recommendations from the Office of  
23 Hearings and Appeals following hearings relative to  
24 applications for three Non-gaming Registrations and one  
25 Gaming Permit.

1           The Reports and Recommendations along with the  
2 records pertinent to each hearing have been provided to  
3 the Board in advance of this meeting.

4           In addition, in each case, the Applicants have  
5 been notified that the Board is considering the Report  
6 and Recommendation today and that they have the right to  
7 be present to address the Board. If any of the  
8 individuals are present today, they should come forward  
9 when their name is announced.

10           The first is Mark Davidson. Mr. Davidson  
11 submitted his application for a Non-gaming Employee  
12 Registration to work as a housekeeper at Presque Isle  
13 Downs.

14           Mr. Davidson reported on his application that  
15 he had never been arrested or charged with any crime or  
16 offense.

17           During the Bureau of Investigations background  
18 investigation, it was discovered that between 1997 and  
19 2000, Mr. Davidson had, in fact, been arrested three  
20 times for simple assault, burglary, and forgery.  
21 Moreover, he was convicted for related theft charges.

22           As a result of these charges the Office of  
23 Enforcement Counsel took action to deny Mr. Davidson's  
24 Non-gaming Employee Registration.

25           Mr. Davidson requested a hearing on the matter,

1 which was scheduled for April 15th, 2008. However, he  
2 failed to appear.

3 The May 2nd, 2008 Report and Recommendation of  
4 the Office of Hearings and Appeals recommends that due  
5 to Mr. Davidson's felony conviction and his failure to  
6 appear for his hearing that it would be appropriate for  
7 the Board to consider a motion to adopt the  
8 Recommendation of the Office of Hearings and Appeals and  
9 deny the registration of Mark Davidson.

10 CHAIRMAN DiGIACOMO COLINS: Office of Chief  
11 Enforcement Counsel?

12 MR. MILLER: Good afternoon, Madam Chairman,  
13 members of the Board. Dustin Miller on behalf of the  
14 Office of Enforcement Counsel. We have no objection to  
15 the Recommendation of Hearings and Appeals.

16 CHAIRMAN DiGIACOMO COLINS: Very good.

17 May I have motion?

18 COMMISSIONER COY: Madam Chair, I move the  
19 Board approve the Order to deny the Non-gaming Employee  
20 Registration as described by the Office of Chief  
21 Counsel.

22 COMMISSIONER ANGELI: Second.

23 CHAIRMAN DiGIACOMO COLINS: All in favor?

24 COMMISSIONERS: Aye.

25 CHAIRMAN DiGIACOMO COLINS: Opposed?

1 Motion carries.

2 Next matter.

3 MR. COOK: The second Report and Recommendation  
4 is that of Kahlil Dupree. On October 2007, Mr. Dupree  
5 submitted his non-gaming employee registration as a Grab  
6 and Go Restaurant attendant at Philadelphia Park.

7 In his application Mr. Dupree disclosed two  
8 arrests. However, during BIE's investigation, it was  
9 discovered that he failed to report six other arrests.  
10 These arrests included 43 separate charges including 10  
11 felony grade offenses. These arrests culminated in five  
12 convictions, two of which were for felony charges.

13 As a result of these findings, the Office of  
14 Enforcement Counsel took action to deny Mr. Dupree's  
15 non-gaming employee registration.

16 Mr. Dupree subsequently requested a hearing  
17 before a Hearing Officer of the Board. After several  
18 continuances requested by Mr. Dupree, a hearing was held  
19 on April 30th, 2008.

20 Mr. Dupree failed to attend that hearing and it  
21 was held in absentia. A May 9th, 2008 Report and  
22 Recommendation is now before the Board.

23 It recommends that due to Mr. Dupree's criminal  
24 history and his failure to appear at his hearing that it  
25 would be appropriate for the Board to now consider a

1 motion adopting the Report and Recommendation and  
2 denying the registration of Mr. Dupree.

3 MR. MILLER: Once again, the Office of  
4 Enforcement Counsel has no objection to the  
5 Recommendation of Hearings and Appeals.

6 CHAIRMAN DiGIACOMO COLINS: Very good.  
7 May I have a motion?

8 COMMISSIONER ANGELI: Madam Chairman, I move  
9 that the Board approve the Order to deny the non-gaming  
10 employee registration as described by the Office of  
11 Chief Counsel.

12 COMMISSIONER SOJKA: Second.

13 CHAIRMAN DiGIACOMO COLINS: All in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN DiGIACOMO COLINS: Opposed?

16 Motion carries.

17 MR. COOK: The third Report and Recommendation,  
18 Madam Chairman, involves Jeffrey B. Mahoney, who I  
19 understand may be here today.

20 CHAIRMAN DiGIACOMO COLINS: Mr. Mahoney, come  
21 up, please.

22 MR. COOK: Obviously, Mr. Mahoney will have an  
23 opportunity to address the Board.

24 CHAIRMAN DiGIACOMO COLINS: Mr. Mahoney, take a  
25 seat right by the microphone, if you would.

1           MR. COOK: Briefly, Madam Chairman, Mr. Mahoney  
2 was issued a non-gaming employee registration on May  
3 2nd, 2007, to work as a valet parking attendant at the  
4 Meadows Racetrack and Casino.

5           On November 21st, 2007, Mr. Mahoney was  
6 observed by surveillance personnel gaming on two  
7 different slot machines at the Meadows in violation of  
8 Pennsylvania Gaming Control Board regulations and the  
9 conditions of his non-gaming registration.

10           During his hearing before the Office of  
11 Hearings and Appeals, Mr. Mahoney did not deny that he  
12 was gaming. Mr. Mahoney further admitted to attending  
13 orientation sessions at the Meadows prior to the  
14 incident at issue at which time he was told about a  
15 prohibition against wagering at the facility.

16           Based upon the Report and Recommendation before  
17 the Board, the Office of Chief Counsel feels it would be  
18 appropriate for the Board to consider a motion to adopt  
19 the Recommendation of the Office of Hearings and  
20 Appeals; but obviously, Mr. Mahoney would first like to  
21 address the Board.

22           CHAIRMAN DiGIACOMO COLINS: Yes, sir.

23           All right. Mr. Mahoney, what would you like to  
24 tell us?

25           MR. MAHONEY: I have a brief summary I have

1 prepared that I would like to read.

2 CHAIRMAN DiGIACOMO COLINS: Go on. Go right  
3 ahead.

4 MR. MAHONEY: Well, first of all, thank you for  
5 letting me talk to you today. I'm here on my own  
6 because I could not afford my lawyer to drive up to  
7 Harrisburg today.

8 I first started working at the Meadows when the  
9 slot casino opened. I was hired as a valet. I parked  
10 cars. I generally worked the hours of 3:00 p.m. to  
11 11:00. My shift supervisor was Steve Skariot.

12 I saw my supervisor Steve Skariot gamble and  
13 everybody knew that Steve Skariot was playing the slots.  
14 There were rumors that it was wrong to gamble but there  
15 he was playing the slots.

16 I thought if it was wrong to play the slots  
17 that he should have stopped gambling. I made a  
18 complaint out loud, if Steve is allowed to gamble in the  
19 casino, I guess we are all allowed to gamble.

20 At least two supervisors heard this complaint;  
21 Mike Cirillo and Sandy Davidson along with many of my  
22 coworkers.

23 No action was ever taken against Steve Skariot.  
24 Steve Skariot has a son-in-law, who also works at the  
25 Meadows. Steve Skariot's son-in-law is Michael Keelon.

1           Steve Skariot's son-in-law, Michael Keelon is  
2 the compliance officer at the Meadows. If anybody would  
3 know whether a valet or his supervisor could play the  
4 slots, it would be Michael Keelon.

5           As you might imagine, the fact that Steve  
6 Skariot was playing the slots and everyone knew that  
7 Steve Skariot was playing the slots caused a lot of  
8 confusion.

9           People have asked me if you were so confused,  
10 then why didn't you ask anybody whether it was okay to  
11 gamble. The answer is, I thought I did ask. I turned  
12 in Steve Skariot for gambling and nothing happened to  
13 Steve Skariot.

14           As you know, I have been terminated at the  
15 Meadows for playing the slots. I feel that it is wrong  
16 for me to be terminated when Steve Skariot was playing  
17 the slots and his son-in-law, Michael Keelon did not do  
18 anything about it.

19           When I got the complaint in this case, the  
20 first thing I did was request the file for the  
21 investigation of Steve Skariot. I thought that his file  
22 would surely prove that it was okay to gamble.

23           My lawyer made a request for production of  
24 documents. My lawyer -- the lawyer for the Board did  
25 not produce the Steve Skariot file.

1           My lawyer filed a motion to compel the  
2 production of documents. The Clerk's office said there  
3 would be a filing fee. My lawyer asked the Clerk's  
4 office if the fee could be waived if I could not afford  
5 to pay. He was assured by the Clerk's office that the  
6 fee might be waived if I submitted a request in writing.

7           I submitted a request in writing and gave my  
8 reasons for the waiver of the fee. I never got a  
9 response from the Clerk's office. I never got a ruling  
10 from the Administrative Law Judge as to whether I could  
11 have the Steve Skariot file. My case was not fully  
12 presented in Court because I was not given the Skariot  
13 file.

14           I might add that the Administrative Judge made  
15 a ruling on other motions without my having to pay a  
16 filing fee. For example, my lawyer made a Motion to  
17 Vacate the Protective Order that the Administrative  
18 Judge placed on this case to stop anyone from ever  
19 talking about it. The Judge ruled on the motion without  
20 my paying a filing fee.

21           The point is, I do not feel that I got a fair  
22 hearing. My lawyer tells me that there are three kinds  
23 of employees that work at the Meadows. There are key  
24 employees, gaming employees, and non-gaming employees.

25           My lawyer tells me that a valet or parking

1 attendant is specifically excluded from the Gaming  
2 Statute. My lawyer tells me that the Commonwealth of  
3 Pennsylvania has authorized the Gaming Control Board to  
4 issue licenses and permits.

5           The licenses is (sic) issued to key employees  
6 upon proof of good moral character and other criteria  
7 found in statute.

8           Key Employees include any individual who is  
9 employed in a director or department head capacity who  
10 is empowered to make discretionary positions to slot  
11 operations.

12           A gaming permit is issued to gaming employees  
13 upon proof of an offer of employment and other criteria  
14 found in statute.

15           Gaming employees includes cashier, change  
16 personnel, counting room personnel, slot attendants,  
17 hosts, and other persons authorized to extend  
18 complimentary services, machine mechanics or computer  
19 machine technicians, security personnel, supervisors and  
20 managers.

21           I was a valet. As a valet, I was not a key  
22 employee subject to license nor was I gaming employee  
23 subject to permit.

24           The statute does not have section that  
25 authorizes the registration of non-gaming employees.

1 The valet is specifically excluded by statute from the  
2 definition of a gaming employee.

3 The term gaming employee does not include  
4 bartenders, cocktail servers, or other persons engaged  
5 solely in preparing or serving food or beverages --

6 CHAIRMAN DiGIACOMO COLINS: Mr. Mahoney, did  
7 you play those slot machines?

8 MR. MAHONEY: Off duty.

9 CHAIRMAN DiGIACOMO COLINS: Okay. You did  
10 gamble at the Meadows, right?

11 MR. MAHONEY: Yes. One time.

12 CHAIRMAN DiGIACOMO COLINS: All right. Thank  
13 you. Do you have any questions?

14 MR. DIEHL: I do not have any questions of  
15 Mr. Mahoney. I'm Thomas Diehl for the Office of  
16 Enforcement Counsel.

17 CHAIRMAN DiGIACOMO COLINS: Okay. Very good.

18 MR. MAHONEY: I just said -- you know, do you  
19 mind if I finish?

20 CHAIRMAN DiGIACOMO COLINS: Well, how much more  
21 do you have, sir?

22 MR. MAHONEY: Just like, not even a minute.

23 CHAIRMAN DiGIACOMO COLINS: Okay. Wrap it up.

24 MR. MAHONEY: A valet is specifically excluded  
25 by statute from the definition of a gaming employee.

1 The term gaming employee does not include bartenders,  
2 cocktail servers, or other persons engaged solely in  
3 preparing or serving food or beverages.

4 Secretary, personnel, parking attendants,  
5 janitorial, stage, sounding and light technicians, and  
6 other non-gaming personnel is determined by the Board.

7 My lawyer asked, what authority do you have  
8 over non-gaming employees? I asked, why didn't you give  
9 me the Steve Skariot file? That's all I have.

10 CHAIRMAN DiGIACOMO COLINS: All right. Thank  
11 you very much.

12 Any questions of Mr. Mahoney?

13 COMMISSIONER RIVERS: Not of him. I would like  
14 for Susan to come up and tell us what this -- his status  
15 actually is as a non-gaming employee.

16 COMMISSIONER SOJKA: Does that permit gaming?

17 CHAIRMAN DiGIACOMO COLINS: Mr. Cook?

18 MR. COOK: Our regulations preclude non-gaming  
19 employees from gaming.

20 COMMISSIONER RIVERS: Thank you.

21 CHAIRMAN DiGIACOMO COLINS: Very good.

22 Then may I have a motion?

23 COMMISSIONER SOJKA: Yes, you may. Madam  
24 Chairman, I move that the Board approve the Order to  
25 revoke the non-gaming employee registration as described

1 by the Office of Chief Counsel.

2 COMMISSIONER RIVERS: Second.

3 COMMISSIONER SOJKA: We could then discuss, if  
4 you want.

5 CHAIRMAN DiGIACOMO COLINS: Is there a  
6 discussion? Is there any discussion?

7 COMMISSIONER SOJKA: It amounts to a simple  
8 misunderstanding of what his status of a non-gaming  
9 employee is. You're not allowed to gamble.

10 MR. MAHONEY: There is no statute for a  
11 non-gaming employee. There is a statute on gaming and  
12 key employees. I guess you wouldn't know though --

13 CHAIRMAN DiGIACOMO COLINS: Sir, the statute  
14 gives the Gaming Board the power to regulate all matters  
15 of gaming. There are duly authorized and promulgated  
16 regulations by the Gaming Board that require the  
17 permitting of non-gaming employees and also preclude  
18 them from gambling on the premises. On that basis,  
19 we're going to vote on your motion now.

20 Have we had a second?

21 COMMISSIONER RIVERS: Yes.

22 CHAIRMAN DiGIACOMO COLINS: All right. In  
23 favor?

24 COMMISSIONERS: Aye.

25 CHAIRMAN DiGIACOMO COLINS: Opposed?

1 Motion carries.

2 Thank you very much. You're excused.

3 MR. COOK: The last Report and Recommendation  
4 before the Board today is that of Daniel Shission.

5 During September of 2007, Mr. Shission was  
6 issued a Gaming Employee Permit allowing him to be  
7 employed as financial account manager at the Mount Airy  
8 Casino and Resort.

9 Mr. Shission's permit was suspended by the  
10 Executive Director's Emergency Order on April 9th, 2008  
11 following his arrest for multiple felony theft charges.

12 The Board thereafter remanded the matter to the  
13 Office of Hearing and Appeals to conduct a hearing and  
14 submit a report on the validity of Order of Emergency  
15 Suspension.

16 The Office of Hearings and Appeals conducted a  
17 hearing on May 21st, 2008 in which Mr. Shission  
18 participated via video conferencing.

19 During that hearing, it was revealed that the  
20 criminal charges pending against him remained pending.

21 On May 29th, 2008, a Report and Recommendation  
22 of the Office of Hearings and Appeals is now before the  
23 Board.

24 This Report recommends that based upon the  
25 felony charges for which Mr. Shission remains charged,

1 the suspension of his gaming permit shall be continued  
2 until such time as the pending criminal charges are  
3 disposed of.

4 It is appropriate for the Board to now consider  
5 a motion adopting the Report and Recommendation to  
6 continue the Emergency Suspension of Daniel Shission  
7 until resolution of his pending criminal charges.

8 CHAIRMAN DiGIACOMO COLINS: Enforcement  
9 Counsel?

10 MR. MILLER: The Office of Enforcement Counsel  
11 has no objection to the Recommendation of Hearings and  
12 Appeals.

13 CHAIRMAN DiGIACOMO COLINS: May I have a  
14 motion?

15 COMMISSIONER RIVERS: Yes. Madam Chairman, I  
16 move that the Board approve the Order to continue the  
17 Emergency Suspension of the Gaming Employee Permit as  
18 described by the Office of Chief Counsel.

19 COMMISSIONER McCABE: Second.

20 CHAIRMAN DiGIACOMO COLINS: Thank you.

21 All in favor?

22 COMMISSIONERS: Aye.

23 CHAIRMAN DiGIACOMO COLINS: Opposed?

24 Motion carries.

25 MR. SHERMAN: That concludes the Office of

1 Chief Counsel's report.

2 CHAIRMAN DiGIACOMO COLINS: Thank you.  
3 Bureau of Licensing.

4 MS. HENSEL: Thank you, Chairman Colins and  
5 members of the Board. I have several licensing matters  
6 to bring to the Board's attention this afternoon.

7 First are licenses for Key Employees. Prior to  
8 this meeting, the Bureau of Licensing provided you with  
9 a proposed Order for 24 Key Employee licenses.

10 I ask that the Board consider the Order  
11 granting these licenses.

12 CHAIRMAN DiGIACOMO COLINS: May I have a  
13 motion?

14 COMMISSIONER McCABE: Madam Chairman, I move  
15 that the Board approve the Order to issue the Key  
16 Employee licenses as described by the Bureau of  
17 Licensing.

18 COMMISSIONER GINTY: Second.

19 CHAIRMAN DiGIACOMO COLINS: All in favor?

20 COMMISSIONERS: Aye.

21 CHAIRMAN DiGIACOMO COLINS: Opposed?

22 Motion carries.

23 MS. HENSEL: The Bureau of Licensing also  
24 provided you with an order regarding the issuance of  
25 Temporary Key Employee licenses. The Order proposes to

1 approve 80 Temporary Key licenses.

2 I ask that the Board consider the Order  
3 granting these licenses.

4 CHAIRMAN DiGIACOMO COLINS: Motion please?

5 COMMISSIONER GINTY: Madam Chairman, I move  
6 that the Board approve the Order to issue the Temporary  
7 Key Employee licenses as described by the Bureau of  
8 Licensing.

9 COMMISSIONER COY: Second.

10 CHAIRMAN DiGIACOMO COLINS: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN DiGIACOMO COLINS: Opposed?

13 Motion carries.

14 MS. HENSEL: Next are Gaming and Non-gaming  
15 Permits and Registrations. Prior to this meeting, the  
16 Bureau of Licensing provided you with a list of 444  
17 individuals, including 135 seeking initial licensure and  
18 32 seeking renewals, who the Bureau has granted  
19 occupation permits to, and 277 individuals who the  
20 Bureau has granted registrations to under the authority  
21 delegated to the Director of Licensing.

22 I ask that the Board adopt a motion approving  
23 this Order.

24 CHAIRMAN DiGIACOMO COLINS: Motion please?

25 COMMISSIONER COY: Madam Chair, I move that the

1 Board approve the Order to issue the gaming and  
2 non-gaming permits and registrations as described by the  
3 Bureau of Licensing.

4 COMMISSIONER ANGELI: Second.

5 CHAIRMAN DiGIACOMO COLINS: All in favor?

6 COMMISSIONERS: Aye.

7 CHAIRMAN DiGIACOMO COLINS: Opposed?

8 Motion carries.

9 MS. HENSEL: In addition, we have  
10 recommendations for denials of 11 gaming and 9  
11 non-gaming employee applications.

12 Prior to this meeting, the Bureau of Licensing  
13 provided you with Orders addressing each of the  
14 individual Gaming and Non-gaming Applicants, who the  
15 Bureau of Investigations and Enforcement has recommended  
16 for denial. In each case, the applicant failed to  
17 request a hearing within the specified time period.

18 I ask that the Board adopt a motion approving  
19 the Order denying the Gaming and Non-gaming Applicants.

20 CHAIRMAN DiGIACOMO COLINS: Motion please?

21 COMMISSIONER ANGELI: Madam Chairman, I move  
22 that the Board approve the Orders to deny the Gaming and  
23 Non-gaming Employee Licenses as described by the Bureau  
24 of Licensing.

25 MR. SOJKA: Second.

1 CHAIRMAN DiGIACOMO COLINS: All in favor?

2 COMMISSIONERS: Aye.

3 CHAIRMAN DiGIACOMO COLINS: Opposed?

4 Motion carries.

5 MS. HENSEL: Finally, we have two Orders  
6 regarding vendors. The first is to certify the  
7 following; Acropolis Marble and Granite Imports, Inc.,  
8 Baltic Linen Company, Inc., Carr and Duff, Inc., Certegy  
9 Check Services, Inc., CPB, Inc., Eastern Sign Tech, LLC,  
10 Economy Decorators, Inc., Janitors Supply Company, Inc.,  
11 Mail Print, Inc., Mpact, Inc., Multitech International,  
12 Inc., Thyssen-Krupp Elevator Corporation, Yorie Tile and  
13 Terrazzo, Inc.

14 I ask that the Board to consider the Order  
15 certifying these vendors.

16 CHAIRMAN DiGIACOMO COLINS: Motion please?

17 COMMISSIONER SOJKA: Madam Chairman, I move  
18 that the Board approve the Order approving the  
19 applications for vendor certification.

20 COMMISSIONER RIVERS: Second.

21 CHAIRMAN DiGIACOMO COLINS: All in favor?

22 COMMISSIONERS: Aye.

23 CHAIRMAN DiGIACOMO COLINS: Opposed?

24 Motion carries.

25 MS. HENSEL: Last, the Bureau of Licensing

1 provided you with an Order and attached a list of 17  
2 registered vendors. I ask that the Board adopt a motion  
3 approving the Order registering these vendors.

4 CHAIRMAN DiGIACOMO COLINS: Thank you.  
5 Motion please?

6 COMMISSIONER RIVERS: Madam Chair, I move that  
7 the Board approve the Order approving the applications  
8 for vendor registration.

9 COMMISSIONER McCABE: Second.

10 CHAIRMAN DiGIACOMO COLINS: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN DiGIACOMO COLINS: Opposed?  
13 Motion carries.

14 MS. HENSEL: That concludes the Bureau of  
15 Licensing presentation.

16 CHAIRMAN DiGIACOMO COLINS: Thank you very  
17 much, Susan.

18 Office of Enforcement Counsel?

19 MR. MILLER: Madam Chairman, the first matter  
20 for you to consider is a motion to approve the consent  
21 agreement entered between the Office of Enforcement  
22 Counsel and Mr. Joseph Batog.

23 He was given notice that he was on the agenda  
24 here. If he is here, I would ask him to step forward.

25 Mr. Batog applied for a Non-gaming Registration

1 as a valet driver at Harrah's Chester Casino on December  
2 6th, 2006.

3 A background investigation of Mr. Batog  
4 revealed that he had failed to disclose four arrests on  
5 his application for a Non-gaming Registration.

6 At that time, his hearing was scheduled because  
7 we had preliminarily denied him. It was scheduled on  
8 February 23rd, 2007. At that time, an agreement was  
9 reached between Assistant Enforcement Counsel Tracee  
10 Hackett and Mr. Batog to wait for Mr. Batog to waive his  
11 right to a hearing, withdraw his application, and be  
12 barred from reapplying for three years with the  
13 condition that he disclose all arrests and provide proof  
14 that his one felony arrest for aggravated assault was  
15 dismissed when he reapplies. He did agree to that.

16 At this time, we would ask that the Board  
17 consider a motion to approve that consent agreement.

18 CHAIRMAN DiGIACOMO COLINS: Thank you.

19 May I have a motion?

20 COMMISSIONER McCABE: Madam Chair, I move that  
21 the Board approve the consent agreement between BIE and  
22 Joseph Batog to withdraw the Non-gaming Employee  
23 Registration.

24 COMMISSIONER GINTY: Second.

25 CHAIRMAN DiGIACOMO COLINS: All in favor?

1 COMMISSIONERS: Aye.

2 CHAIRMAN DiGIACOMO COLINS: Opposed?

3 Motion carries.

4 MR. MILLER: Madam Chair, there are four  
5 matters relating to the suspensions of casino employees  
6 and one matter regarding a revocation before the Board  
7 today.

8 With respect to each, the records pertinent to  
9 each matter have been provided to the Board in advance  
10 of this meeting.

11 Upon notification of the complaints filed to  
12 suspend and/or revoke the permit/registration, none of  
13 the individuals responded to the matter set forth in the  
14 complaints.

15 In addition, in each case, the applicants have  
16 been notified that the Board is considering their  
17 suspension and/or revocation today and that they have  
18 the right to be present. If any of the individuals are  
19 present today to address the Board.

20 If any of the individuals are present today,  
21 they should come forward when their name is announced.

22 The first matter is Michael Illardi. The  
23 Office of Enforcement Counsel has made a request to the  
24 Board to suspend pending revocation of the Non-gaming  
25 Employee Registration of Michael Illardi, a general

1 maintenance worker for Mount Airy Casino and Resort.

2           Mr. Illardi was issued a Non-gaming Employee  
3 Registration on August 22, 2007. In December 2007,  
4 Illardi and two other employees poured Visine into the  
5 property operations shift manager's chewing tobacco as a  
6 prank in retaliation against the manager.

7           The manager was taken to a hospital and  
8 admitted for chest pain, dizziness, and high blood  
9 pressure.

10           When he returned to work, the manager was  
11 informed of the prank and notified the Mount Airy  
12 Security Department.

13           Illardi gave a signed statement to Mount Airy  
14 Security Department admitting to the incident. Mount  
15 Airy Casino terminated Mr. Illardi on January 5th, 2008  
16 and submitted a notice of Employee Termination for  
17 Misconduct to the PGCB indicating he was terminated  
18 because the employee was a participant or had knowledge  
19 of an action and endangered the physical safety of  
20 another employee.

21           The Pennsylvania State Police filed a criminal  
22 complaint charging Mr. Illardi with simple assault,  
23 harassment, recklessly endangering another person,  
24 disorderly conduct, and criminal conspiracy.

25           Based upon the reason for termination and

1 subsequent criminal charges, the Office of Enforcement  
2 Counsel filed an enforcement action against Mr. Illardi.  
3 He was served but never responded. The matters set  
4 forth in the enforcement action are now deemed admitted  
5 by default.

6 It would be appropriate for the Board to  
7 consider granting a petition and suspending  
8 Mr. Illardi's registration pending the outcome of his  
9 criminal charges at this time.

10 CHAIRMAN DiGIACOMO COLINS: Motion?

11 COMMISSIONER ANGELI: Madam Chairman, I move  
12 the Board approve the Order to suspend the Non-gaming  
13 Employee Registration pending the resolution of criminal  
14 charges.

15 COMMISSIONER SOJKA: Second.

16 CHAIRMAN DiGIACOMO COLINS: All in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN DiGIACOMO COLINS: Opposed?

19 Motion carries.

20 MR. MILLER: At this time, the Office of  
21 Enforcement Counsel is requesting that the Non-gaming  
22 Registration of Raymond Cabrera, general maintenance  
23 worker for Mount Airy Casino be suspended pending  
24 revocation.

25 The facts are substantially similar to the

1 facts just presented regarding Mr. Illardi, who was also  
2 a coconspirator in that incident.

3 We're asking for suspension pending revocation  
4 in that matter because there were criminal charges  
5 filed.

6 CHAIRMAN DiGIACOMO COLINS: A motion on the  
7 Visine conspiracy case.

8 COMMISSIONER GINTY: Madam Chairman, I move  
9 that the Board approve the Order to suspend the  
10 Non-gaming Employee Registration pending the resolution  
11 of the criminal charges.

12 COMMISSIONER COY: Second.

13 CHAIRMAN DiGIACOMO COLINS: All in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN DiGIACOMO COLINS: Opposed?

16 Motion carries.

17 MR. MILLER: The next matter before the Board  
18 is Anton Cellerari. Mr. Cellerari was a security  
19 officer at Mohegan Sun.

20 The Office of Enforcement Counsel through BIE  
21 became aware that Mr. Cellerari had stolen a jacket out  
22 of the lost and found at Mohegan Sun and theft charges  
23 were filed against him. We filed an enforcement action.  
24 He did not respond.

25 So at this time, we're asking that his

1 registration also be -- well, actually I think he has a  
2 permit.

3 CHAIRMAN DiGIACOMO COLINS: I thought you were  
4 going to say he put No Doz in someone's milkshake.

5 MR. MILLER: He's a gaming employee. So, we're  
6 asking that his Gaming Permit be suspended pending the  
7 outcome of his criminal charges.

8 CHAIRMAN DiGIACOMO COLINS: Thank you.

9 May I have a motion?

10 COMMISSIONER COY: Madam Chair, I move that the  
11 Board approve the Order to suspend the Gaming Employee  
12 Permit pending the resolution of the charges.

13 COMMISSIONER ANGELI: Second.

14 CHAIRMAN DiGIACOMO COLINS: All in favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN DiGIACOMO COLINS: Opposed?

17 Motion carries.

18 MR. MILLER: The next matter is Cynthia McGaha.

19 In this matter, the Office of Enforcement Counsel is  
20 seeking a suspension based upon the fact that  
21 Miss McGaha had stolen two Vicodin pills from another  
22 employee's purse. The other employee refused to press  
23 charges against Miss McGaha.

24 Since no criminal charges were brought in this  
25 matter, the Office of Enforcement Counsel is simply

1 seeking a suspension of Miss McGaha's Non-gaming  
2 Registration. We're looking for at least a year  
3 suspension on that.

4 CHAIRMAN DiGIACOMO COLINS: May I have a  
5 motion?

6 COMMISSIONER SOJKA: You have a motion. I'm  
7 looking at a motion that includes no less than three  
8 years. Would you like to modify that recommendation?

9 MR. MILLER: Fine.

10 COMMISSIONER RIVERS: One year or three?

11 MR. MILLER: One year is fine with the Office  
12 of Enforcement Counsel.

13 COMMISSIONER SOJKA: I would make a motion  
14 then, Madam Chairman.

15 COMMISSIONER RIVERS: Second.

16 CHAIRMAN DiGIACOMO COLINS: All in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN DiGIACOMO COLINS: Opposed?

19 Motion carries.

20 MR. MILLER: The final matter brought by the  
21 Office of Enforcement Counsel is to revoke the  
22 Non-gaming Employee Registration of Stephanie Ramey.

23 She was employed as a valet at Presque Isle  
24 Downs. In this matter, she was charged with theft by  
25 unlawful taking for stealing a jacket from, I believe it

1 was another employee. At this time, her criminal  
2 charges have been disposed of.

3 In this matter, we are seeking revocation. She  
4 has pled guilty, and we're asking for revocation.

5 CHAIRMAN DiGIACOMO COLINS: Very good. Thank  
6 you.

7 May I have a motion?

8 COMMISSIONER RIVERS: So moved.

9 CHAIRMAN DiGIACOMO COLINS: Second?

10 COMMISSIONER McCABE: Second.

11 CHAIRMAN DiGIACOMO COLINS: All in favor?

12 COMMISSIONERS: Aye.

13 CHAIRMAN DiGIACOMO COLINS: Opposed?

14 Motion carries.

15 Thank you.

16 MR. MILLER: Thank you.

17 CHAIRMAN DiGIACOMO COLINS: Thank you very  
18 much. They were very interesting cases.

19 All right. That concludes our business. May I  
20 have a motion to adjourn.

21 COMMISSIONER McCABE: So moved.

22 CHAIRMAN DiGIACOMO COLINS: The next meeting is  
23 August 28th at 11:00, North Office Building, Hearing  
24 Room 1.

25 (The meeting conclude at 4:38 p.m.)

1                   I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the notes  
3 taken by me on the within proceedings and that this is a  
4 correct transcript of the same.

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Hillary M. Hazlett, Reporter  
Notary Public

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