

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN
James B. Ginty, John J. McNally, Keith R.
McCall, Gregory C. Fajt, Anthony C.
Moscato, Annmarie Kaiser; Members
Robert C. Coyne, Representing Daniel P.
Meuser, Secretary of Revenue
Jennifer Langan, Representing Robert
McCord, State Treasurer
Mathew Meals, Representing George Greig,
Secretary of Agriculture

MEETING: Wednesday, April 3, 2013

LOCATION: Strawberry Square Complex
Second Floor
Harrisburg, PA 17101

WITNESSES: NONE

Reporter: Jolynn C. Prunoske

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2

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CHAIRMAN:

Good morning, ladies and gentlemen. My name's Bill Ryan. I'm Chairman of the Pennsylvania Gaming Control Board. Before we begin I would like to ask everyone to please turn off cell phones, PDAs and other electronic devices. Thank you very much. With us today is Jennifer Langan representing State Treasurer Robert McCord, Bob Coyne representing the Secretary for the Department of Revenue Dan Meuser and Matt Meals representing the Secretary of Agriculture George Greig. Thank the three of you for being here. And all the members being present I will call today's meeting to order and the first thing, as always, I would ask everyone to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

Thank you ladies and gentlemen. We have one public hearing on the agenda which will take place prior to the public meeting. The hearing pertains to Woodlands Fayette, LLC's Petition for approval of controlling access to the gaming floor plan.

PUBLIC HEARING WAS HELD.

1 CHAIRMAN:

2 Thank you, ladies and gentlemen, for
3 your patience. We will now begin our regular meeting.
4 The Board held an Executive Session yesterday. The
5 purpose of which was to conduct quasi-judicial
6 deliberations relating to matters being considered by
7 the Board today.

8 While I know this has been widely
9 publicized, I would like to again announce that the
10 Board will be holding public input hearings in the
11 City of Philadelphia on April 11th, 12th and May 8th
12 relating to the six applicants seeking the one
13 remaining Casino 2 License in the City of
14 Philadelphia. The April 11th and 12th hearings will
15 be held in room 114 of the Pennsylvania Convention
16 Center at 1101 Arch Street in the City of Philadelphia
17 and the May 8th hearing will be held at the West Club
18 Level, Lincoln Financial Field at 1020 Pattison
19 Avenue, Philadelphia. It's a big building. You can't
20 miss it when you go down there.

21 Anyone wishing to speak at the April
22 dates must register to do so by noon on April 9th, and
23 anyone wishing to speak on May 8th must do so by noon
24 on May 6th. Details on how to register are available
25 on the Board's website or you can call the Board

1 Secretary, Mickey Kane, at 717-346-8325.

2 There is also an opportunity for the
3 public to submit written comment relating to the
4 Philadelphia casino license by mailing any such
5 comments to the Pennsylvania Gaming Control Board to
6 the attention of the Board Secretary, Post Office Box
7 69060, Harrisburg, Pennsylvania 17106. Or instead,
8 you may fax those comments to 717-346-8350.

9 Next will be our Executive Director,
10 Kevin O'Toole, to present his report. Kevin?

11 MR. O'TOOLE:

12 Good morning, Chairman Ryan, members of
13 the Board. I have two items to present this morning.
14 The second item will involve our Director of Racetrack
15 Operations, Kevin Kile, sitting next to me.

16 But the first item that I would like to
17 address pertains to the Gaming Control Board's
18 classification and compensation structure. Within
19 that structure, we presently maintain a position for
20 Director of Information Technology, a position that is
21 presently vacant. We have evaluated the requirements
22 of that position in connection with today's need for a
23 highly specialized technological computer and
24 engineering related expertise.

25 As a result of that evaluation, it is

1 recommended that the Gaming Control Board establish a
2 new position title of Chief Technology Officer to
3 encompass the broader scope of expertise that is
4 needed in today's organizational environment.
5 Furthermore, it is recommended that the position of
6 Chief Technology Officer be placed on the PGCB
7 executive pay scale pay range A. If the Board
8 approves the recommended new title, I would also
9 request that the title of Director of Information
10 Technology be eliminated.

11 I would be happy to answer any questions
12 you may have regarding this recommendation.

13 CHAIRMAN:

14 Any questions or comments from the
15 Board? Ex-officio members? May I have a Motion?

16 MR. FAJT:

17 Mr. Chairman, I move that the Board
18 amend its classification and compensation structure as
19 described by the Executive Director.

20 CHAIRMAN:

21 Second?

22 MR. MOSCATO:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 ALL SAY AYE.

2 CHAIRMAN:

3 Opposed? The Motion carries.

4 MR. O'TOOLE:

5 Thank you. Our second item pertains to
6 the recently issued Benchmark Report prepared by our
7 Office of Racetrack Operations and Director, Kevin
8 Kile. And he will give our presentation.

9 CHAIRMAN:

10 Kevin?

11 MR. KILE:

12 Good morning, Chairman, Board members.
13 The Office of Racetrack Gaming recently completed and
14 released the sixth annual Benchmark Report, which
15 provides an update on the impact that slot machine
16 revenues are having on the racing industry. This new
17 report examines trends in horse and harness racing and
18 other important indicators which measure the health of
19 the industry through the end of 2012.

20 As you all know, one of the primary
21 objectives of the Gaming Act is to assist the racing
22 industry. Approximately 12 percent of revenue
23 generated from slot machine gaming is earmarked for
24 the racing industry in order to accomplish the intent
25 of the Act. In 2012 \$224 million was earmarked for

1 the racing industry to enhance purses, assist breeding
2 operations and provide health and pension benefits for
3 horsemen. This investment in Pennsylvania racing is
4 attracting better quality horses to our tracks,
5 creating more competitive racing and spurring
6 investment in equine-related products and services.

7 In addition to the dedicated funding,
8 the slot machine revenue provides for the racing
9 industry, casino operators have also invested over \$7
10 million in 2012 and close to \$46 million since the
11 introduction of gaming in 2006 to improve the stable
12 and backside areas of their racetracks. This has
13 resulted in much needed improvements to barns and
14 related structures. And now horsemen and their
15 employees are enjoying improved living and working
16 conditions as a result of these investments.

17 Finally, the report notes that interest
18 in Pennsylvania racing was strong this past year.
19 Total dollars wagered on races held in Pennsylvania,
20 or live racing handle was 12 percent higher in 2012
21 compared to the same period in 2011 and was 34 percent
22 higher compared to the same time period before gaming
23 commenced in 2006. This can be attributed to an
24 increase in wagering at the tracks and a general
25 increase in dollars wagered on Pennsylvania races by

1 patrons outside of the Commonwealth. In other words,
2 racing fans that go to the tracks in neighboring
3 jurisdictions were wagering more on live races held
4 here in Pennsylvania.

5 At the same time, the racing industry
6 continues to face significant challenges in order to
7 remain successful. Although live racing handle
8 increased, handle generated through simulcast wagering
9 within Pennsylvania continues to decline year over
10 year. This type of wager is called simulcast import
11 and it declined almost seven percent in the last year
12 and close to 50 percent since 2007. Hopefully this
13 trend will slow. And the industry is optimistic as
14 they are preparing for the upcoming Triple Crown
15 season.

16 As the information within this report
17 suggests, however, revenue generated from slot machine
18 gaming continues to provide an overall positive impact
19 on races held in Pennsylvania and continues to benefit
20 agriculture within the Commonwealth. This report is
21 available to the public and can be accessed from the
22 Board's website, directly on the home page. Thank
23 you, Mr. Chairman and Board members. And I'd be glad
24 to answer any questions you have.

25 CHAIRMAN:

1 Any questions for the Board? Ex-Officio
2 members? Thank you, Kevin. You too, Kevin.

3 Next, Chief Counsel Doug Sherman. Oh,
4 I'm sorry, David. I apologize, David. I would never,
5 never intentionally overlook you.

6 MR. RHEN:

7 I appreciate that.

8 CHAIRMAN:

9 With the financial report, David Rhen.

10 MR. RHEN:

11 Good morning. I'm here today to provide
12 the quarterly budget report for activity through the
13 third quarter, which concluded March 31st.

14 Expenditures through the third quarter
15 totaled \$24,368,000, which is down approximately
16 \$21,000 from the prior year. For the year, payroll
17 costs are up \$256,000, despite the complement
18 declining from \$322,000 to \$309,000 from the same
19 point last year. The increased cost is a result of
20 rising benefit costs. While salary expenses are down
21 \$339,000 for the year, benefit costs are up \$537,000.

22 Operating and fixed asset expenditures
23 combined are \$3.8 million for the year, down \$277,000
24 from the prior year. The largest single area of
25 savings this year has been in the services category,

1 which has seen decreases of \$156,000 year to date,
2 primarily due to decreased reliance upon IT
3 consultants and external legal counsel.

4 Year to date operating expenses alone
5 total \$3.6 million. The largest operating expense by
6 category is rentals and leases at \$1.5 million, or 41
7 percent of all operating expenses, followed by
8 services at \$840,000, or 24 percent of operating
9 expenses. Other operating expenses of \$526,000, or 15
10 percent, voice and telecommunications at \$325,000, or
11 nine percent, and travel at \$187,000, or five percent
12 of operating expenses.

13 In the fixed asset category, budget
14 expenses total \$235,000 year to date. These are
15 single-item purchases over \$5,000. By category,
16 software licenses were the largest expense at
17 \$206,000, followed by hardware peripherals at \$22,000
18 and servers at \$7,000.

19 That concludes my report.

20 CHAIRMAN:

21 Any questions or comments from the
22 Board?

23 MR. FAJT:

24 Mr. Chairman, I have a real quick
25 question. Dave, just looking at the personnel expense

1 detail, the second blue line on your report, I would
2 have guessed with the increase in pension costs this
3 year alone that the benefit percentage would have been
4 higher than 32 percent. Salaries at 66 of the total
5 personnel expense and benefits at 32. I think that's
6 pretty historic; right? And with the increase in
7 pension costs, I just would have thought the benefit
8 costs would have gone up as a percentage. Any
9 thoughts on that?

10 MR. RHEN:

11 It's 32 percent of all personnel
12 expenses, so ---

13 MR. FAJT:

14 Right.

15 MR. RHEN:

16 --- roughly it's 50 percent of your
17 total payroll. So, the wages times 50 percent will
18 get you the benefit total.

19 MR. FAJT:

20 I got you. Okay. All right. I was
21 looking at that. Thank you. That's helpful.

22 CHAIRMAN:

23 Any other questions from the Board
24 members? Ex-Officio members? Thank you, David.

25 MR. RHEN:

1 Thank you.

2 CHAIRMAN:

3 Now, Chief Counsel Doug Sherman.

4 ATTORNEY SHERMAN:

5 I'm not quite sure which side of the
6 noon hour I'm on, so I'll just say hello. Chairman,
7 members of the Board, our first agenda item relates to
8 Proposed Rulemaking 125-170, which has been provided
9 to the Board prior to today's meeting. This Proposed
10 Rulemaking will add a progressive table gaming wager
11 called the Five Card Hand Bonus Wager, which will
12 allow operators to link eight poker-based games
13 together to make a progressive jackpot side bet in
14 which a player can wager on either his own hand, the
15 dealer's hand or both. The player wins the bet if the
16 hand wagered upon results in a flush or better. The
17 Five Card Hand Bonus Wager will also allow players to
18 win a certain sum if the player possesses a card
19 randomly selected from the deck or is in a seat
20 randomly selected.

21 In addition to establishing the Five
22 Card Hand Bonus Wager, the regulation also establishes
23 the rules for the game EZ Pai Gow and places into
24 regulation a statement of policy previously
25 established by the Board whereby tables not open for

1 play on a given day do not need to be counted, but
2 rather a Closed Table Form would be completed,
3 evidencing that no play was conducted on that table
4 for a full day.

5 At this time, I would ask for a Motion
6 adopting the Proposed Regulation 125-170 and placing
7 it on the Board's website. This will then allow it to
8 go out for comment.

9 CHAIRMAN:

10 Any questions or comments from the
11 Board? Ex-Officio members? May I have a Motion?

12 MR. GINTY:

13 Mr. Chairman, I move that the Board
14 adopt the Proposed Regulation 125-170 as described by
15 the Office of Chief Counsel (OCC) and that the
16 regulation be posted on the Board's website.

17 CHAIRMAN:

18 Second?

19 MS. KAISER:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 ALL SAY AYE.

24 CHAIRMAN:

25 Opposed? The Motion carries.

1 ATTORNEY SHERMAN:

2 Our next agenda item is a Local Law
3 Enforcement Grant, which Assistant Chief Counsel
4 Allison Cassel is here to present.

5 ATTORNEY CASSEL:

6 Good afternoon.

7 CHAIRMAN:

8 Good afternoon, Allison.

9 ATTORNEY CASSEL:

10 I have one Local Law Enforcement Grant
11 Application for you today. The Bucks County District
12 Attorney's Office has requested \$206,500. The
13 application has been reviewed, has been determined to
14 be in compliance with grant standards and is
15 recommended for approval.

16 CHAIRMAN:

17 Any questions or comments from the
18 Board? Ex-Officio members? May I have a Motion?

19 MS. KAISER:

20 Mr. Chairman, I move that the Board
21 approve the Local Law Enforcement Grant as presented
22 by the OCC.

23 MR. MCCALL:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 ALL SAY AYE.

3 CHAIRMAN:

4 Opposed? The Motion carries. Thank
5 you, Allison.

6 ATTORNEY CASSEL:

7 Thank you.

8 ATTORNEY SHERMAN:

9 Today the Board has two Petitions on the
10 agenda for joint consideration. The first is
11 Greenwood Gaming's Petition to Intervene in Valley
12 Forge Convention Center Partners' Petition for
13 Approval of a Revised Annual Dining Club Membership,
14 and the second is Greenwood's Petition to Intervene in
15 Valley Forge's Petition for Approval in a
16 Corporate/Group Discount Program.

17 These matters were previously
18 consolidated and heard by the Board during a public
19 hearing on March 13th, 2013. Additionally, as
20 requested by the Board, additional information was
21 placed into the record by the parties this past week.

22 Essentially, Greenwood seeks
23 intervention in these Valley Forge matters, stating
24 that they will suffer financial hardship due to unfair
25 competition from a Category 3 facility; allegedly

1 circumventing floor access restrictions and that
2 Greenwood's interest in this regard are direct,
3 substantial and immediate. They also assert that
4 Greenwood's interests are not adequately represented
5 by the Office of Enforcement Counsel (OEC). Finally,
6 Greenwood has alleged in its underlying response to
7 the Valley Forge Petition that Valley Forge has in
8 some way acted improperly by reimbursing access fees
9 to players.

10 The record in this matter is now closed
11 and it's ready for the Board's consideration.

12 CHAIRMAN:

13 Any questions or comments from the
14 Board? Ex-Officio members? May I have a Motion?

15 MR. MCCALL:

16 Mr. Chairman, I move that the Board
17 grant the Petitions of Greenwood Gaming Entertainment,
18 Inc. as described by the OCC, with the restriction
19 that the Board will not consider any evidence in the
20 underlying proceeding relating to Greenwood Gaming's
21 allegations that Valley Forge has engaged in the
22 practice of reimbursing patrons for the costs of
23 casino access. Rather, that the issue shall be
24 referred to the Bureau of Investigations and
25 Enforcement (BIE) for review and Greenwood Gaming and

1 Valley Forge shall cooperate fully in BIE's review.
2 Furthermore, when the Valley Forge Petitions are
3 scheduled for a hearing, Greenwood Gaming shall be
4 entitled to fully participate.

5 CHAIRMAN:

6 Second?

7 MR. MCNALLY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE.

12 CHAIRMAN:

13 Opposed? The Motion carries.

14 ATTORNEY SHERMAN:

15 Next, presenting Withdrawals and Reports
16 and Recommendations is Deputy Chief Counsel Steve
17 Cook.

18 ATTORNEY COOK:

19 Good afternoon.

20 CHAIRMAN:

21 Good afternoon, Steve.

22 ATTORNEY COOK:

23 The Board has received four Petitions
24 which are unopposed to withdraw or surrender the
25 applications or credentials of individuals or

1 businesses. The persons and entities subject to these
2 Petitions are Helios Creative Incorporated, Donald
3 Marrantino, Jinlong Wang and Winning Hands Casino
4 Massage, Inc. The OEC has no objections to these
5 Withdrawals. As a result, if the Board were to grant
6 same they'd be doing so without prejudice.

7 CHAIRMAN:

8 Any questions or comments from the
9 Board? Ex-Officio members? May I have a Motion?

10 MR. MCNALLY:

11 Mr. Chairman, I move that the Board
12 issue Orders to approve the Withdrawals and Surrenders
13 as described by the OCC.

14 CHAIRMAN:

15 Second?

16 MR. MOSCATO:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE.

21 CHAIRMAN:

22 Opposed? The Motion carries.

23 ATTORNEY COOK:

24 Next before the Board for consideration
25 are three Reports and Recommendations received from

1 the Board's Office of Hearings and Appeals (OHA).
2 These Reports and Recommendations, along with the
3 complete evidentiary record, has been provided to the
4 Board in advance of this meeting. And additionally,
5 each of the persons implicated in the Reports and
6 Recommendations have been put on notice that their
7 matter was going to be taken up by the Board today and
8 that they had the ability to come forward and briefly
9 address the Board. If any of these persons are
10 present, I would ask them to come forward when their
11 matter is called.

12 The first Report and Recommendation
13 before the Board pertains to Kyshima Montgomery. Ms.
14 Montgomery was issued a Non-Gaming Employee
15 Registration on August 22nd, 2011 and was employed as
16 a Beverage Server at the Harrah's Philadelphia Casino.
17 On November 29th, 2012, the Pennsylvania State Police
18 notified the BIE that Ms. Montgomery was arrested and
19 charged with five felonies and two misdemeanors. As a
20 result of allegations that Ms. Montgomery stole more
21 than \$330,000 in Welfare cash benefits during her term
22 of employment as a clerical employee with the
23 Pennsylvania Department of Public Welfare.

24 Upon request of the OEC, the Executive
25 Director issued an Emergency Suspension of Ms.

1 Montgomery's Non-Gaming Registration on December 18th,
2 2012. Then on January 9th, 2013 the Board forwarded
3 this matter to the OHA for a complete evidentiary
4 hearing on the validity of the Emergency Suspension.
5 Ms. Montgomery received notice of a hearing and the
6 hearing was scheduled and held on January 22nd, 2013.
7 However, Ms. Montgomery did not appear and it was held
8 in her absence.

9 At the hearing, the OEC presented
10 evidence documenting the alleged crime for which the
11 charges remain pending. Based on that evidence, the
12 Hearing Officer issued a Report and Recommendation
13 recommending that the Emergency Suspension remain in
14 place until further order of the Board. And that is
15 the Recommendation before the Board today.

16 CHAIRMAN:

17 Any questions or comments from the
18 Board? Ex-Officio members? May I have a Motion?

19 MR. MOSCATO:

20 Yes. I move that the Board adopt the
21 Report and Recommendation of the OHA regarding the
22 Non-Gaming Employee Registration of Kyshima Montgomery
23 as described by the OCC.

24 MR. FAJT:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE.

4 CHAIRMAN:

5 Opposed? The Motion carries.

6 ATTORNEY COOK:

7 The next Report and Recommendation
8 before the Board today pertains to Jamal Walton. On
9 August 27th, 2012, Mr. Walton submitted an application
10 for a Non-Gaming Registration to be a Custodial Worker
11 at the Parx Casino. In his application, Mr. Walton
12 disclosed that he had been arrested twice previously
13 for receiving stolen property related offenses, one of
14 which was dismissed and one of which resulted in a
15 conviction.

16 During the BIE's investigation of Mr.
17 Walton, however, it was discovered that he had
18 additional arrests and convictions spanning from 2003
19 through 2010. As a result of his criminal history, on
20 November 9th, 2012 the OEC issued a Notice of
21 Recommendation of Denial of Mr. Walton's application.

22 Mr. Walton requested a hearing, which
23 was scheduled and he received notice of. The hearing
24 was held on January 23rd, 2013. Despite receiving
25 that notice, Mr. Walton didn't appear. The hearing

1 was held in his absence and evidence of his prior
2 criminal history was put into the record.

3 Subsequently, the Hearing Officer issued
4 a Report and Recommendation recommending that his
5 application be denied based on the nature and recency
6 of his criminal history. And that's the
7 Recommendation before the Board.

8 CHAIRMAN:

9 Any questions or comments from the
10 Board? Ex-Officio members? May I have a Motion?

11 MR. FAJT:

12 Mr. Chairman, I move that the Board
13 adopt the Report and Recommendation of the OHA
14 regarding the Non-Gaming Employee Registration of
15 Jamal S. Walton as described by the OCC.

16 MR. GINTY:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE.

21 CHAIRMAN:

22 Opposed? The Motion carries.

23 ATTORNEY COOK:

24 The final Report and Recommendation
25 before the Board today stems from a request to be

1 removed from the Voluntary Self-Exclusion List. As
2 described in the Report and Recommendation, on May
3 28th, 2012, an individual with the initials A.M.M.
4 entered the Hollywood Casino, met with a Casino
5 Compliance Representative and requested to be placed
6 on the Board's Self-Exclusion List for a term of five
7 years.

8 The Casino Compliance Representative
9 conducted a mandatory interview with this individual
10 and completed all of the required procedures. In the
11 process of that interview, the Casino Compliance
12 Representative explained to A.M.M. that once on the
13 list he could not petition for removal from the list
14 until the five-year term he was requesting had
15 expired. Notwithstanding that fact, seven months
16 later, this past December of 2012, A.M.M. filed a
17 Petition requesting to be removed from the Self-
18 Exclusion List.

19 A hearing was scheduled and held. At
20 that hearing A.M.M. indicated that for a variety of
21 reasons, including the fact that he was now employed,
22 he wished to be removed from the list so he could
23 reenter the casino and game. The OEC has steadfastly
24 objected to this request as being not in compliance
25 with the Board's regulations.

1 The Hearing Officer took all that
2 information under advisement and issued a Report and
3 Recommendation recommending that A.M.M.'s Petition to
4 be removed from the list be denied. And that is the
5 Petition that's before --- the Recommendation before
6 the Board today.

7 CHAIRMAN:

8 Steve, this gentleman was here earlier
9 this morning; is that correct?

10 ATTORNEY COOK:

11 He may have been. I'm not entirely
12 sure.

13 CHAIRMAN:

14 I thought perhaps he was. In any event,
15 is the gentleman whose initials are A.M.M. and who has
16 interest in this matter here in the hearing room? No
17 response. Questions or comments from the Board?
18 Ex-Officio members? May I have a Motion?

19 MR. MCNALLY:

20 Mr. Chairman, I move that the Board
21 adopt the Report and Recommendation of the Office of
22 Appeals regarding A.M.M.'s Petition for early removal
23 from the Voluntary Self-Exclusion List as described by
24 the OCC.

25 CHAIRMAN:

1 Second?

2 MS. KAISER:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 JAMES GINTY ABSTAINS. ALL OTHER MEMBERS SAY AYE

7 CHAIRMAN:

8 Opposed?

9 MR. GINTY:

10 Mr. Chairman, for reasons I have
11 commented on previously with respect to the procedures
12 utilized in considering self-exclusion that is I would
13 reject the Hearing Officer's Recommendation and grant
14 the Petition.

15 CHAIRMAN:

16 Thank you, Mr. Ginty. The Motion
17 passes. And thank you, Steve.

18 ATTORNEY SHERMAN:

19 That concludes all matters of the OCC.

20 CHAIRMAN:

21 Next, Susan Hensel, Director of
22 Licensing.

23 MS. HENSEL:

24 Thank you, Chairman Ryan and members of
25 the Board. Before the Board today will be Motions

1 regarding 641 Principal, Key Gaming and Non-Gaming
2 Employees. In addition, there will be consideration
3 of 19 Gaming Service Provider applications.

4 The first matter for your consideration
5 is the approval of Principal and Key Employee
6 Licenses. Prior to this meeting, the Bureau of
7 Licensing provided you with a Proposed Order for two
8 Principal and nine Key Employee Licenses for Slot
9 Machine Operator and Manufacturer Licensees. I ask
10 that the Board consider the Order approving these
11 licenses.

12 CHAIRMAN:

13 Any comments from Enforcement Counsel?

14 ATTORNEY PITRE:

15 Enforcement Counsel has no objection.

16 CHAIRMAN:

17 Questions or comments from the Board?

18 Ex-Officio members? May I have a Motion?

19 MS. KAISER:

20 Mr. Chairman, I move that the Board
21 approve the issuance of Principal and Key Employee
22 Licenses as described by the Bureau of Licensing.

23 MR. MCCALL:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 ALL SAY AYE.

3 CHAIRMAN:

4 Opposed? The Motion carries.

5 MS. HENSEL:

6 Next for your consideration are
7 Temporary Principal and Key Employee Licenses. Prior
8 to this meeting, the Bureau of Licensing provided you
9 with an Order regarding the issuance of Temporary
10 Licenses for 2 Principal and 19 Key Employees. I ask
11 that the Board consider the Order approving these
12 licenses.

13 CHAIRMAN:

14 Any comments from Enforcement Counsel?

15 ATTORNEY PITRE:

16 Enforcement Counsel has no objection.

17 CHAIRMAN:

18 Any questions or comments from the
19 Board? Ex-Officio members? May I have a Motion?

20 MR. MCCALL:

21 Mr. Chairman, I move that the Board
22 approve the issuance of Temporary Principal and Key
23 Employee credentials as described by the Bureau of
24 Licensing.

25 CHAIRMAN:

1 Second?

2 MR. MCNALLY:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE.

7 CHAIRMAN:

8 Opposed? The Motion carries.

9 MS. HENSEL:

10 In addition, there are Gaming Permits
11 and Non-Gaming Registrations. Prior to this meeting,
12 the Bureau of Licensing provided you with a list of
13 472 individuals to whom the Bureau has granted
14 Temporary or Full Occupation Permits and 85
15 individuals to whom the Bureau has granted
16 Registrations under the authority delegated to the
17 Bureau of Licensing. I ask that the Board consider a
18 Motion approving the Order.

19 CHAIRMAN:

20 Any comment from Enforcement Counsel?

21 ATTORNEY PITRE:

22 Enforcement Counsel has no objection.

23 CHAIRMAN:

24 Any questions or comments from the
25 Board? Ex-Officio members? May I have a Motion?

1 MR. MCNALLY:

2 Mr. Chairman, I move that the Board
3 approve the issuance of the Gaming Employee Permits
4 and Non-Gaming Employee Registrations as described by
5 the Bureau of Licensing.

6 CHAIRMAN:

7 Second?

8 MR. MOSCATO:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE.

13 CHAIRMAN:

14 Opposed? The Motion carries.

15 MS. HENSEL:

16 Also for your consideration are the
17 Withdrawal requests for Key Employee, Gaming and
18 Non-Gaming Employees. In each case, a licensed permit
19 or registration is no longer required. For today's
20 meeting, I have provided you with a list of 4 Key
21 Employee, 44 Gaming and 4 Non-Gaming Employee
22 Withdrawals for approval. I ask that the Board
23 consider the Orders approving this list of
24 Withdrawals.

25 CHAIRMAN:

1 Any comments from Enforcement Counsel?

2 ATTORNEY PITRE:

3 Enforcement Counsel has no objection.

4 CHAIRMAN:

5 Any questions or comments from the
6 Board? Ex-Officio members? May I have a Motion?

7 MR. MOSCATO:

8 I move that the Board approve the
9 Withdrawals as described by the Bureau of Licensing.

10 MR. FAJT:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE.

15 CHAIRMAN:

16 Opposed? The Motion carries.

17 MS. HENSEL:

18 In addition, we have an Order to certify
19 the following Gaming Service Providers. J. Ambrogi
20 Food Distribution, Inc., which is an initial
21 certification, and three renewal applications; the
22 first for EE Austin & Sons, Inc., then Independence
23 Excavating, Inc., and finally RAM Acoustical
24 Corporation. I ask that the Board consider the Order
25 approving these Gaming Service Providers for

1 certification.

2 CHAIRMAN:

3 Any comments from Enforcement Counsel?

4 ATTORNEY PITRE:

5 Enforcement Counsel has no objection.

6 CHAIRMAN:

7 Any questions or comments from the
8 Board? Ex-Officio members? May I have a Motion?

9 MR. FAJT:

10 Mr. Chairman, I move that the Board
11 issue an Order to approve the applications for Gaming
12 Service Provider Certification as described by the
13 Bureau of Licensing.

14 MR. GINTY:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 ALL SAY AYE.

19 CHAIRMAN:

20 Opposed? The Motion carries.

21 MS. HENSEL:

22 Next we have an Order regarding Gaming
23 Service Provider Registrations. The Bureau of
24 Licensing provided you with an Order and an attached
25 list of 13 Registered Gaming Service Providers. I ask

1 that the Board consider the Order approving these
2 Gaming Service Providers for registration.

3 CHAIRMAN:

4 Any comments from Enforcement Counsel?

5 ATTORNEY PITRE:

6 Enforcement Counsel has no objection.

7 CHAIRMAN:

8 Any questions or comments from the
9 Board? Ex-Officio members? May I have a Motion?

10 MR. GINTY:

11 Mr. Chairman, I move that the Board
12 issue an Order to approve the applications for Gaming
13 Service Provider Registration as described by the
14 Bureau of Licensing.

15 CHAIRMAN:

16 Second?

17 MS. KAISER:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE.

22 CHAIRMAN:

23 Opposed? The Motion carries.

24 MS. HENSEL:

25 Finally, the Gaming Service Provider

1 Application for Performance Contracting, Inc. is being
2 recommended for abandonment. This company filed an
3 application with the Board but failed to complete the
4 application process. A company whose application is
5 abandoned is free to reapply at any time. I ask that
6 the Board consider the Order declaring Performance
7 Contracting, Inc.'s application abandoned.

8 CHAIRMAN:

9 Any comments from Enforcement Counsel?

10 ATTORNEY PITRE:

11 Enforcement Counsel has no objection.

12 CHAIRMAN:

13 Any questions or comments from the
14 Board? Ex-Officio members? May I have a Motion?

15 MS. KAISER:

16 Mr. Chairman, I move that the Board
17 issue an Order to approve the abandonment of
18 Performance Contracting, Inc.'s Gaming Service
19 Provider Application as described by the Bureau of
20 Licensing.

21 MR. MCCALL:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE.

1 CHAIRMAN:

2 Opposed? The Motion carries.

3 MS. HENSEL:

4 That concludes the matters of the Bureau
5 of Licensing.

6 CHAIRMAN:

7 Thank you, Susan. Next, Cyrus Pitre,
8 Chief Enforcement Counsel. Cyrus?

9 ATTORNEY PITRE:

10 We have eight matters for the Board's
11 consideration today, consisting of one Suspension, one
12 Revocation and six Involuntary Exclusions. Assistant
13 Enforcement Counsel Melissa Powers will present the
14 first matter, which is the Suspension of Mr. David
15 Zarn's Key Employee License.

16 CHAIRMAN:

17 Melissa?

18 ATTORNEY POWERS:

19 Thank you. Good afternoon, Chairman and
20 members of the Board. Powers, P-O-W-E-R-S.

21 On January 18th, the OEC filed a
22 Complaint for Suspension against Mr. David Zarn based
23 upon multiple felony and misdemeanor criminal charges
24 filed against him that may negatively affect his
25 suitability to hold a Key Employee License. OEC asks

1 that his Key Employee License be suspended, pending
2 the resolution of the criminal charges. Mr. Zarn did
3 not respond to the complaint within 30 days.
4 Therefore, his right to a hearing has been waived and
5 the facts alleged in the complaint are deemed to be
6 admitted.

7 On March 8th, 2013, OEC filed a Request
8 for Default Judgment. At this time, OEC would ask
9 that the Board suspend the Key Employee License of
10 David Zarn, pending the resolution of the criminal
11 charges filed against him.

12 CHAIRMAN:

13 Is David Zarn in the hearing room? Any
14 questions or comments from the Board? Ex-Officio
15 members? May I have a Motion?

16 MR. MCCALL:

17 Mr. Chairman, I move that the Board
18 issue an Order to approve the Suspension of David
19 Zarn's Key Employee License as described by the OEC.

20 CHAIRMAN:

21 Second?

22 MR. MCNALLY:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 ALL SAY AYE.

2 CHAIRMAN:

3 Opposed? The Motion carries. Thank
4 you, Melissa.

5 ATTORNEY PITRE:

6 The next matter that we have for the
7 Board's consideration is the Revocation of Ms. Venee
8 Berry's Gaming Employee Permit. Cassandra
9 Fenstermaker will present that matter before the
10 Board. And I think she also has matters three, four,
11 five and six, also on the agenda. She'll just follow
12 through on those.

13 CHAIRMAN:

14 Good afternoon, Cassandra.

15 ATTORNEY FENSTERMAKER:

16 Good afternoon, Chairman Ryan, members
17 of the Board. I'm Cassandra Fenstermaker,
18 F-E-N-S-T-E-R-M-A-K-E-R. I'm Assistant Enforcement
19 Counsel with the OEC.

20 The next five matters for the Board's
21 consideration are all based on the same general facts.
22 So, if it's okay with you, I will just present one
23 narrative and then present each Petition individually
24 for your consideration and vote.

25 CHAIRMAN:

1 That's fine. Go ahead.

2 ATTORNEY FENSTERMAKER:

3 Venee Berry was employed as a Table
4 Games Dealer at Harrah's Philadelphia. On September
5 29th, 2012, the surveillance department at Harrah's
6 received an anonymous phone call regarding Ms. Berry,
7 alleging that she was colluding with patrons who
8 wagered at the tables where she was dealing. Harrah's
9 surveillance began a live review of Ms. Berry while
10 she was dealing blackjack that night and determined
11 that she was not collecting losing wagers from patrons
12 and was paying patrons for losing wagers.

13 The Pennsylvania State Police were
14 notified. They approached the table and took down the
15 names of all the individuals at Ms. Berry's table at
16 that time. Anthony McDonald, Roseann Stabile and
17 Daniel Stabile were all seated at that table on
18 September 29th, 2012. A review of surveillance from
19 the previous week indicated that on several occasions
20 throughout the week, each of those individuals wagered
21 at Ms. Berry's tables. The surveillance review
22 indicated that these patrons' losing wagers were
23 either not collected, that they were paid for losing
24 wagers, that they were overpaid for winning wagers,
25 that they were able to past post those wagers, or that

1 they were paid without placing a wager. Venee Berry,
2 Daniel Stabile, Anthony McDonald and Roseann Stabile
3 were all subsequently charged with theft by unlawful
4 taking and conspiracy. Their charges remain pending.

5 So, with regard to the revocation
6 complaint, on January 30th, 2013 the OEC filed a
7 Complaint for Revocation against Venee Berry as a
8 result of her activity while employed as a Dealer at
9 Harrah's. The enforcement complaint was sent to Ms.
10 Berry by first class and certified mail. She did not
11 respond to the complaint in any way. And therefore,
12 pursuant to Board regulations, all facts alleged in
13 the complaint are deemed admitted.

14 The OEC filed a Request for Default
15 Judgment on March 18, 2013 and at this time requests
16 that Venee Berry's Gaming Employee Permit be revoked.

17 CHAIRMAN:

18 Is Venee Berry in the hearing room? Any
19 questions or comments from the Board? Ex-Officio
20 members? May I have a Motion?

21 MR. MCNALLY:

22 Mr. Chairman, I move that the Board
23 issue an Order to approve the Revocation of Venee
24 Berry's Gaming Employee Permit as described by the
25 OEC.

1 CHAIRMAN:

2 Second?

3 MR. MOSCATO:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE.

8 CHAIRMAN:

9 Opposed? The Motion carries.

10 ATTORNEY FENSTERMAKER:

11 The ---

12 CHAIRMAN:

13 Go ahead.

14 ATTORNEY FENSTERMAKER:

15 --- next Petition I have for your
16 consideration is the exclusion of Venee Berry. On
17 January 30th, 2013, the OEC filed an Exclusion
18 Petition against Venee Berry as a result of her
19 activities while employed at Harrah's. The Petition
20 was sent to Ms. Berry by both first class and
21 certified mail. She did not respond to the complaint
22 in any way. And therefore, pursuant to Board
23 regulations all facts alleged in the complaint are
24 deemed admitted.

25 The OEC filed a Request for Default

1 Judgment on March 18, 2013 and at this time requests
2 that Venee Berry be added to the Board's Excluded
3 Persons List.

4 CHAIRMAN:

5 Any questions or comments from the
6 Board? Ex-Officio members? May I have a Motion?

7 MR. MOSCATO:

8 Yes. I move that the Board issue an
9 Order to approve the addition of Venee Berry to the
10 PGCB Involuntary Exclusion List as described by the
11 OEC.

12 MR. FAJT:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE.

17 CHAIRMAN:

18 Opposed? The Motion carries.

19 ATTORNEY FENSTERMAKER:

20 Next exclusion regards Anthony McDonald.
21 On January 30th, 2013, the OEC filed an Exclusion
22 Petition against Anthony McDonald. In addition to his
23 involvement in the previously described activity at
24 Harrah's, Mr. McDonald has an extensive criminal
25 history which includes numerous convictions for

1 theft-related charges. The Petition was sent to Mr.
2 McDonald by both first class and certified mail. He
3 did not respond to the filing in any way. And
4 therefore, pursuant to Board regulations, all facts
5 alleged in the complaint are deemed admitted.

6 The OEC filed a Request for Default
7 Judgment on March 18th, 2013 and at this time requests
8 that Anthony McDonald be added to the Board's Excluded
9 Persons List.

10 CHAIRMAN:

11 Is Anthony McDonald in the hearing room?
12 Any questions or comments from the Board? Ex-Officio
13 members? May I have a Motion?

14 MR. FAJT:

15 Mr. Chairman, I move that the Board
16 issue an Order to approve the addition of Anthony
17 McDonald to the PGCB Involuntary Exclusion List as
18 described by the OEC.

19 MR. GINTY:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 ALL SAY AYE.

24 CHAIRMAN:

25 Opposed? The Motion carries.

1 ATTORNEY FENSTERMAKER:

2 Next we have Daniel Stabile. On January
3 30th, 2013, the OEC filed an Exclusion Petition
4 against Daniel Stabile as a result of his actions
5 while patronizing Harrah's, in addition to his prior
6 criminal history. The Petition was sent to Mr.
7 Stabile by both first class and certified mail. He
8 did not respond to the filing in any way. And
9 therefore, pursuant to Board regulations all facts
10 alleged in the complaint are deemed admitted.

11 The OEC filed a Request for Default
12 Judgment on March 18th, 2013 and at this time requests
13 that Daniel Stabile be added to the Board's Excluded
14 Persons List.

15 CHAIRMAN:

16 Is Daniel Stabile in the hearing room?
17 Any questions or comments from the Board? Ex-Officio
18 members? May I have a Motion?

19 MR. GINTY:

20 Mr. Chairman, I move that the Board
21 issue an Order to approve the addition of Daniel
22 Stabile to the PGCB Involuntary Exclusion List as
23 described by the OEC.

24 CHAIRMAN:

25 Second?

1 MS. KAISER:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE.

6 CHAIRMAN:

7 Opposed? The Motion carries.

8 ATTORNEY FENSTERMAKER:

9 The final matter related to this
10 incident involves Roseann Stabile. On January 30th,
11 2013 the OEC filed an Exclusion Petition against
12 Roseann Stabile as a result of her actions while
13 patronizing Harrah's. The Petition was sent to Ms.
14 Stabile by both first class and certified mail. She
15 did not respond to the filing in any way. And
16 therefore, pursuant to Board regulations all facts
17 alleged in the complaint are deemed admitted.

18 The OEC filed a Request for Default
19 Judgment on March 18th, 2013 and at this time request
20 that Roseann Stabile be placed on the Board's Excluded
21 Persons List.

22 CHAIRMAN:

23 Is Roseann Stabile in the hearing room?
24 Any questions or comments from the Board? Ex-Officio
25 members? May I have a Motion?

1 MS. KAISER:

2 Mr. Chairman, I move that the Board
3 issue an Order to approve the addition of Roseann
4 Stabile to the Pennsylvania Gaming Control Board
5 Involuntary Exclusion List as described by the OEC.

6 MR. MCCALL:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE.

11 CHAIRMAN:

12 Opposed? The Motion carries.

13 ATTORNEY FENSTERMAKER:

14 Thank you.

15 CHAIRMAN:

16 Thank you, Cassandra.

17 ATTORNEY PITRE:

18 The next matter on the Board's agenda is
19 for consideration of the placement of Mr. James Behler
20 on the Board's Involuntary Exclusion List. Assistant
21 Enforcement Counsel Jeff Hoeflich will present the
22 matter for the Board's consideration.

23 CHAIRMAN:

24 Good afternoon, Jeff.

25 ATTORNEY HOEFLICH:

1 Good afternoon Chairman, members of the
2 Board. Jeff Hoeflich, H-O-E-F-L-I-C-H, Assistant
3 Enforcement Counsel for the OEC.

4 The next matter before the Board today
5 is a request for the placement of James Behler on the
6 Board's Excluded Persons List. The OEC filed a
7 Petition to place Mr. Behler on the Exclusion List for
8 stealing vouchers on two separate occasions. On
9 December 2nd, 2012, a patron alerted Hollywood Casino
10 security personnel that he printed a voucher worth
11 \$80, forgot it at the slot machine, and when he
12 returned, it was gone.

13 Surveillance reviewed footage from the
14 area and confirmed that the guest had printed a
15 voucher for \$80 but it was taken moments later by Mr.
16 Behler. Surveillance footage showed Mr. Behler
17 redeeming the voucher at a kiosk and leaving the
18 casino property shortly thereafter. Pennsylvania
19 State Police filed theft charges against Mr. Behler
20 for the incident.

21 On December 9th, 2012, Mr. Behler was
22 again observed redeeming a voucher that belonged to
23 another patron. Security personnel located Mr. Behler
24 on the property and approached him regarding the
25 redeemed voucher. Mr. Behler returned the money and

1 he was evicted from the casino subsequently
2 thereafter.

3 OEC's Petition was filed on January
4 4th, 2013. The Petition was properly served on Mr.
5 Behler by both certified and first class mail. Mr.
6 Behler did not respond to the filing in any way. Due
7 to Mr. Behler's failure to respond, the averments in
8 the Petition are deemed to be admitted as fact and his
9 right to a hearing has been waived.

10 On March 1st, 2013 the OEC filed a
11 Request to Enter Default --- Judgment Upon Default.
12 The matter is now before the Board to consider
13 placement of James Behler on the Board's Excluded
14 Persons List.

15 CHAIRMAN:

16 Is James Behler in the hearing room?
17 Any questions or comments from the Board? Ex-Officio
18 members? May I have a Motion?

19 MR. MCCALL:

20 Mr. Chairman, I move that the Board
21 issue an Order to approve the addition of James Behler
22 to the Pennsylvania Gaming Control Board Involuntary
23 Exclusion List as described by the OEC.

24 CHAIRMAN:

25 Second?

1 MR. MCNALLY:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE.

6 CHAIRMAN:

7 Opposed? The Motion carries. Thank
8 you, Jeff.

9 ATTORNEY PITRE:

10 And the final matter that we have for
11 the Board's consideration today is the placement of
12 Douglas Reed on the Board's Involuntary Exclusion
13 List. Assistant Enforcement Counsel Dustin Miller
14 will present the matter before the Board.

15 CHAIRMAN:

16 Good afternoon, Dustin.

17 ATTORNEY MILLER:

18 Good afternoon, Chairman Ryan, members
19 of the Board. Dustin Miller on behalf of the OEC.

20 The OEC filed a Petition to place Mr.
21 Reed on the Exclusion List for cheating while playing
22 Three Card Poker at Parx Casino on August 10th, 2012.
23 In the August 10th, 2012 incident, Mr. Reed was
24 observed intentionally bending Ace, King and Queen
25 cards at the corners and bending lower cards on the

1 edges on two different decks of cards that were used
2 at the Three Card Poker table at which Mr. Reed was
3 playing. Bending the cards would give Mr. Reed an
4 illegal advantage during game play as Mr. Reed would
5 be able to know what type of cards the dealer had by
6 observing how the dealer's cards had been bent, which
7 would affect the amount and frequency of Mr. Reed's
8 wagering. Mr. Reed was arrested and charged with
9 violations of the Gaming Act for his actions.

10 On November 8th, 2013, Mr. Reed pleaded
11 guilty to a reduced charge of disorderly conduct for
12 his actions on August 10th, 2012. OEC's exclusion
13 Petition was properly served upon Mr. Reed to the
14 address listed on the criminal complaint filed against
15 him by both certified and first class mail. Mr. Reed
16 did not respond to the filing in any way. Due to Mr.
17 Reed's failure to respond, the averments in the
18 Petition are deemed to be admitted as fact and his
19 right to a hearing has been waived.

20 On February 1st, 2013, the OEC filed a
21 Request to Enter Judgment upon Default. The matter is
22 now before the Board to consider the placement of
23 Douglas E. Reed on the Board's Excluded Persons List.

24 CHAIRMAN:

25 Is Douglas Reed in the hearing room?

1 Any questions or comments from the Board? Ex-Officio
2 members? May I have a Motion?

3 MR. MCNALLY:

4 Mr. Chairman, I move that the Board
5 issue an Order to approve the addition of Douglas Reed
6 on the Pennsylvania Gaming Control Board Involuntary
7 Exclusion List as described by the OEC.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE.

15 CHAIRMAN:

16 Opposed? The Motion carries.

17 ATTORNEY MILLER:

18 Thank you.

19 CHAIRMAN:

20 Thank you, Dustin. Thank you, Cyrus.

21 Ladies and gentlemen, that concludes
22 today's meeting. Our next scheduled public meeting
23 will be held on April 24th in this room. And that
24 meeting will begin at 10:00 a.m. Any final comments
25 from the Board? Ex-Officio members? May I have a

1 Motion to adjourn?

2 MR. MOSCATO:

3 So moved.

4 MR. FAJT:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE.

9 CHAIRMAN:

10 The Motion carries. Thank you, ladies
11 and gentlemen.

12 * * * * *

13 MEETING CONCLUDED AT 12:30 P.M.

14 * * * * *

15

16

17 CERTIFICATE

18 I hereby certify that the foregoing proceedings,
19 hearing held before Chairman Ryan was reported by me
20 on 4/3/2013 and that I, Jolynn C. Prunoske, read this
21 transcript and that I attest that this transcript is a
22 true and accurate record of the proceeding.

23

24 Jolynn C. Prunoske

25