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BEFORE THE COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

\* \* \* \* \*

PUBLIC MEETING

\* \* \* \* \*

BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN  
James B. Ginty, Keith R. McCall,  
Anthony C. Moscato, John J. McNally, III,  
Christopher Craig, representing Robert McCord,  
State Treasurer Robert C. Coyne, representing  
Daniel Meuser, Secretary of Revenue  
Jorge Augusto, representing George Greig,  
Secretary of Agriculture

HEARING: Wednesday, April 24, 2013, 11:16 a.m.

LOCATION: PA Gaming Control Board  
Strawberry Square  
Second Floor  
Harrisburg, PA 17101

WITNESSES: None

Reporter: Jolynn C. Prunoske

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ALLISON CASSEL, ESQUIRE

Assistant Chief Counsel

STEPHEN S. COOK, ESQUIRE

Deputy Chief Counsel

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## P R O C E E D I N G S

CHAIRMAN:

Good morning, everyone. I'm Bill Ryan, 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 Chris Craig, representing State Treasurer, Robert McCord. Bob Coyne, representing Secretary for the Department of Revenue, Dan Meuser. And Jorge Augusto, representing Secretary of Agriculture, George Greig. Thank you gentlemen, for being here.

Everyone on the Board is present, so i will call the meeting to order. First i would ask everyone to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

I think we can begin, ladies and gentlemen. Thank you all for your patience. The Board held an Executive Session yesterday, the purpose of which was to discuss personnel matters and to conduct quasi judicial deliberations relating to matters being considered by the Board today. And at upcoming meetings. Additionally just prior to commencing this

1 meeting, the Board held an Executive Session to  
2 deliberate on the Mountainview, Thoroughbred Racing  
3 Association Petition that we heard this morning.

4           Also, while I know this has been widely  
5 publicized, I would like to again announce that the  
6 Board will be holding public input hearings in the City  
7 of Philadelphia on May 8th and 9th relating to the six  
8 applicants seeking the one remaining Category 2 Casino  
9 License for the City of Philadelphia. The hearings  
10 will be held at Lincoln Financial Field, at 1020  
11 Pattison Avenue in Philadelphia.

12           In addition, there will also be an input  
13 hearing on May 7th to address SugarHouse Casino's  
14 petition for expansion. The May 7th hearing will be  
15 held at the National Constitution Center located at 525  
16 Arch Street, also in the City of Philadelphia. Anyone  
17 wishing to speak at these hearings can register online  
18 at the Board's website, or can call the Board's  
19 Secretary, Mickey Kane at 717-346-8325. The public may  
20 also submit written public comment relating to these  
21 hearings by mailing such comments to the Pennsylvania  
22 Gaming Control Board, attention Board Secretary, P.O.  
23 Box 69060, Harrisburg, Pennsylvania, 17106. Or fax  
24 717-346-8350.

25           Okay. Next we will have consideration of

1 a motion to approve the minutes and transcripts of the  
2 March 13th and April 3rd, 2013 meetings. May I have  
3 such a motion?

4 MR. MCNALLY:

5 Mr. Chairman, I move that the Board  
6 approve the minutes and transcripts of the March 13th  
7 and April 3rd, 2013 meetings.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 AYES RESPOND

15 CHAIRMAN:

16 Opposed? The motion carries. Next, we  
17 have Claire Yantis, who's been sitting there patiently,  
18 our Human Resources Director. Claire.

19 MS. YANTIS:

20 Good morning, Chairman Ryan, Members of  
21 the Board. The Office of Human Resources has one  
22 motion for your consideration today. In order to  
23 ensure adequate staffing to support the anticipated  
24 opening of the Lady Luck Casino at Nemaquin Woodlands  
25 Resort, we have completed the recruitment process for

1 PGCB staff at that location. Current PGCB employee,  
2 Collin MacNamara has been named CCR Supervisor for the  
3 property. And his transition to the supervisory role  
4 is underway.

5           Additionally, we have four new hires for  
6 your consideration today. Amanda Kozar, Steven  
7 Pieczynski, Mark Seese and Jordan Montgomery have been  
8 selected as Casino Compliance Representatives for the  
9 property. All four individuals have completed the PGCB  
10 interview process, background investigation, and drug  
11 screening and are being recommended for hire by  
12 Director of Casino Compliance Jerry Stoll.

13           Finally, we have two additional  
14 individuals that we anticipate bringing before you at  
15 at next public meeting. I'd be happy to answer any  
16 questions about the recruitment efforts discussed. Or  
17 if there are no questions, I'd ask that the Board  
18 consider a motion to hire Ms. Kozar, Mr. Pieczynski,  
19 Mr. Seese, and Mr. Montgomery, as indicated.

20           CHAIRMAN:

21           Any questions or comments from the Board?  
22 Ex-Officio Members? May I have a motion?

23           MR. MOSCATO:

24           Yes, sir. I move that the Board approve  
25 the applicants as proposed, on the condition that they

1 have completed the necessary background investigations  
2 and drug testing.

3 MR. FAJT:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN:

9 Opposed? The motion carries. Thank you,  
10 Claire. Next, Doug Sherman, our Chief Counsel.

11 ATTORNEY SHERMAN:

12 Good morning, Chairman, Members of the  
13 Board. Our first agenda item relates to a final  
14 regulation which Assistant Chief Counsel Susan Yocum is  
15 here to present.

16 ATTORNEY YOCUM:

17 Good morning, Chairman, Members of the  
18 Board.

19 CHAIRMAN:

20 Good morning, Susan.

21 ATTORNEY YOCUM:

22 I have one Final-form rulemaking for your  
23 consideration today. It is Final rulemaking 125-161,  
24 which was provided to you in advance of this meeting.  
25 This rulemaking will amend the day-to-day types of

1 agreements that Licensees are required to submit to the  
2 Board for staff review, and those that will require  
3 Board approval such as management contracts, corporate  
4 overhead assessment agreements, and shared services  
5 agreements.

6 This will also exempt professional sports  
7 teams of major league baseball, the NFL, NBA and NHL  
8 from the gaming service providers certification and  
9 registration requirements. I'd be happy to answers any  
10 questions you may have.

11 CHAIRMAN:

12 Questions or comments from the Board?

13 MR. FAJT:

14 Just one real quick question, Mr.  
15 Chairman. You mentioned three NHL, NFL, NBA, I  
16 believe, Major League Baseball?

17 ATTORNEY YOCUM:

18 And Major League Baseball.

19 MR. FAJT:

20 Thank you.

21 CHAIRMAN:

22 Okay. Ex-officio members, may I have a  
23 motion?

24 MR. FAJT:

25 Yes, Mr. Chairman, I move that the Board

1 adopt Final-form regulation 125-161, as described by  
2 the Office of Chief Counsel (OCC), and that the  
3 regulation be posted on the Board's website.

4 MR. GINTY:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 AYES RESPOND

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY YOCUM:

12 Thank you.

13 CHAIRMAN:

14 Thank you, Susan. Doug?

15 ATTORNEY SHERMAN:

16 Today the Board has four petitions on the  
17 agenda. One of those matters was heard by the Board  
18 just earlier this morning, during the public hearing,  
19 that being of Penn National. The second petition which  
20 will be presented before the Board today was heard  
21 during a public hearing on April 3rd, 2013. And the  
22 other two matters will be based on the record,  
23 documentary records before the Board. As to each  
24 matter, all petitions, pleadings or any other  
25 evidentiary materials have been provided to the Board

1 in advance of the meeting.

2                   Now as to the first matter of Penn  
3 National Gaming, Mountainview Thoroughbred Racing  
4 Association and Pennsylvania National Turf Club are  
5 requesting the Board's initial approval of a corporate  
6 restructuring plan which will result in certain of the  
7 Penn National assets being placed in the newly-formed  
8 real estate investment trust. In submitting the  
9 petition, the Petitioners acknowledge that the Board's  
10 approval is preliminary and subject to further  
11 documentation and final Board approval, prior to the  
12 closing of the corporate restructuring. As heard  
13 earlier during the public hearing, Penn National Gaming  
14 will transfer real estate assets owned by the parties  
15 to a new entity. The real estate investment trust will  
16 then lease the real estate currently owned by  
17 Mountainview and the Pennsylvania National Turf Club,  
18 back to the operating entity.

19                   The transaction will also result in a  
20 refinancing of debt, with a portion of that debt being  
21 transferred to the REIT. The OEC (OEC) does not oppose  
22 the grant of the petition, however it has put forth  
23 eight conditions which are outlined in OEC's Answer to  
24 a Petition.

25                   As you heard earlier, Penn National is in

1 agreement with those conditions. During deliberations  
2 we also discussed the fact that Penn National has  
3 acknowledged that they will be proceeding to a number  
4 of other jurisdictions to seek similar approval from  
5 those other jurisdictions of this concept.

6           In addition to the eight conditions  
7 outlined in the OEC Answer and agreed to by Penn, I  
8 think it would also be prudent to place in the Order a  
9 requirement that Penn National submit transcripts of  
10 all proceedings of those other jurisdictions to both  
11 the OEC and the OCC, within 30 days of the public  
12 meetings occurring in each other jurisdiction, along  
13 with copies of any Orders, Decisions or other filings  
14 by the other jurisdictions, upon Penn National's  
15 receipt of those documents. Then in that way we can  
16 ensure that the Board and OEC is kept abreast of  
17 everything going on, in all decisions in the other  
18 jurisdictions.

19           I'd also note that the parties filed a  
20 motion requesting that Exhibit A and C of the petition  
21 be maintained as confidential. The OEC has no  
22 objection to that request. The OCC has reviewed it  
23 and agreed that confidentiality for those two exhibits  
24 is appropriate. And we would ask the Board now for a  
25 motion to consider the petition to approve the Penn

1 restructuring and creation of the REIT, Inc. Concept  
2 form along with the confidentiality motion.

3 CHAIRMAN:

4 Questions or comments from the Board?  
5 Ex-Officio Members? May I have a motion?

6 MR. GINTY:

7 It's my motion, Mr. Chairman. First of  
8 all, let me say I want to commend Penn National for an  
9 excellent presentation, and also to commend the OEC and  
10 the OCC for their thorough review of what is going to  
11 be a new issue, a novel issue in the gaming world.

12 With that, Mr. Chairman, I move that the  
13 Board grant the petition of Mountainview Thoroughbred  
14 Racing Association for initial approval of a corporate  
15 restructuring, subject to further documentation and  
16 subject to the comments made by Chief Counsel with  
17 respect to transcripts and audits from other  
18 jurisdictions, and subject to final approval prior to  
19 closing of the corporate restructuring. And further,  
20 grant the confidentiality motion, as described by the  
21 OCC.

22 CHAIRMAN:

23 Second?

24 MS. KAISER:

25 Second.

1                   CHAIRMAN:

2                   All in favor?

3 AYES RESPOND

4                   CHAIRMAN:

5                   Opposed? Motion carries.

6                   ATTORNEY SHERMAN:

7                   The next matter before the Board is  
8 Woodlands Fayette. It is a petition of Woodlands  
9 Fayette in which it requests approval of its plan for  
10 controlling access to the gaming floor. This petition  
11 was heard by the Board at the April 3rd meeting. After  
12 Board deliberations on the matter, a detailed  
13 adjudication has been drafted and will be issued later  
14 today, following the Board's vote on the matter.

15                   Broadly the adjudication largely approves  
16 the Woodlands Fayette plan, as presented. However it  
17 denies the proposed Nemaocolin Experience Membership  
18 without prejudice to Woodlands, again requesting the  
19 Board consider it after the provision of further  
20 information. The matter is now closed and ready for  
21 the Board's consideration.

22                   CHAIRMAN:

23                   Any questions or comments from the Board?

24 Ex-Officio Members? May I have a motion?

25                   MS. KAISER:

1           Mr. Chairman, I move that the Board grant  
2 the petition of Woodlands Fayette, LLC for approval of  
3 this plan to allow access to its gaming floor in part,  
4 as described by the OCC, and as outlined in the  
5 Adjudication and Order being issued today.

6           MR. MCCALL:

7           Second.

8           CHAIRMAN:

9           All in favor?

10 AYES RESPOND

11           CHAIRMAN:

12           Opposed? The motion carries.

13           ATTORNEY SHERMAN:

14           The next petition before the Board is that  
15 of Belle Mead Hot Glass, LLC. Belle Mead filed its  
16 Gaming Service Provider Application with the Board in  
17 September of 2009, and was granted interim  
18 authorization in October of 2009, to conduct business  
19 with casinos in the State of Pennsylvania. Upon  
20 further review of the application, the Bureau of  
21 Licensing discovered several deficiencies, notified  
22 Belle Mead on three occasions of the information needed  
23 to cure the application. However, the company failed  
24 to comply with the Bureau's request, and ultimately it  
25 placed the Belle Mead Company on the Prohibited Gaming

1 Service Provider List.

2 Belle Mead is now petitioning to be  
3 removed from the Prohibited Gaming Service Provider  
4 List. The OEC, in responding, does not object to the  
5 removal, provided that Belle Mead pay a \$1,500 civil  
6 penalty, an additional \$1,500 civil penalty for  
7 conducting business with Parx Casino while on the list,  
8 payment of all outstanding investigative and licensing  
9 fees and costs, as well as its commitment to  
10 cooperation with the Bureau of Licensing and Bureau of  
11 Investigations and Enforcement (BIE) regarding  
12 submission and review of any required forms or new  
13 applications, now determined to be required. Subject  
14 to those conditions, the matter is ready for the  
15 Board's decision.

16 CHAIRMAN:

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

19 MR. MCCALL:

20 Mr. Chairman, I move that the Board grant  
21 the petition of Belle Mead Hot Glass, as described by  
22 the OCC.

23 MR. MCNALLY:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 Opposed? The motion carries.

5 ATTORNEY SHERMAN:

6 In the final petition before the Board  
7 today is Fossil Partners' petition for removal from the  
8 Prohibited Gaming Service Provider List. Fossil  
9 Partners is a company that sells watches, handbags and  
10 other accessories. Fossil initially submitted a Gaming  
11 Service Provider Registration in February of 2007, and  
12 was granted interim authorization to conduct business  
13 in Pennsylvania.

14 Subsequently the Board's Bureau of  
15 Licensing notified Fossil that it had deficiencies in  
16 its application. The company did not cure those  
17 deficiencies, and the Board placed it on the Prohibited  
18 Gaming Service Provider List in December of 2008.  
19 Since that time, the Board has amended its regulation,  
20 which originally required that publicly-traded  
21 companies had to apply for a registration or  
22 certification as a gaming service provider. The  
23 amended regulation now removes the requirement, and  
24 therefore Fossil, as a publicly-traded company, is no  
25 longer required to provide the information previously

1 requested, as long as they file a publicly-traded  
2 corporation authorization form.

3 Fossil has filed that form with the Board  
4 in February of this year, and hence seeks to come off  
5 the list. The OEC has not objected to Fossil's request  
6 to be removed from the list, provided they pay a \$1,500  
7 civil penalty and any costs or expenses incurred by the  
8 OEC, relative to this petition. Under those provisos,  
9 the matter is now ready for the Board's consideration.

10 CHAIRMAN:

11 Any questions or comments from the Board?  
12 Ex-Officio Members? May I have a motion?

13 MR. MCNALLY:

14 Mr. Chairman, I move that the Board grant  
15 the petition of Fossil Partners, as described by the  
16 OCC.

17 CHAIRMAN:

18 Second?

19 MR. MOSCATO:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 AYES RESPOND

24 CHAIRMAN:

25 Opposed? The motion carries.

1                   ATTORNEY SHERMAN:

2                   Next presenting a Report and  
3 Recommendation is Deputy Chief Counsel, Steve Cook.

4                   CHAIRMAN:

5                   Good morning, Steve.

6                   ATTORNEY COOK:

7                   Good morning. Before the Board is one  
8 consideration of one Report and Recommendation received  
9 by the Board from the Office of Hearings and Appeals  
10 (OHA). The Report and Recommendation, which pertains  
11 to the Non-Gaming Employer Registration of Juan Velez,  
12 along with the evidentiary record from the hearing, has  
13 been provided to the Board in advance of this meeting.  
14 Additionally, Mr. Velez, has been notified that the  
15 matter was coming before the Board today, and he had  
16 the ability to come forward and briefly address the  
17 Board.

18                   If Mr. Velez is in the room, I'd ask him  
19 to come forward at this time.

20                   Briefly, on December 6th, 2012, Mr. Velez  
21 submitted a Non-Gaming Employee Application to work as  
22 an EVS Attendant at the Parx Casino. Mr. Velez stated  
23 on his application that he had never been arrested or  
24 charged with any criminal offenses. However, during  
25 BIE's investigation, it was discovered that Mr. Velez

1 had been arrested and convicted in November of 1996 for  
2 theft and criminal trespass, and in 1999 for  
3 drug-related offenses.

4           As a result of Mr. Velez' criminal  
5 history, on January 2nd, 2013, the OEC issued a Notice  
6 of Recommendation of Denial of this gentleman's  
7 application. Thereafter, Mr. Velez requested a  
8 hearing which was held on February the 26th, 2013, and  
9 was attended by both Mr. Velez and Enforcement Counsel,  
10 BIE agents, all of which presented evidence before the  
11 Hearing Officer.

12           At that time, Mr. Velez testified that he  
13 had not been charged with any crime since 1999, and  
14 that a drug problem was the root of his problems. He  
15 had since come to terms with his drug addiction, and  
16 has been steadily employed for about the last 12 years.  
17 Was married. Was a father and grandfather. And  
18 essentially he indicated that he had righted his life.

19           After viewing all the evidence presented,  
20 the Hearing Officer issued a Report and Recommendation,  
21 recommending that the Application for Non-Gaming Permit  
22 be approved, notwithstanding the OEC's objection. And  
23 it is that recommendation before the Board today.

24           CHAIRMAN:

25           Is Juan Velez in the hearing room? Any

1 questions or comments from the Board? Ex-Officio  
2 Members? May I have a motion?

3 MR. MOSCATO:

4 Yes, sir. I move that the Board adopt the  
5 Report and Recommendation of the OHA, regarding the  
6 Non-Gaming Employee Registration of Juan Velez, as  
7 described by the OCC.

8 MR. FAJT:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? The motion carries.

15 ATTORNEY SHERMAN:

16 And that concludes all matters of the OCC.

17 CHAIRMAN:

18 Thank you, gentlemen. Next, Susan Hensel,  
19 Director of Bureau of Licensing. Good morning, Susan.

20 MS. HENSEL:

21 Thank you, Chairman Ryan and Members of  
22 the Board. Before the Board today will be motions  
23 regarding 731 Principal Key Gaming and Non-Gaming  
24 Employees. In addition, there will be consideration of  
25 11 Gaming Service Provider Applicants.

1           The first matter for your consideration is  
2 the approval of Principal and Key Employee Licenses.  
3 Prior to this meeting, the Bureau of Licensing provided  
4 you with a Proposed Order for five Principal and seven  
5 Key Employee Licenses for Category 1, 2 and 3 Slot  
6 Machine Operators and Manufacturer Licensees. I ask  
7 that the Board consider the Order approving these  
8 licenses.

9           CHAIRMAN:

10           Any comments from Enforcement Counsel?

11           ATTORNEY PITRE:

12           Enforcement Counsel has no objection.

13           CHAIRMAN:

14           Questions or comments from the Board?

15 Ex-Officio Members? May I have a motion?

16           MR. FAJT:

17           Mr. Chairman, I move that the Board  
18 approve the issuance of Principal and Key Employee  
19 Licenses as described by the Bureau of Licensing.

20           MR. GINTY:

21           Second.

22           CHAIRMAN:

23           All in favor?

24 AYES RESPOND

25           CHAIRMAN:

1 Opposed? The motion carries.

2 MS. HENSEL:

3 Next for your consideration are Temporary  
4 Principal and Key Employee Licenses. Prior to this  
5 meeting, the Bureau of Licensing provided you with an  
6 Order regarding the issuance of Temporary Licenses for  
7 two Principal and 22 Key Employees. I ask that the  
8 Board consider the Order approving these licenses.

9 CHAIRMAN:

10 Any comments from Enforcement Counsel?

11 ATTORNEY PITRE:

12 Enforcement Counsel has no objection.

13 CHAIRMAN:

14 Any questions or comments from the Board?  
15 Ex-Officio Members? May I have a motion?

16 MR. GINTY:

17 Mr. Chairman, I move that the Board  
18 approve the issuance of Temporary Principal and Key  
19 Employee Credentials, as described by the Bureau of  
20 Licensing.

21 CHAIRMAN:

22 Second?

23 MS. KAISER:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 Opposed? The motion carries.

5 MS. HENSEL:

6 In addition there are Gaming Permits and  
7 Non-Gaming Registrations. Prior to this meeting, the  
8 Bureau of Licensing provided you with a list of 538  
9 individuals to whom the Bureau has granted Temporary or  
10 Full Occupation Permits, and 81 individuals to whom the  
11 Bureau has granted Registrations under the authority  
12 delegated to the Bureau of Licensing. I ask that the  
13 Board consider a motion approving the Order.

14 CHAIRMAN:

15 Any comments from Enforcement Counsel?

16 ATTORNEY PITRE:

17 Enforcement Counsel has no objection.

18 CHAIRMAN:

19 Any questions or comments from the Board?

20 Ex-Officio Members? May I have a motion?

21 MS. KAISER:

22 Mr. Chairman, I move that the Board  
23 approve the issuance of Gaming Employee Permits and  
24 Non-Gaming Employee Registrations as described by the  
25 Bureau of Licensing.

1                   MR. MCCALL:

2                   Second.

3                   CHAIRMAN:

4                   All in favor?

5 AYES RESPOND

6                   CHAIRMAN:

7                   Opposed? The motion carries.

8                   MS. HENSEL:

9                   We also have Recommendations of Denial for  
10 one Gaming Employee and two Non-Gaming Employee  
11 Applicants. Prior to this meeting, the Bureau of  
12 Licensing provided you with Orders addressing the  
13 applicants, who the OEC has recommended for denial.

14                   In each case, the applicant failed to  
15 request a hearing within the specified time period. I  
16 ask that the Board consider the Orders denying the  
17 Gaming and Non-Gaming Employee Applicants.

18                   CHAIRMAN:

19                   Any comments from Enforcement Counsel?

20                   ATTORNEY PITRE:

21                   Enforcement Counsel would request that the  
22 Board order a Denial in each instance.

23                   CHAIRMAN:

24                   Questions or comments from the Board?

25 Ex-Officio Members? May I have a motion?

1                   MR. MCCALL:

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

5                   MR. MCNALLY:

6                   Second.

7                   CHAIRMAN:

8                   All in favor?

9 AYES RESPOND

10                   CHAIRMAN:

11                   Opposed? The motion carries.

12                   MS. HENSEL:

13                   Also for your consideration are withdraw  
14 requests for Gaming and Non-Gaming Employees. In each  
15 case, the Permit or Registration is no longer required.  
16 For today's meeting I have provided the Board with a  
17 list of 11 Gaming and four Non-Gaming Employee  
18 withdrawals for approval and I ask that the Board  
19 consider the Orders approving that list of withdrawals.

20                   CHAIRMAN:

21                   Any comments from Enforcement Counsel?

22                   ATTORNEY PITRE:

23                   Enforcement Counsel has no objection.

24                   CHAIRMAN:

25                   Questions or comments from the Board?

1 Ex-Officio Members? May have I motion?

2 MR. MOSCATO:

3 I move that the Board approve the  
4 withdrawals as described by the Bureau of Licensing.

5 MR. FAJT:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 AYES RESPOND

10 CHAIRMAN:

11 Opposed? The motion carries.

12 MS. HENSEL:

13 Next we have an Order regarding the  
14 abandonment of Gaming and Non-Gaming Employee  
15 Applications. The Bureau of Licensing provided you  
16 with an Order and an attached list of nine Gaming and  
17 49 Non-Gaming Employee Applications. The applicants  
18 filed applications but failed to be fingerprinted as  
19 required by the Act and the Board's regulations. It  
20 has been six months or more since there has been any  
21 activity on these applications. Periodically the  
22 Bureau of Licensing reviews its files to identify  
23 incomplete and inaccurate applications such as these,  
24 and recommends that the applicants be abandoned. Under  
25 our regulations, the Board has the authority to declare

1 applications abandoned if the applicant fails to  
2 provide information such as fingerprints necessary to  
3 cure application deficiencies.

4 An abandoned applicant is free to reapply  
5 at any time and I ask that the Board consider the Order  
6 declaring these applications abandoned.

7 CHAIRMAN:

8 Any comments from Enforcement Counsel?

9 ATTORNEY PITRE:

10 Enforcement Counsel has no objection.

11 CHAIRMAN:

12 Any questions or comments from the Board?

13 Ex-Officio Members? May I have a motion?

14 MR. MCNALLY:

15 Mr. Chairman, I move that the Board  
16 approve the abandonment of Gaming and Non-Gaming  
17 Employee Applications as described by the Bureau of  
18 Licensing.

19 CHAIRMAN:

20 Second?

21 MR. MOSCATO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1                   CHAIRMAN:

2                   Opposed? The motion carries.

3                   MS. HENSEL:

4                   In addition we have the Order to Certify  
5 the following gaming service providers. Epicurean  
6 Strategic Partners, LLC and Gotham Direct, Inc. I ask  
7 that the Board consider the Order approving these  
8 gaming service providers for certification.

9                   CHAIRMAN:

10                  Any comments from Enforcement Counsel?

11                  ATTORNEY PITRE:

12                  Enforcement Counsel has no objection.

13                  CHAIRMAN:

14                  Any questions or comments from the Board?

15 Ex-Officio Members? May I have a motion?

16                  MR. FAJT:

17                  Mr. Chairman, I move that the Board issue  
18 an Order to approve the applications for Gaming Service  
19 Providers Certification, as described by the Bureau of  
20 Licensing.

21                  CHAIRMAN:

22                  Second?

23                  MR. GINTY:

24                  Second.

25                  CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 CHAIRMAN:

4 Opposed? The motion carries.

5 MS. HENSEL:

6 Next we have an Order regarding Gaming  
7 Service Provider Registrations. The Bureau of  
8 Licensing provided you with an Order and an attached  
9 list of seven Registered Gaming Service Providers. I  
10 ask that the Board consider a motion registering these  
11 gaming service providers.

12 CHAIRMAN:

13 Any comments from Enforcement Counsel?

14 ATTORNEY PITRE:

15 Enforcement Counsel has no objection.

16 CHAIRMAN:

17 Any questions or comments from the Board?

18 Ex-Officio Members? May I have a motion?

19 MR. GINTY:

20 Mr. Chairman, I move that the Board issue  
21 an Order to approve the applications for Gaming Service  
22 Provider Registration as described by the Bureau of  
23 Licensing.

24 CHAIRMAN:

25 Second?

1                   MS. KAISER:

2                   Second.

3                   CHAIRMAN:

4                   All in favor?

5 AYES RESPOND

6                   CHAIRMAN:

7                   Opposed? The motion carries.

8                   MS. HENSEL:

9                   In addition we have a Recommendation of  
10 Denial for Pho Ha Saigon Noodle House's Gaming Service  
11 Provider Application. Prior to this meeting, the  
12 Bureau of Licensing provided you with an Order  
13 addressing this applicant, who the OEC has recommended  
14 for denial.

15                   The applicant failed to request a hearing  
16 within the specified time period. I ask that the Board  
17 consider the Order denying Pho Ha Saigon Noodle House's  
18 Gaming Service Provider Application.

19                   CHAIRMAN:

20                   Any comments from Enforcement Counsel?

21                   ATTORNEY PITRE:

22                   The Enforcement Counsel requests that the  
23 Board issue an Order denying the application.

24                   CHAIRMAN:

25                   Any questions or comments from the Board?

1 Ex-Officio Members? May I have a motion?

2 MS. KAISER:

3 Mr. Chairman, I move that the Board issue  
4 an Order to deny the Gaming Service Provider  
5 Application of Pho Ha Saigon Noodle House, as described  
6 by the Bureau of Licensing.

7 MR. MCCALL:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 AYES RESPOND

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 Finally, the Gaming Service Provider  
16 Application for the Broadview Group, LLC is being  
17 recommended for abandonment. This company filed an  
18 incomplete application with the Board, and to the best  
19 of our knowledge is out of business. I ask that the  
20 Board consider the Order declaring The Broadview Group,  
21 LLC's application abandoned.

22 CHAIRMAN:

23 Any comments from Enforcement Counsel?

24 ATTORNEY PITRE:

25 Enforcement Counsel has no objection.

1                    CHAIRMAN:  
2                    Any questions or comments from the Board?  
3 Ex-Officio Members? May I have a motion?

4                    MR. MCCALL:  
5                    Mr. Chairman, I move that the Board issue  
6 an Order to approve the abandonment of The Broadview  
7 Group, LLC's Gaming Service Provider Application, as  
8 described by the Bureau of Licensing.

9                    MR. MCNALLY:  
10                    Second.

11                    CHAIRMAN:  
12                    All in favor?

13 AYES RESPOND

14                    CHAIRMAN:  
15                    Opposed? The motion carries.

16                    MS. HENSEL:  
17                    That concludes the matters of the Bureau  
18 of Licensing.

19                    CHAIRMAN:  
20                    Thank you very much, Susan. Next we have  
21 OEC. Cyrus?

22                    ATTORNEY PITRE:  
23                    We have six matters for the Board's  
24 consideration today. We have three revocations and  
25 three involuntary exclusions. The first matter is the

1 revocation of Mr. Andrew Barlow's Non-Gaming Employee  
2 Registration. That matter will be presented by  
3 Assistant Enforcement Counsel Dustin Miller.

4 CHAIRMAN:

5 Good morning, Dustin.

6 ATTORNEY MILLER:

7 Good morning, Chairman Ryan, Members of  
8 the Board. I'm Dustin Miller on behalf of the OEC.

9 The first matter today is a request for  
10 revocation involving Andrew Barlow. Mr. Barlow was  
11 employed as an EVS Attendant at Parx Casino, and  
12 registered as a Non-Gaming Employee. The OEC filed an  
13 Enforcement Complaint to revoke Mr. Barlow's Non-Gaming  
14 Registration for failing to maintain his suitability on  
15 December 12th --- or December 28th of 2012.

16 Mr. Barlow was terminated from Parx Casino  
17 on August 29th, 2012, after the Parx Casino  
18 surveillance department observed Mr. Barlow stealing a  
19 patron's money from the tray of a TRM machine on August  
20 25th, 2012. The Pennsylvania State Police charged Mr.  
21 Barlow with theft by unlawful taking and receiving  
22 stolen property for this incident.

23 The Enforcement Complaint was properly  
24 served upon Mr. Barlow to the address listed on his  
25 application by both certified and first class mail.

1 Mr. Barlow did not respond to the filing in any way.  
2 Due to Mr. Barlow's failure to respond, the averments  
3 in the Enforcement Complaint are deemed admitted as  
4 fact and his right to a hearing has been waived.

5 On March 21st, 2013, the OEC filed a  
6 request to enter a Judgment upon Default. The matter  
7 is now before the Board to consider the revocation of  
8 Mr. Barlow's Non-Gaming Employee Registration.

9 CHAIRMAN:

10 Is Andrew Barlow in the hearing room? Any  
11 questions or comments from the Board? Ex-Officio  
12 Members? May I have a motion?

13 MR. MCNALLY:

14 Mr. Chairman, I move that the Board issue  
15 an Order to approve the revocation of Andrew Barlow's  
16 Non-Gaming Employee Registration as described by the  
17 OEC.

18 CHAIRMAN:

19 Second?

20 MR. MOSCATO:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 MR. CHAIRMAN:

1                   Opposed? The motion carries.

2                   MR. MILLER:

3                   Thank you.

4                   CHAIRMAN:

5                   Thank you, Dustin.

6                   ATTORNEY PITRE:

7                   The next five matters will be presented to  
8 the Board by Assistant Enforcement Counsel Cassandra  
9 Fenstermaker. The first on the list is the revocation  
10 of Mr. Craig Wise's Gaming Employee Permit.

11                  CHAIRMAN:

12                  Good morning, Cassandra.

13                  ATTORNEY FENSTERMAKER:

14                  Good morning Chairman, Members of the  
15 Board. My name is Cassandra Fenstermaker,  
16 F-E-N-S-T-E-R-M-A-K-E-R, Assistant Enforcement Counsel  
17 for the OEC.

18                  As Cyrus said, the first matter I have for  
19 your consideration today is a revocation for Craig  
20 Wise, Junior's Gaming Employee Permit. On February  
21 6th, 2013, the OEC filed a Complaint for the revocation  
22 against Craig Wise, Junior, as a result of his  
23 activities while employed as a Slot Attendant at  
24 Harrah's Philadelphia.

25                  Specifically, Mr. Wise falsified jackpot

1 payout slips and kept the approximately \$475 he claims  
2 to have given to patrons. The Enforcement Complaint  
3 was sent to Mr. Wise by first class and certified mail.  
4 He did not respond to the Complaint within 30 days, and  
5 therefore pursuant to Board regulations, all facts in  
6 the Complaint are deemed admitted. The OEC filed a  
7 Request for Default Judgment on March 19th, 2013, and  
8 at this time requests that Craig Wise, Junior's Gaming  
9 Employee Permit be revoked.

10 CHAIRMAN:

11 Is Craig Wise in the hearing room? Any  
12 questions or comments from the Board? Ex-Officio  
13 Members? May I have a motion?

14 MR. MOSCATO:

15 Yes, sir. I move that the Board issue an  
16 Order to approve the revocation of Craig Wise's Gaming  
17 Employee Permit as described by the OEC.

18 MR. FAJT:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 AYES RESPOND

23 CHAIRMAN:

24 Opposed? The motion carries.

25 ATTORNEY FENSTERMAKER:

1           The next four matters that I have for the  
2 Board's consideration are based on the same general  
3 facts, so if it's okay, I will just present one  
4 narrative and then present each petition for your  
5 consideration of both.

6           CHAIRMAN:

7           That's fine.

8           ATTORNEY FENSTERMAKER:

9           I know I'm going to pronounce this man's  
10 name incorrectly at least once during this proceeding  
11 just to warn you.

12          CHAIRMAN:

13          I would hope so.

14          ATTORNEY FENSTERMAKER:

15          Soksovannarath Yin holds a Gaming Employee  
16 Permit and was employed as a Table Games Dealer at  
17 Harrah's, Philadelphia. While Mr. Yin was dealing  
18 blackjack on November 26th, 2012, a patron reported  
19 suspicious activity at Mr. Yin's table to the Table  
20 Game Supervisor on duty.

21                 Surveillance conducted a live review of  
22 Mr. Yin while he was dealing, and noted that he paid a  
23 patron twice for a past-posted wager, misdealt a hand  
24 while he was dealing and paid a patron for a losing  
25 hand. The patron was later identified as Tavis Scales.

1           Surveillance conducted a further review of  
2 Mr. Yin's actions while dealing blackjack and Spanish  
3 21 from the previous week. The review indicated that  
4 Mr. Yin was paying patrons, Tavis Scales and Patrick  
5 Jeun for illegal wagers, paying them two times for  
6 wagers, paying them for losing wagers, misdealing  
7 cards, and placing bets for Mr. Scales and Mr. Jeune  
8 using chips out of the rack, so using house money.

9           Mr. Yin, Mr. Scales, and Mr. Jeune were  
10 all subsequently charged with multiple counts of  
11 Conspiracy to Commit Theft, and other theft-related  
12 charges. All of their cases are currently pending.

13           Regarding Soksovannarath Yin's Gaming  
14 Employee Permit, on February 8th, 2013, the OEC filed a  
15 Complaint for Revocation against Soksovannarath Yin as  
16 a result of his activities while employed as a dealer  
17 at Harrah's. The Enforcement Complaint was sent to Mr.  
18 Yin by both first class and certified mail. He did not  
19 respond to the Complaint within 30 days, and therefore,  
20 pursuant to Board regulations, all facts in the  
21 Complaint are deemed admitted. The OEC filed a Request  
22 for Default Judgment on March 19th, 2013 and at this  
23 time requests that Soksovannarath Yin's Gaming Employee  
24 Permit be revoked.

25                           CHAIRMAN:

1                   Is Soksovannarath Yin in the hearing room?  
2 Any questions or comments from the Board? Ex-Officio  
3 Members? May I have a motion?

4                   MR. FAJT:

5                   Yes, Mr. Chairman. I move that the Board  
6 issue an Order to approve the revocation of  
7 Soksovannarath Yin's Gaming Employee Permit as  
8 described by the OEC.

9                   MR. GINTY:

10                   Second.

11                   CHAIRMAN:

12                   All in favor?

13 AYES RESPOND

14                   CHAIRMAN:

15                   Opposed? The motion carries.

16                   ATTORNEY FENSTERMAKER:

17                   Regarding Mr. Yin's exclusion, on February  
18 8th, 2013, the OEC filed an Exclusion Petition against  
19 Soksovannarath Yin as a result of his activities while  
20 employed at Harrah's and as a result of his pending  
21 criminal charges. The petition was sent to Mr. Yin by  
22 both first class and certified mail. He did not  
23 respond to the filing in any way, and therefore,  
24 pursuant to Board regulations, all facts alleged in the  
25 Complaint are deemed admitted. The OEC filed a Request

1 for Default Judgment on March 19th, 2013 and at this  
2 time the OEC requests that Soksovannarath Yin been  
3 placed on the Board's Excluded Persons List.

4 CHAIRMAN:

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

7 MR. GINTY:

8 Mr. Chairman, I'd move that the Board  
9 issue an Order to approve the addition of  
10 Soksovannarath Yin to the PGCB's Involuntary Exclusion  
11 List as described by the OEC.

12 CHAIRMAN:

13 Second?

14 MS. KAISER:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN:

20 Opposed? The motion carries.

21 MS. FENSTERMAKER:

22 The next petition I have is regarding  
23 Patrick Jeune, the patron that was involved. On  
24 February 8th of 2013, the OEC filed an Exclusion  
25 Petition against Patrick Jeune as result of his actions

1 while patronizing Harrah's and his pending criminal  
2 charges. The petition was sent to Mr. Jeune by both  
3 first class and certified mail. He did not respond to  
4 the filing in any way, and therefore, pursuant to Board  
5 regulations, all facts in the Complaint are deemed  
6 admitted. The OEC filed a Request for Default Judgment  
7 on March 19th, 2013 and at this time, the OEC requests  
8 that Patrick Jeune be placed on the Board's Excluded  
9 Persons List.

10 CHAIRMAN:

11 Is Patrick Jeune in the hearing room? Any  
12 questions or comments from the Board? Ex-Officio  
13 Members? May I have a motion?

14 ATTORNEY KAISER:

15 Mr. Chairman, I move that the Board issue  
16 an Order to approve the addition of Patrick Jeune to  
17 the Pennsylvania Gaming Control Board's Involuntary  
18 Exclusion List, as described by the OEC.

19 MR. MCCALL:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 AYES RESPOND

24 CHAIRMAN:

25 Opposed? The motion carries.

1                   ATTORNEY FENSTERMAKER:

2                   The final petition I have is regarding  
3 Tavis Scales. On February 8th, 2013, the OEC filed an  
4 Exclusion Petition against Tavis Scales as a result of  
5 his activities at Harrah's and his pending criminal  
6 charges. The petition was sent to Mr. Scales by both  
7 first class and certified mail. He did not respond to  
8 the filing in any way, and therefore, pursuant to Board  
9 regulations, all facts alleged in the Complaint are  
10 deemed admitted. The OEC filed a Request for Default  
11 Judgment on March 19th, 2013, and at this time requests  
12 that Tavis Scales be placed on the Board's Excluded  
13 Persons List.

14                   CHAIRMAN:

15                   Is Tavis Scales in the hearing room? Any  
16 questions or comments from the Board? Ex-Officio  
17 Members? May I have a motion?

18                   MR. MCCALL:

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

23                   MR. MCNALLY:

24                   Second.

25                   CHAIRMAN:

1 All in favor?

2 AYES RESPOND

3 MR. CHAIRMAN:

4 Opposed? The motion carries.

5 ATTORNEY PITRE:

6 That concludes our business.

7 CHAIRMAN:

8 Thank you both. Ladies and gentlemen,  
9 that concludes today's meeting. Our next scheduled  
10 public meeting will be on Wednesday, May 15th in this  
11 room, at 10:00 a.m. Any final comments from the Board?  
12 Ex-Officios? May I have a motion to adjourn?

13 MR. MCNALLY:

14 I move that we adjourn, Your Honor.

15 CHAIRMAN:

16 Second?

17 MR. MOSCATO:

18 Second.

19 CHAIRMAN:

20 Meeting is adjourned. Thank you, ladies  
21 and gentlemen.

22 \* \* \* \* \*

23 MEETING ADJOURNED AT 11:50 A.M.

24 \* \* \* \* \*

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## CERTIFICATE

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I hereby certify that the foregoing proceedings,  
hearing held before Chairman Ryan, was reported by me  
on 4/23/2013 and that I, Jolynn C. Prunoske read this  
transcript and that I attest that this transcript is a  
true and accurate record of the proceeding.

Jolynn C. Prunoske