

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN
Gregory C. Fajt, James B. Ginty, Annamarie
Kaiser, Keith R. McCall, John J. McNally,
III, Anthony C. Moscato, Members;
Christopher Craig, representing State
Treasurer, Robert M. McCord and Robert
Coyne, representing Secretary to Department
of Revenue Daniel P. Meuser
HEARING: Wednesday, June 26, 2013
10:02 a.m.
LOCATION: PA Gaming Control Board
Strawberry Square, 2nd Floor
Harrisburg, PA 17101
WITNESSES: NONE

Reporter: Jennifer T. Alves

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CHAIRMAN:

Good morning ladies and gentleman. 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 Bob Ford and Bob Coyne representing Secretary for the Department of Dan Meuser. Thank you both for coming. A quorum of members is present. In fact, we are all here. I will call the meeting to order. The first order of business, I would like everyone to please stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

Thank you. First, this announcement. 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. Our first order of business, we'll have our minutes and transcript from the May 15th meeting. May I have a motion to approve the minutes of the May 15th Board

1 meeting?

2 MR. FAJT:

3 Mr. Chairman, I move that the Board
4 approve the minutes and transcript of the May 15, 2013
5 meeting.

6 MR. GINTY:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL RESPOND AYE

11 CHAIRMAN:

12 Opposed? The motion carries. Next,
13 we'll hear from Kevin O'Toole, our Executive Director,
14 Kevin?

15 MR. O'TOOLE:

16 Good morning, Chairman, members of the
17 Board. As you are aware, Lady Luck Casino at
18 Nemacolin Woodlands Resort will be conducting two test
19 periods this week. One on Thursday, June 27th, from
20 4:00 p.m. until 10:00 p.m. and the second on Saturday,
21 June 29th, from 2:00 p.m. until 8:00 p.m. Test
22 periods involve live gaming activity, at both slot
23 machines and table games. Although we do require
24 table gaming wagers to be limited to a maximum bet of
25 \$5 per wager. Isle of Capri, Pennsylvania, and

1 Nemaocolin Woodlands Resort have selected a group of
2 charities to be the recipients of the proceeds from
3 these two test periods. The proceeds for distribution
4 to the selected charities is determined after
5 applicable gaming taxes have been paid. I am pleased
6 to report to the Board that the proceeds after taxes
7 for the test period on June the 27th will be equally
8 distributed between two organizations, The Mario
9 Lemieux Foundation and the Wounded Warriors Project.
10 The charities that will benefit from the proceeds from
11 the test period on June the 29th will be equally
12 distributed to three organizations. The Farmington
13 Volunteer Fire Department, the Big Brothers Big
14 Sisters of the Laurel Region and the Rally for The
15 Cure. Thank you.

16 CHAIRMAN:

17 Any questions, comments from the Board?
18 Ex-Officio members? Thank you, Kevin. Next, our
19 Chief Counsel, Doug Sherman. Doug?

20 ATTORNEY SHERMAN:

21 Good morning, Chairman, members of the
22 Board. We have eight Report and Recommendations
23 before you today. Each of the Report and
24 Recommendations, along with the evidentiary record and
25 all pleadings have been provided to the Board in

1 advance of this meeting. In addition, in each case if
2 the person or entity involved in any Report and
3 Recommendation is present, they may come forward when
4 their matter is announced and should the Board have
5 any questions of them, they would be available to
6 answer.

7 The first Report and Recommendation
8 pertains to Timothy Daniel. Mr. Daniel submitted his
9 application for Gaming Permit in January of 2013 to
10 work as a laborer for TN Ward Company, a general
11 contractor and certified gaming service provider. On
12 his application, Mr. Daniel had disclosed one DUI
13 conviction, however, during the background
14 investigation, it was determined that he had failed to
15 report his complete criminal history, which involved
16 two felony forgery convictions in 1997. Based upon
17 the nature of the criminal conduct and his failure to
18 fully disclose that conduct, the Office of Enforcement
19 Counsel (OEC) recommended the denial of his
20 application. Mr. Daniel requested a hearing, which
21 was held on May 7th, however, he did not attend the
22 hearing. The Report and Recommendation issued by the
23 Office of Hearings and Appeals (OHA) recommends that
24 the application for Gaming Permit be denied and that
25 is the recommendation which the Board is to make a

1 motion on.

2 CHAIRMAN:

3 Any questions, comments, from the Board?
4 Ex-Officio members? May I have a motion?

5 MR. MCCALL:

6 Mr. Chairman, I move that the Board
7 adopt the Report and Recommendation of the OHA
8 regarding the Gaming Employee Permit of Timothy
9 Daniel, as described by the OEC.

10 MR. MCNALLY:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL RESPOND AYE.

15 CHAIRMAN:

16 Opposed? The motion carries.

17 ATTORNEY SHERMAN:

18 The next two matters involve Michael
19 Duong. Taken one at a time here, in January of 2011,
20 Mr. Duong submitted his application seeking work as a
21 table game dealer at Harrah's. He had disclosed on
22 the application that he had been arrested and
23 convicted of tax crimes in 2002. Upon review, the OEC
24 staff, I think in looking at the federal crimes versus
25 the state crimes and trying to marrying the two up had

1 misapprehended the nature of the conviction and
2 thought it was equivalent to a misdemeanor.
3 Subsequently, which the misdemeanor would not
4 disqualify Mr. Duong from having a gaming permit. As
5 a result, he was issued that permit in February 2011.

6 In April of 2012, Mr. Duong applied for
7 a G2 Employee Permit that's a higher level of a Gaming
8 Permit for a supervisor of casino games at Harrah's,
9 Philadelphia. At that time, it was discovered that
10 the 2002 tax crime conviction was in fact a felony
11 conviction and not the previously thought misdemeanor.
12 As a result, the OEC filed a complaint on January
13 17th, 2013, to revoke Mr. Duong's Gaming Permit. A
14 hearing was held at which time both OEC and Mr. Duong
15 appeared and offered evidence. Thereafter a Report
16 and Recommendation was issued recommending that the
17 --- his Gaming Permit be revoked, based upon the
18 15-year felony prohibition in the Gaming Act, which
19 precludes anyone convicted of a felony from obtaining
20 a Gaming Permit for 15 years after the conviction.
21 That matter is now before the Board for a decision.

22 CHAIRMAN:

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

25 MR. MCNALLY:

1 Mr. Chairman, I move that the Board
2 adopt the Recommendations and Report from the OHA
3 regarding the Gaming Employee Permit of Michael Duong,
4 as described by the OCC.

5 CHAIRMAN:

6 Second?

7 MR. MOSCATO:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL RESOND AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY SHERMAN:

15 The second matter involving Michael
16 Duong is the corollary on the G2 application and that
17 was a recommendation of denial of that G2. A hearing
18 was also held on this recommended denial on March
19 27th. Again both OEC and Mr. Duong appeared and
20 offered evidence and the Report and Recommendation was
21 that based on the felony prohibition of the Gaming
22 Act, the G2 Permit application be denied. That
23 recommendation is before you now.

24 CHAIRMAN:

25 Any questions or comments from the

1 Board? Ex-Officio members? May I have a motion?

2 MR. MOSCATO:

3 Yes, Chairman. I move that the Board
4 adopt the Report and Recommendation of the OHA
5 regarding Michael T. Duong's G2 permit application, as
6 described by the OCC.

7 MR. FAJT:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL RESPOND AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY SHERMAN:

15 The next matter to be heard by the Board
16 is the Report and Recommendation pertaining to Hanif
17 Lamar Johnson. Mr. Johnson was issued a Gaming
18 Employee Permit on June 26th, 2012 to work as a table
19 game dealer at Hollywood Casino. On April 15th of
20 this year, the OEC requested an Emergency Suspension
21 of his Gaming Permit, upon learning that he had been
22 arrested and charged with one count of intimidation of
23 a witness or victim, which is a felony charge.
24 Specifically, it's alleged that he threatened physical
25 harm to a prosecution witness, testifying in a murder

1 trial I believe here in Dauphin County. The Executive
2 Director signed the Emergency Order April 15th, which
3 had the effect of suspending the permit. A hearing
4 was held on May 1st, 2013, to determine the validity
5 of the Order of Emergency Suspension. Both OEC and
6 Mr. Johnson appeared and offered testimony at the
7 hearing. Mr. Johnson testified that the charge is
8 unfounded and that the felony charge does not
9 adversely impact his ability to work at Hollywood
10 Casino. Upon completion of the hearing, the OHA
11 issued a Report and Recommendation recommending that
12 the Emergency Suspension remain in place until further
13 action by the Board, given the fact that the felony
14 charge remains pending against Mr. Johnson. That
15 matter is now ready for the Board's consideration.

16 CHAIRMAN:

17 Questions or comments from the Board?
18 Ex-Officio members? May I have a motion?

19 MR. FAJT:

20 Mr. Chairman, I move that the Board
21 adopt the Report and Recommendation of the OHA
22 regarding the Gaming Employee Permit of Hanif Lamar
23 Johnson, as described by the OCC.

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL RESPOND AYE

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY SHERMAN:

7 The next Report and Recommendation
8 pertains to Stephen Watson. Mr. Watson holds a Gaming
9 Permit to work as a table game dealer at The Meadows.
10 In April of this year, OEC was notified that Mr.
11 Watson had been charged with aggravated assault and
12 other related charges, as well as a drug possession
13 charge, which rose from what can be characterized as a
14 road rage incident. A hearing was scheduled on the
15 --- I'm sorry, it was presented as an Emergency Order
16 to the Executive Director. He signed that Emergency
17 Order suspending the Gaming Permit. A hearing was
18 held on May 16th of this year, on the Emergency
19 Suspension, at which time, Mr. Watson and his Counsel
20 appeared. Evidence was presented by the OEC.
21 Evidence was also presented that the felony charge at
22 that time had been dropped, but that the other charges
23 remained in abeyance pending completion of I guess a
24 pre-trial diversionary type program. We have since
25 been notified that all of the charges have now been

1 withdrawn. The problem from the OCC's standpoint is
2 we don't have information in the record as to what
3 gave rise to the filing of the charges or any of the
4 background information in the record. Rather the
5 Report and Recommendation is simply to withdraw the
6 charges and lift the suspension because of the
7 withdrawal of the charges. Again suitability will
8 remain an issue for this individual and I would
9 suggest it might be appropriate for the Board to
10 consider taking action causing further inquiry.

11 CHAIRMAN:

12 As Chief Counsel has indicated, the
13 immediate reason why this matter is before the Board
14 are the criminal charges brought against Mr. Watson,
15 who has the Gaming Employee Permit. Those charges
16 have been apparently dismissed, however, that still
17 leaves the Board, in my view, with the question about
18 the charges, or I should say, the facts underlying
19 those charges. The facts appear to me to be rather
20 serious. And the Board, as Counsel has indicated,
21 really is in the dark about much of what has happened
22 here and particularly, what the Board, I don't think
23 has enough information about is whether or not Mr.
24 Watson remains suitable to hold a Gaming Employee
25 Permit. I would therefore recommend that the Board

1 direct the --- I guess the best way to put it is, I
2 would recommend that it would be most appropriate to
3 issue and Rule to Show Cause as to why Mr. Watson does
4 remain suitable and to direct the OHA to conduct a
5 hearing for that purpose. If the Board's in
6 agreement, could I get a motion to that effect?

7 MR. MCCALL:

8 Mr. Chairman, I would move that the
9 Board table the petition of Stephen Watson, as
10 described by the OCC and that the Board issue a Rule
11 to Show Cause upon Mr. Watson, answerable to the
12 Board's OHA, so that Mr. Watson may be given the
13 opportunity to show why he remains suitable to hold a
14 Gaming Employee Permit, in light of the evidence in
15 the record before the Board.

16 CHAIRMAN:

17 Second?

18 MR. MOSCATO:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL RESPOND AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 ATTORNEY SHERMAN:

1 The next Report and Recommendation
2 relates to Clifford Waddy. Mr. Waddy submitted his
3 application for Non-Gaming Employee Registration on
4 January 13th of this year, seeking work as a food
5 court attendant at Parx Casino. Mr. Waddy disclosed
6 in his application that in 2001 he was convicted of an
7 assault charge and sentenced to five years probation.
8 During BIE's background investigation, it was
9 discovered that Mr. Waddy's aggravated assault
10 conviction was a felony offense. The investigation
11 also revealed that Mr. Waddy was arrested on drug
12 related charges in 2004, however, those charges were
13 subsequently dismissed.

14 Based on that information, BIE issued a
15 Notice of Recommendation of Denial, based on the
16 nature of the criminal history and failure to disclose
17 the 2004 arrest. Mr. Waddy requested a hearing, which
18 was held in April of 2013. Both he and the OEC
19 appeared at the hearing and offered testimony and
20 documentary evidence. Mr. Waddy testified that he did
21 not read the application instructions carefully enough
22 and did not intentionally withhold the information
23 about the 2004 arrest and did not disclose it because
24 it was ultimately dismissed without a conviction.

25 Mr. Waddy also provided evidence

1 indicating that he holds a Bachelor's degree in
2 Education but is no longer able to teach because of
3 the conviction. Notwithstanding that fact, he's
4 continuously been involved and active with youth in
5 his community and has in fact, published a children's
6 book about the dangers of speaking to strangers.

7 Following the hearing, a Report and
8 Recommendation was issued, recommending that the
9 Non-Gaming Employee Registration be granted, with the
10 condition that Mr. Waddy enter into a payment plan to
11 satisfy any remaining and outstanding court costs and
12 fines which may still be in existence relating to his
13 prior conviction. The matter is ready for the Board's
14 consideration.

15 CHAIRMAN:

16 Any questions or comments from the
17 Board? Ex-Officio members? Can I have a motion?

18 MR. GINTY:

19 Mr. Chairman, I move that the Board
20 adopt the Report and Recommendation from the OHA
21 regarding Clifford Waddy's Non-Gaming Employee
22 Registration as described by the OCC.

23 CHAIRMAN:

24 Second?

25 MS. KAISER:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 ALL RESPOND AYE

5 CHAIRMAN:

6 Opposed? The motion carries.

7 ATTORNEY SHERMAN:

8 The next matter relates to Full Draw
9 Landscape Design Services. The Report and
10 Recommendation pertaining to Full Draw was granted a
11 Vendor Registration by the Board in July of 2011, to
12 provide services to Hollywood Casino and Penn
13 National. On March 21st, the State Police notified
14 the Bureau of Investigation and Enforcement (BIE) that
15 Richard Noel Frantz, Jr., the sole owner of Full Draw
16 Landscape Design Services, was arrested and charged
17 with sexual assault and firearm related offenses. As
18 a result of the charges, OEC requested the issuance of
19 an Emergency Order, which was signed by the Executive
20 Director on April 8th, 2013. The matter was referred
21 to the OHA to conduct a full evidentiary hearing and
22 issued a Report and Recommendation on the validity of
23 the continuance of the Suspension. A hearing in the
24 matter was held on April 23rd. Mr. Frantz and his
25 Counsel, along with OEC, attended the hearing and

1 offered testimony and evidence, including a
2 Stipulation of Facts. A Report and Recommendation has
3 been issued, recommending that based upon the evidence
4 presented at the hearing, it was appropriate to
5 continue the Emergency Suspension, given the felony
6 firearm charges, given that they are still pending.
7 It's that Report and Recommendation which is now
8 before the Board for an Order.

9 CHAIRMAN:

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

12 MS. KAISER:

13 Mr. Chairman, I move that the Board
14 adopt the Report and Recommendation of the OHA
15 regarding Full Draw Landscape Design Services Gaming
16 Service Provider Registration, as described by the
17 OCC.

18 MR. MCCALL:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL RESPOND AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 ATTORNEY SHERMAN:

1 The last Report and Recommendation
2 before the Board pertains to Ghassen Makdsi. On
3 January 18th, 2013, the OEC filed a complaint
4 requesting Mr. Makdsi be placed on the Board's
5 Exclusion List for cheating. Specifically while
6 playing table games at the Sands, Mr. Makdsi had added
7 wagering chips to his existing wagers. After the
8 dealer signaled that no additional wagers would be
9 permitted, surveillance showed that he did this on at
10 least six occasions. He had been charged by the State
11 Police related to the cheating. And eventually, in
12 February of this year, pled guilty to a misdemeanor
13 charge and disorderly conduct. A hearing was
14 requested by Mr. Makdsi and held on March 21st, and
15 although properly served, he failed to attend and the
16 hearing was held in his absence. OEC presented
17 evidence regarding the bet capping or past posting
18 activity. It also filed a post-hearing brief, in
19 support of the request to place Mr. Makdsi on the
20 Exclusion List. Upon reviewing all of the evidence,
21 the Hearing Officer issued a Report and
22 Recommendation, recommending that Mr. Makdsi be placed
23 on the Exclusion List and this matter is now
24 appropriate for the Board's consideration.

25 CHAIRMAN:

1 Any questions? Comments from the Board?
2 Ex-Officio members? May I have a motion?

3 MR. MCCALL:

4 Mr. Chairman, I move that the Board
5 adopt the Report and Recommendation from the OHA
6 regarding the placement of Ghassen Makdsi on the
7 Pennsylvania Gaming Control Board Involuntary
8 Exclusion List.

9 MR. MCNALLY:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL RESPOND AYE

14 CHAIRMAN:

15 Opposed? The motion carries.

16 ATTORNEY SHERMAN:

17 That concludes all matters of the OCC.

18 CHAIRMAN:

19 Thank you, Doug. Next, Susan Hensel,
20 our Director of Licensing. Susan?

21 MS. HENSEL:

22 Thank you, Chairman Ryan and members of
23 the Board. Before the Board today will be motions
24 regarding one Gaming Related Gaming Service Provider,
25 as well as 855 Principal, Key, Gaming and Non-Gaming

1 Employees and Gaming Service Provider Qualifiers. In
2 addition, there will be the consideration of 23 Gaming
3 Service Provider Applicants.

4 The first matter for your consideration
5 is the approval of the Gaming Related Gaming Service
6 Provider Certification for Shift Manager, LLC, a
7 Gaming Related Gaming Service Provider provides
8 intellectual property related to table games,
9 including side wagers and new game variations. Shift
10 Manager is a New Jersey based company that owns the
11 rights to the table game Props and Hops, which is
12 based on a combination on Craps, Roulette and Sic Bo.
13 The regulations regarding Props and Hops have been
14 approved by the Board.

15 The BIE has completed its investigation
16 and the Bureau of Licensing has provided you with a
17 background investigation and suitability report for
18 the applicant. I have provided you with a draft Order
19 and ask that the Board consider the certification of
20 Shift Manager, LLC.

21 CHAIRMAN:

22 Any comments from the Enforcement
23 Counsel?

24 ATTORNEY PITRE:

25 Enforcement Counsel has no objection.

1 CHAIRMAN:

2 Any questions or comments from the
3 Board? Ex-Officio members? Do we have a motion?

4 MR. MCNALLY:

5 Mr. Chairman, I move that the Board
6 approve the Gaming Related Gaming Service Provider
7 Certification for Shift Manager, LLC, as described by
8 the Bureau of Licensing.

9 CHAIRMAN:

10 Second?

11 MR. MOSCATO:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 ALL RESPOND AYE

16 CHAIRMAN:

17 Opposed? The motion carries.

18 MS. HENSEL:

19 The next matter for your consideration
20 is the approval of Principal and Key Employee Licenses
21 and a Gaming Service Provider Qualification. Prior to
22 this meeting, the Bureau of Licensing provided you
23 with a proposed Order for three Principal and 12 Key
24 Employee Licenses for slot machine operator and
25 manufacturer licensees and one Gaming Service Provider

1 Qualifier for Smoot Construction Company of Ohio. I
2 ask that the Board consider the Order of approving
3 these licenses and qualification.

4 CHAIRMAN:

5 Any comments from the Enforcement
6 Counsel?

7 ATTORNEY PITRE:

8 Enforcement Counsel has no objection.

9 CHAIRMAN:

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

12 MR. MOSCATO:

13 Yes, sir. I move that the Board approve
14 the issuance of Principal and Key Employee Licenses
15 and Gaming Service Provider Qualifications as
16 described by the Bureau of Licensing.

17 MR. FAJT:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL RESPOND AYE

22 CHAIRMAN:

23 Opposed? The motion carries.

24 MS. HENSEL:

25 Next for your consideration are

1 Temporary Principal and Key Employee Licenses. Prior
2 to this meeting, the Bureau of Licensing provided you
3 with an Order regarding the issuance of temporary
4 licenses for one Principal and 18 Key Employees. I
5 ask that the Board consider the Order approving these
6 licenses.

7 CHAIRMAN:

8 Any comments from the Enforcement
9 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 MR. FAJT:

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

20 MR. GINTY:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL RESPOND AYE

25 CHAIRMAN:

1 Opposed? The motion carries.

2 MS. HENSEL:

3 In addition, we have Gaming Permits and
4 Non-Gaming Registrations. Prior to this meeting, the
5 Bureau of Licensing provided you with a list of 564
6 individuals to whom the Bureau has granted temporary
7 or full occupation permits and 240 individuals to whom
8 the Bureau has granted registrations under the
9 authority delegated to the Bureau of Licensing. I ask
10 that the Board consider a motion approving the Order.

11 CHAIRMAN:

12 Any comments from the Enforcement
13 Counsel?

14 ATTORNEY PITRE:

15 Enforcement Counsel has no objection.

16 CHAIRMAN:

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

19 MR. GINTY:

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

24 CHAIRMAN:

25 Second?

1 MS. KAISER:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL RESPOND AYE

6 CHAIRMAN:

7 Opposed? The motion carries.

8 MS. HENSEL:

9 We also have recommendations of Denial
10 for one Gaming and one Non-Gaming Employee Applicants.
11 Prior to this meeting, the Bureau of Licensing
12 provided you with Orders addressing these applicants
13 and the OEC has recommended for denial. The
14 applicants failed to request a hearing within the
15 specified time period. I ask that the Board consider
16 the Orders denying the Gaming and Non-Gaming Employee
17 Applications.

18 CHAIRMAN:

19 Any comments from Enforcement Counsel?

20 ATTORNEY PITRE:

21 Enforcement Counsel would request denial
22 in each of these applications.

23 CHAIRMAN:

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

1 MS. KAISER:

2 Mr. Chairman, I move that the Board
3 approve the Denial of the applications as described by
4 the Bureau of Licensing.

5 MR. MCCALL:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 ALL RESPOND AYE

10 CHAIRMAN:

11 Opposed? The motion carries.

12 MS. HENSEL:

13 Also for your consideration are
14 Withdrawal Requests for Gaming and Non-Gaming
15 Employees. In each case, the permit or registration
16 is no longer required by the applicant. For today's
17 meeting, I provided the Board with a list of 14 Gaming
18 and one Non-Gaming Employee Withdrawals for approval.
19 I ask that the Board consider the Orders of approving
20 the list of Withdrawals.

21 CHAIRMAN:

22 Any comments from Enforcement Counsel?

23 ATTORNEY PITRE:

24 Enforcement Counsel has no objection.

25 CHAIRMAN:

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

3 MR. MCCALL:

4 Mr. Chairman, I move that the Board
5 approve the Withdrawals as described by the Bureau of
6 Licensing.

7 MR. MCNALLY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL RESPOND AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 In addition, we have an Order to certify
16 the following gaming service providers, Heeter
17 Printing Company, LLC, Howsh (phonetic) Company,
18 Killian Construction Company, TJT, Inc. and South
19 Jersey Paper Products, Inc. I ask that the Board
20 consider the Order proving these gaming service
21 providers for certification.

22 CHAIRMAN:

23 Any comments from the Enforcement
24 Counsel?

25 ATTORNEY PITRE:

1 Prior to the approval, Enforcement
2 Counsel would like to make one ammendment on the
3 record, with regard to South Jersey Paper Products,
4 Inc. Revised background investigation reports were
5 submitted, however, they did not make it to the
6 Board's packet in time. So I would call the Board's
7 attention to page two of the background investigation
8 report of South Jersey Paper Products, Inc. Under
9 agreement information, it lists Valley Forge Casino
10 Resort as one of the Casinos that this vendor, this
11 gaming service provider has conducted business with.
12 That is incorrect. They have not conducted any
13 business with Valley Forge Casino and Resort. As a
14 result, I would like the record to reflect an
15 amendment to remove Valley Forge Casino Resort from
16 that part of the background investigation report. As
17 I said, the revised reports have been submitted to
18 Licensing and will be made an official part of the
19 record.

20 CHAIRMAN:

21 Okay. And questions or comments from
22 the Board on that? Anything else, Cyrus?

23 ATTORNEY PITRE:

24 That's it.

25 CHAIRMAN:

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

3 MR. MCNALLY:

4 Mr. Chairman, I move that the Board
5 issue an Order to approve the applications for gaming
6 service provider certifications as described by the
7 Bureau of Licensing.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL RESPOND AYE

15 CHAIRMAN:

16 Opposed? The motion carries.

17 MS. HENSEL:

18 Finally, we have an Order regarding the
19 Gaming Service Provider Registrations. The Bureau of
20 Licensing provided you with an Order and an attached
21 list of 18 registered Gaming Service Provider
22 Applicants. I ask that the Board consider the Order
23 registering these gaming service providers.

24 CHAIRMAN:

25 Any comments from Enforcement Counsel?

1 ATTORNEY PITRE:

2 Enforcement Counsel has no objection.

3 CHAIRMAN:

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

6 MR. MOSCATO:

7 Yes, sir. I move that the Board issue
8 an Order to approve the applications of Gaming Service
9 Provider Registrations as described by the Bureau of
10 Licensing.

11 MR. FAJT:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 ALL RESPOND AYE

16 CHAIRMAN:

17 Opposed? The motion carries.

18 MS. HENSEL:

19 That concludes the matters of the Bureau
20 of Licensing.

21 CHAIRMAN:

22 Thank you, Susan. Next will be the OEC,
23 Cyrus?

24 ATTORNEY PITRE:

25 We have seven matters for the Board's

1 consideration today. Two of which are Consent
2 Agreements. One is a revocation and four are
3 involuntary exclusions. The first matter on the
4 agenda is the Board's consideration of a Consent
5 Agreement that was previously before the Board between
6 the OEC and Downs Racing, LP. Mr. Kohler is here on
7 behalf of Downs Racing. Melissa Powers, Assistant
8 Enforcement Counsel, will present the matter for the
9 Board's consideration.

10 CHAIRMAN:

11 Melissa?

12 ATTORNEY POWERS:

13 Good morning, Chairman and members of
14 the Board. Melissa Powers, P-O-W-E-R-S. The first
15 Consent Agreement that we have for you today relates
16 to an incident that occurred on June 27th, 2011,
17 wherein certain financial documentation was mistakenly
18 shredded. This included table and slot drop forms,
19 food and beverage credit card receipts, comp receipts,
20 main bank documents and ticket redemption unit bank
21 documents. The Pennsylvania Department of Revenue
22 discovered during a routine audit that these documents
23 for specific dates had been mistakenly shredded and
24 notified the Board staff. Downs Racing failed to
25 notify the Board staff of the incident. As Mr. Pitre

1 explained, this matter was previously presented to the
2 Board, the Board rejected the Consent Agreement that
3 had been reached. The parties have entered into a new
4 agreement that within five days of the Board's Order,
5 Downs Racing shall pay a civil penalty in the amount
6 of \$35,000. The parties have also agreed that within
7 five days of the Board's Order, Downs Racing shall pay
8 \$2,500 for the costs incurred by OEC and other staff
9 members in connection with this matter. The OEC
10 recommends that the Board approve this Consent
11 Agreement as presented.

12 CHAIRMAN:

13 Mr. Kohler, you represent Downs Racing
14 in this matter; is that correct, sir?

15 ATTORNEY KOHLER:

16 Yes, sir.

17 CHAIRMAN:

18 Do you want to make any presentation or
19 question?

20 ATTORNEY KOHLER:

21 I have two witnesses here, Mr. Chairman,
22 but they are actually for the second Consent
23 Agreement, so I'm on my own for the first one.

24 CHAIRMAN:

25 Do you have anything you want to add

1 here?

2 ATTORNEY KOHLER:

3 No. We got the message from the Board
4 that they wanted a stiffer penalty and we have agreed
5 thereto and hope it's adequate at this point.

6 CHAIRMAN:

7 Questions, comments from the Board?

8 MR. FAJT:

9 Mr. Chairman, thank you. I think we
10 asked this question before, Melissa and Cyrus and
11 maybe even to Bob Coyne, with the shredding of the
12 documents, were there any implications that the
13 Commonwealth did or did not get the tax revenues that
14 we were due? Was that related at all to that
15 shredding and can we assure the taxpayers that we got
16 the taxes that were due? I mean obviously I know we
17 have the central computer system for the slot side,
18 but I was more focused on the table game side.

19 ATTORNEY PITRE:

20 I think they were food and beverage
21 receipts that were shredded and the audit did not
22 indicate if my memory serves me right, that the taxes
23 were not collected.

24 MR. FAJT:

25 I'm sorry?

1 ATTORNEY PITRE:

2 The audit did not indicate that the
3 Commonwealth was short on any taxes.

4 MR FAJT:

5 Bob, do you know anything about that? I
6 know this is a curve but ---.

7 MR. COYNE:

8 The auditor did pick it up. We don't
9 know what was shredded, but we felt that we were
10 comfortable after the Board took some remedial action
11 here and I think we got the taxes that we were
12 supposed to get, but we can't say for sure because of
13 the documentary --- documents are missing.

14 MR. FAJT:

15 We don't know what we don't know.

16 ATTORNEY KOHLER:

17 Just from our perspective follow --- I
18 had discussions with Downs prior to the last public
19 meeting and much more detailed discussions afterwards
20 and addressed this specific question, and you know,
21 they're very confident there is no tax implications,
22 either as to table games or as to food and beverage,
23 but as to table games, you know the timing --- we're
24 talking about February records that were shredded
25 months later, the taxes would have already been paid

1 by then, so the records, as far as I know, were
2 completely in place at the time the taxes were due.

3 MR. FAJT:

4 Thank you, Mr. Chairman.

5 CHAIRMAN:

6 Any other questions? Comments?

7 Ex-Officio members? Can I have a motion?

8 MR. FAJT:

9 Yes. Mr. Chairman, I move that the
10 Board issue an Order to adopt the Consent Agreement
11 between the OEC and Downs Racing, LP, as described by
12 the OEC.

13 MR. GINTY:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL RESPOND AYE

18 CHAIRMAN:

19 Opposed? The motion carries. Melissa?

20 ATTORNEY POWERS:

21 The next Consent Agreement relates to an
22 incident involving six slot machines at Mohegan Sun on
23 August 1st, 2012. The Board's Bureau of Gaming and
24 Laboratory Operations generated a list of 50 slot
25 machines on the gaming floor and conducted a routine

1 review to compare the software and information as
2 contained in the gaming floor slot machine master
3 list. The lab --- the Bureau of Gaming Lab Operations
4 discovered six slot machines with settings that
5 differed from that on the master list. The records
6 show that the firm wares on these six machines were
7 updated on June 20th, 2011 and contain discrepancies
8 until discovered by our lab on August 2nd, 2012 and on
9 that date, Downs corrected the slot machines.

10 This matter was presented to the Board
11 at a previous meeting and was tabled by the Board
12 pending a hearing held or a Stipulation of Facts
13 entered of record regarding the fiscal impact of the
14 violations. The parties have entered into a
15 Stipulation addressing this fiscal impact and
16 violation and has been provided to the Board. The
17 parties have also agreed that within five days of the
18 Board's Order, Downs Racing shall pay a civil penalty
19 in the amount of \$90,000 and also \$2,500 for the costs
20 incurred by OEC and other staff members. The OEC asks
21 that the Board approve this Consent Agreement as
22 presented.

23 CHAIRMAN:

24 Mr. Kohler?

25 ATTORNEY KOHLER:

1 Thank you, Chairman. As the Board
2 knows, this matter was also before the Board at a
3 prior public meeting. Ms. Powers has characterized
4 that accurately. I do have two witnesses, or two
5 potential witnesses here today, primarily to answer
6 any of the questions that the Commissioners might
7 have. To my direct right is Lynn Segar, who is Vice
8 President of Slot Operations and to her right, I'm not
9 even going to try this last name, but I know he's
10 affectionately known by Board staff as Big Jim, so
11 I'll make that introduction as well and he can give
12 you the details of his formal name. He is Director of
13 Slot Operations. If you want them sworn, now would be
14 the time.

15 CHAIRMAN:

16 Okay. Probably should have both of them
17 sworn in. Would you both stand up for just a moment
18 and state your records for the --- or state your name
19 for the record and spell your last name.

20 MS. SEGARS:

21 Lynn Segars, S-E-G-A-R-S, Vice President
22 of Slot Operations for Mohegan Sun.

23 MR. ANDERUSKIEWICZ:

24 James Anderuskiewicz,
25 A-N-D-E-R-U-S-K-I-E-W-I-C-Z, Director of Slot

1 Operations.

2 CHAIRMAN:

3 Could the court reporter swear the
4 witnesses, please?

5 -----

6 WITNESSES SWORN EN MASSE

7 -----

8 CHAIRMAN:

9 Okay. You can both be seated. Thank
10 you. Any questions from the Board?

11 MR. GINTY:

12 Just to get it on the record, I
13 understand that the question we had last time was can
14 the Board be assured that you met the statutory
15 minimum payout during the time these machines were in
16 operation?

17 ATTORNEY KOHLER:

18 Yes. There was one other preliminary
19 matter I wanted to address, Chairman, and I guess
20 potentially relates to the answer to the question. In
21 negotiating the Stipulation of Facts with the OEC, we
22 wanted to provide the Board as much detail as
23 possible. We got into detailed information regarding
24 the specific performance of machines, the specific
25 utilization of machines and things that are protected

1 as confidential, repeatedly by this Board. The intent
2 of the stipulation was that it be --- that the dirty
3 detail remain --- be confidential, but certainly can
4 answer Mr. Ginty's question, generally and get through
5 this, I think, without any problem.

6 CHAIRMAN:

7 Excuse me. Does the OEC have any
8 comment on that?

9 ATTORNEY PITRE:

10 We don't have any objection, because the
11 lab also has --- we have information in there also
12 that is confidential, with regard to the machines, so
13 we would request that the stipulation remain
14 confidential. We felt it was necessary to put extreme
15 details with regard to everything that occurred, so
16 that the Board could have a complete understanding of
17 what occurred and how it occurred, but in drafting
18 those details, a lot of the information was
19 proprietary information with regard to the Licensee
20 and also with regard to the workings of the gaming lab
21 for the Board.

22 CHAIRMAN:

23 Okay. So I guess we go back Mr. Ginty's
24 question, Mr. Kohler.

25 MR. GINTY:

1 I didn't intend this to be such a big
2 question.

3 ATTORNEY KOHLER:

4 As I understand your question,
5 Commissioner Ginty, did we comply with the law is ---
6 I mean I can make an argument that we were compliant,
7 but we've essentially waived that argument in entering
8 into this Consent Agreement. The statute is subject
9 to interpretation. I think the Board's regulations
10 are subject to interpretation, but regardless of that,
11 the Consent Agreement, which is a public document,
12 we've agreed there was a problem and we agreed to pay
13 a penalty as a result.

14 CHAIRMAN:

15 Any comment about that, Enforcement
16 Counsel?

17 ATTORNEY PITRE:

18 I have no comment.

19 CHAIRMAN:

20 Jim?

21 MR. GINTY:

22 I'm fine.

23 CHAIRMAN:

24 Other questions? Comments from the
25 Board? Ex-Officio members? May I have a motion?

1 MR. GINTY:

2 Mr. Chairman, I move that the Board
3 issue an Order to adopt the Consent Agreement between
4 the OEC and Downs Racing, LP, as described by the OEC.

5 CHAIRMAN:

6 Second?

7 MS. KAISER:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL RESPOND AYE

12 CHAIRMAN:

13 Opposed? The motion carries. Thank you
14 all.

15 ATTORNEY POWERS:

16 Thank you.

17 ATTORNEY PITRE:

18 The next matter that we have for the
19 Board's consideration is the revocation of Christopher
20 Bunch's Non-Gaming Employee Registration. That matter
21 will be presented by Assistant Enforcement Counsel,
22 Cassandra Fenstermaker.

23 CHAIRMAN:

24 Cassandra?

25 ATTORNEY FENSTERMAKER:

1 Good morning, Chairman Ryan and members
2 of the Board. Cassandra Fenstermaker,
3 F-E-N-S-T-E-R-M-A-K-E-R. The first matter I have for
4 the Board's consideration today is the revocation of
5 Christopher Bunch's Non-Gaming Employee Registration.
6 On April 22nd, 2013, the OEC filed a complaint for
7 revocation against Christopher Bunch, who currently
8 holds a Non-Gaming Employee Registration. OEC filed
9 the complaint after BIE received two arrest
10 notifications regarding Mr. Bunch. Mr. Bunch pled
11 guilty to one count of use or possession of drug
12 paraphernalia, as the result of one arrest. The other
13 charges, which include robbery and aggravated assault
14 remain outstanding as Mr. Bunch has failed to appear
15 in court when scheduled. The Enforcement complaint
16 was sent to Mr. Bunch by First Class and Certified
17 mail. He did not respond to the complaint within 30
18 days and therefore pursuant to Board regulations, all
19 facts alleged in the complaint are deemed admitted.
20 The OEC filed a request for default judgment on June
21 5th, 2013 and at this time requests that Christopher
22 Bunch's Non-Gaming Employee Registration be revoked.

23 CHAIRMAN:

24 Is Christopher Bunch in the hearing
25 room? 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
4 issue an Order to approve the revocation of Mr.
5 Bunch's Non-Gaming Employee Registration as described
6 by the OEC.

7 MR. MCCALL:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL RESPOND AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY FENSTERMAKER:

15 The next matter I have for the Board's
16 consideration is the exclusion of Craig Wise, Jr. On
17 April 22nd, 2013, the OEC filed an Exclusion Petition
18 against Craig Wise, Jr. He was employed as the Slot
19 Host at Harrah's Casino when it was discovered that he
20 was falsifying jackpot slips and keeping the money
21 that he had allegedly been paying to patrons for
22 himself. Petition was sent to Mr. Wise by both First
23 Class and Certified mail. Mr. Wise did not respond to
24 the filing in any way and, therefore, pursuant to
25 Board regulations, all facts alleged in the complaint

1 are deemed admitted. The OEC filed a request for
2 default judgment on May 30th, 2013 and at this time,
3 requests that Craig Wise, Jr. be placed on the Board's
4 excluded persons list.

5 CHAIRMAN:

6 Is Craig Wise in the hearing room? Any
7 questions or comments from the Board? Ex-Officio
8 members? May I have a motion?

9 MR. MCCALL:

10 Mr. Chairman, I move that the Board
11 issue an Order to approve the addition of Craig Wise,
12 Pennsylvania Gaming Control Board Involuntary
13 Exclusion List as described by the OEC.

14 MR. MCNALLY:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 ALL RESPOND AYE

19 CHAIRMAN:

20 Opposed? The motion carries.

21 ATTORNEY FENSTERMAKER:

22 Thank you.

23 CHAIRMAN:

24 Thank you, Cassandra.

25 ATTORNEY PITRE:

1 The next three matters that we have on
2 the Board's agenda are involuntary exclusions that
3 will be presented by Deputy Chief Enforcement Counsel,
4 Dale Miller.

5 ATTORNEY MILLER:

6 Good morning, Chairman and members of
7 the Board. I'm Dale Miller, M-I-L-L-E-R. The next
8 two matters, Jose Beato and Elio Valerio-Garcia, are
9 requests for placement on the Board's excluded persons
10 list. Both of these matters have a common fact

11 pattern. With the Board's permission, I would like to
12 recite the facts of the incident one time and then ask
13 that each individual be placed on the exclusion list.

14 On April 26th, 2012, Mr. Beato and Mr.
15 Valerio-Garcia, attempted to perpetrate a chip scam
16 while playing Roulette at Parx Casino. On that date,
17 Mr. Valerio-Garcia bought into a Roulette game for
18 \$135 and received 135 lime green Roulette chips, worth
19 \$1 per chip. Subsequently, he placed at least 60 of
20 these lime green Roulette chips into his pocket during
21 the course of play. He is not permitted to do that
22 and he slipped them in surreptitiously. These chips
23 are for Roulette only and are not permitted to leave
24 the Roulette table.

25 Mr. Valerio-Garcia went to the restroom

1 inside Parx Casino with the lime green Roulette chips
2 in his pocket and was followed into the restroom by
3 Mr. Beato. Mr. Valerio-Garcia went back to the
4 Roulette table after leaving the restroom and cashed
5 in the lime green Roulette chips he left on the
6 Roulette table. Mr. Beato then approached the
7 Roulette table where Mr. Valerio-Garcia had been
8 playing and bought into the Roulette table for \$100
9 and requested four lime green Roulette chips, making
10 those chips then worth \$25 per chip. As Mr. Beato
11 began playing Roulette, he took lime green Roulette
12 chips, which he had received from Mr. Valerio-Garcia
13 in the bathroom, out of his pocket and mixed them in
14 with his chip stack.

15 A Parx surveillance department member
16 spotted this activity and reported it to the
17 Pennsylvania State Police. Both Mr. Beato and Mr.
18 Valerio-Garcia were arrested before Mr. Beato could
19 redeem the lime green Roulette chips that had
20 previously been purchased for \$1 for \$25 per chip.
21 They were each criminally charged with knowingly by
22 fraud or fraudulent scheme to win or attempt to win
23 cash, property, or prize from a licensed facility and
24 conspiracy to commit the same. Each gaming offense is
25 graded as a first degree misdemeanor.

1 The petition for Mr. Beato was filed on
2 January 18th, 2013. It was properly served upon Mr.
3 Beato by Certified and First Class mail to the address
4 listed on the criminal complaint filed against him.
5 Mr. Beato did not respond to the filing in any way.
6 Due to his failure to respond, the averments in the
7 petition are deemed to be admitted as fact and his
8 right to a hearing has been waived. On May 24th,
9 2013, the OEC filed a request to enter judgment upon
10 default and the matter is now before the Board to
11 consider the placement of Jose M. Beato on the Board's
12 Excluded Persons List.

13 CHAIRMAN:

14 Is Jose Beato in the hearing room? Any
15 questions or comments from the Board? Ex-Officio
16 members? May I have a motion?

17 MR. MCNALLY:

18 Mr. Chairman, I move that the Board
19 issue an Order to approve the addition of Jose M.
20 Beato to the Gaming Board's Involuntary Exclusion List
21 as described by the OEC.

22 CHAIRMAN:

23 Second?

24 MR. MOSCATO:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL RESPOND AYE

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY MILLER:

7 The petition for Mr. Valerio-Garcia was
8 filed on January 18th, 2013. The petition was
9 properly served upon Mr. Valerio-Garcia by First Class
10 mail to the address listed on the complaint filed
11 against him. He did not respond to the filing in any
12 way, and due to Mr. Valerio-Garcia's failure to
13 respond, the averments in the petition are deemed to
14 be admitted as fact and his right to a hearing has
15 been waived. On May 24th, 2013, the OEC filed a
16 request to enter judgment upon default and the matter
17 is now before the Board to consider the placement of
18 Elio Valerio-Garcia on the Board's Excluded Persons
19 List.

20 CHAIRMAN:

21 Is Elio Valerio-Garcia in the hearing
22 room? Any questions or comments from the Board?
23 Ex-Officio members? May I have a motion?

24 MR. MOSCATO:

25 Yes, sir. I move that the Board issue

1 an Order to approve the addition of Elio
2 Valerio-Garcia to the PGCB Involuntary Exclusion List,
3 as described by the OEC.

4 MR. FAJT:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL RESPOND AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY MILLER:

12 Thank you.

13 CHAIRMAN:

14 Thank you, Mr. Miller.

15 ATTORNEY MILLER:

16 Oh, we have one more. And I believe
17 this is the last one. The next and last matter is a
18 request for placement on the Board's Excluded Persons
19 List involving Joseph R. McCaffrey. The OEC filed a
20 petition to place Mr. McCaffrey on the exclusion list
21 for robbing a casino patron inside Parx Casino on
22 November 7th, 2012. On that date, Mr. McCaffrey
23 attempted to take the wallet of an elderly patron, he
24 was 82 years old, by force, before a struggle ensued
25 between the two of them. And during that struggle

1 over a wallet, Mr. McCaffrey grabbed the 82 year old
2 patron by the neck, threw him to the ground and took
3 the wallet and ran out of the casino.

4 The Pennsylvania State Police were able
5 to identify Mr. McCaffrey through the use of Casino
6 surveillance and Mr. McCaffrey was apprehended and
7 criminally charged with 13 counts of identity theft,
8 13 counts of access device fraud, one count of theft
9 by unlawful taking and one count of receiving stolen
10 property for his actions. What had happened was after
11 he got the wallet, he took the credit cards and then
12 went out and charged, I believe over \$4,000 worth of
13 items with the credit cards, in addition to the money
14 that was in the wallet. Hence, the 13 separate
15 counts.

16 The petition was properly served upon
17 Mc. McCaffrey to the address listed on the criminal
18 complaint filed against him by both Certified and
19 First Class mail. He did not respond to the petition
20 in any way and due to Mr. McCaffrey's failure to
21 respond, the averments in the petition are deemed to
22 be admitted as fact, and his right to a hearing has
23 been waived. On May 29th, 2013, the OEC filed a
24 request to enter judgment upon default and the matter
25 is now before the Board to consider the placement of

1 Joseph R. McCaffrey on the Board's Excluded Persons
2 List.

3 CHAIRMAN:

4 Is Joseph McCaffrey in the hearing room?
5 Questions or comments from the Board? Ex-Officio
6 members? Can I have a motion?

7 MR. FAJT:

8 Yes, Mr. Chairman. I move that the
9 Board issue an Order to approve the addition of Joseph
10 R. McCaffrey to the PGCB Involuntary Exclusion List as
11 described by the OEC.

12 MR. GINTY:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL RESPOND AYE

17 CHAIRMAN:

18 Opposed? Motion carries.

19 ATTORNEY PITRE:

20 That concludes our business.

21 CHAIRMAN:

22 Thank you, very much. Next, ladies and
23 gentlemen, we have our public comment period. As I
24 understand it, we do not have anyone who is registered
25 to speak today. Is there anyone in the audience

1 wishing to make public comment before the Board?
 2 Seeing and hearing no response, I will conclude that
 3 there is no interest at this time. That would
 4 conclude today's meeting. Our next scheduled public
 5 meeting will be on Wednesday, July 17th here in this
 6 room. The meeting will begin at 10:00 a.m. Any final
 7 comments from the Board or Ex-Officio members? May I
 8 have a motion to adjourn?

9 MR. MCCALL:

10 So moved.

11 MR. MOSCATO:

12 Second.

13 CHAIRMAN:

14 The meeting is adjourned. Thank you
 15 all.

16 * * * * *

17 MEETING CONCLUDED AT 10:53 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,
meeting held before Chairman Ryan was reported by me
on 6/26/2013 and that I Jennifer T. Alves read this
transcript and that I attest that this transcript is a
true and accurate record of the proceeding.



Court Reporter