

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; Annmarie Kaiser; Keith R.
McCall; John J. McNally, III; Anthony C.
Moscato; David W. Woods; Members
Jennifer Langan, representing Robert
McCord, State Treasurer
Robert P. Coyne, representing Daniel
Meuser, Secretary of Revenue

HEARING: Wednesday, April 30, 2014
10:03 a.m.

LOCATION: Pennsylvania Gaming Control Board
Strawberry Square Complex
Second Floor
Harrisburg, PA 17106

WITNESSES: None

Reporter: Ariel Slotter

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CHAIRMAN:

My name is Bill Ryan. I'm Chairman of the Pennsylvania Gaming Control Board. Before we begin, I would ask everyone to please turn off or to please put on silent cell phones and other electronic devices. Thank you. With us today is Jennifer Langan, representing State Treasurer Rob McCord, and Bob Coyne, representing the Secretary for the Department of Revenue, Dan Meuser. Thank you both for being here. All the members of the Board are present. So, I will call today's meeting to order. First, I would like --- I would ask everyone to please stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

Thank you. Today, before we get onto regular agenda, we will have two presentations. First, we have an informational presentation from Greenwood Gaming and Entertainment, Inc., on the potential use of mobile gaming devices in their facility, followed by Sands Bethworks Gaming's presentation in support of their Category 2 License renewal.

1 HEARINGS HELD

2 CHAIRMAN:

3 All right, ladies and gentlemen. We
4 will now move to the today's Public Meeting. First,
5 let me state that the Board held an Executive Session
6 on April 22nd for the purpose of conducting quasi-
7 judicial deliberations related to the awarding of a
8 Category 2 Slot Machine License in the City of
9 Philadelphia.

10 We also held an Executive Session
11 yesterday, April 29th, 2014, for the purpose of
12 discussing personnel matters, potential litigation
13 involving the Board, and to conduct quasi-judicial
14 deliberations relating to matters being considered by
15 the Board today.

16 I would, once again, announce that on
17 May 8th, there will be a Public Input Hearing relative
18 to Endeka Entertainment's application for a Category 1
19 Slot Machine License. The hearing will begin at 10:00
20 a.m. at the Mahoning Township Community Center, 4512
21 West State Street, Hillsville, Pennsylvania. The
22 deadline for registering is May 6th. For additional
23 information, please log onto the Board's website at
24 www.gamingcontrolboard.pa.gov or contact our Board
25 Secretary, Mickey Kane, at 717-346-8324.

1 Next, we will have consideration of a
2 motion to approve the minutes and transcript of the
3 March 19th meeting. May I have such a motion?

4 MR. FAJT:

5 Yes, Mr. Chairman. I move that the
6 Board approve the minutes and transcript of the March
7 19, 2014 Board meeting.

8 CHAIRMAN:

9 Second?

10 MS. KAISER:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE

15 CHAIRMAN:

16 Opposed? The motion carries. Next, our
17 Chief Counsel, Doug Sherman.

18 ATTORNEY SHERMAN:

19 Good morning, Chairman, members of the
20 Board. Today, the Board has one petition before it
21 for consideration. That's a Petition for a Request
22 for a Reconsideration. In advance of the meeting, the
23 Board's been provided with the request, as well as all
24 relevant evidentiary materials.

25 The request stems from a matter

1 originally heard by the Board at the last meeting, on
2 April 9th, 2014. And in that matter, the Board
3 considered a Report and Recommendation issued by the
4 Office of Hearings and Appeals (OHA) relative to a
5 petition of an individual with the initials L.F., in
6 which she requested that the Board allow her to
7 collect a jackpot that she won at a Pennsylvania
8 casino while she was still on the Board's Self-
9 Exclusion List. At the meeting, the Board issued an
10 Order adopting the Hearing Officer's recommendation
11 and denied the petition to collect the winnings.

12 I would note for the record that the
13 crux of the issue in this case is that L.F. originally
14 placed herself on the exclusion list for one year.
15 However, after that term expired, she failed to take
16 the affirmative steps to remove herself from the list
17 as is required by the Board's regulations. And as the
18 individual was informed of that obligation when they
19 sign up. As a result, she remained on the self-
20 exclusion list up to and including the date of the
21 jackpot win.

22 After the Board decided the matter on
23 April 9th, L.F. contacted the Office of Chief Counsel
24 (OCC) stating that she had just received the hearing
25 notice just shortly before the time of the actual

1 hearing, and asked that the matter be reconsidered so
2 that she could be present and briefly address the
3 Board.

4 At this point in time, if L.F. is
5 present in the hearing room, she should come forward
6 to address the Board. I would note that given the
7 confidential nature of the self-exclusion, we have
8 continued to refer to the individual as L.F. And that
9 would be the appropriate way, absent a waiver of any
10 confidentiality, to continue the matter.

11 CHAIRMAN:

12 Is the individual in this matter, whose
13 initials are L.F., in the hearing room? All right. I
14 see no response. I hear no response. Mr. Sherman?

15 ATTORNEY SHERMAN:

16 Given that, the matter is appropriate
17 for the Board's consideration. And if the Board is
18 inclined, it would be a motion to deny the petition
19 for reconsideration, which would result in the same
20 effect as when you previously voted on it.

21 CHAIRMAN:

22 May I have a motion?

23 MS. KAISER:

24 Mr. Chairman, I move that the Board deny
25 the request for reconsideration of L.F. as described

1 by the OCC. I further move that the formal record in
2 this matter on file in the Board's OHA continue to be
3 maintained as confidential.

4 MR. MCCALL:

5 Secinded.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY SHERMAN:

12 Next, presenting Withdrawals and Reports
13 and Recommendations is Deputy Chief Counsel, Steve
14 Cook.

15 ATTORNEY COOK:

16 Good morning. Or afternoon, I'm not
17 sure. The Board has received several unopposed
18 petitions to withdraw the applications or surrender
19 the Credentials of 19 individuals or businesses. The
20 persons and entities subject to these petitions are
21 Crib Goch Investment Limited, Johnathan S. Hamilton,
22 Steven Saferin, Larry Pacey, Robert Bahash, Anatoly
23 Belkin, Brian Gamache, Kathleen McJohn, Matthew Howard
24 Paull, Edward Rabin, Jr., William Vareschi, Orrin
25 Eddidin, John McNicholas, Jr., SHFL Entertainment,

1 Inc., Hudson Bread, Atul Bali, Lewis Gerald Flock,
2 Ditronics Financial Services, LLC, and Christopher
3 Cahill.

4 The OEC has answered each of these
5 petitions and, in each case, has indicated that they
6 have no objection to the withdrawals being without
7 prejudice. As such, a motion to grant these petitions
8 would have that effect. They would be without
9 prejudice to the various requesters.

10 CHAIRMAN:

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

13 MR. MCCALL:

14 Chairman, I move that the Board issue
15 Orders to approve the withdrawals and surrenders as
16 described by the OCC.

17 MR. MCNALLY:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion carries.

24 ATTORNEY COOK:

25 Next before the Board for consideration

1 are three Reports and Recommendations received from
2 the OHA. These Reports and Recommendations, along
3 with the complete evidentiary record in each matter,
4 have been provided to the Board in advance of this
5 meeting. Additionally, in each case, the person that
6 is subject to the Report and Recommendation has been
7 put on notice that the matter would be taken up by the
8 Board today and that they had the ability to come
9 forward and briefly address the Board prior to a vote.

10 The first Report and Recommendation
11 before the Board today pertains to a request to
12 withdraw a Key Employee Application of Joseph Busby
13 without prejudice. I do believe Mr. Busby and his
14 counsel, Mark Stewart, are present today.

15 I'll give some background while they
16 come up to the table. In May of 2012, Mr. Busby
17 accepted employment with the Valley Forge Casino
18 Resort as its Director of Internal Audit, which
19 required him to obtain a Key Employee License.

20 Mr. Busby submitted his application on
21 May 18th, 2012. In October of 2012, while his
22 application was still under investigation, Mr. Busby
23 resigned from his position with Valley Forge and
24 subsequently filed a petition to withdraw his
25 application without prejudice.

1 The OEC thereafter filed an Answer
2 objecting to the withdrawal without prejudice and
3 requesting it actually be with prejudice.
4 Specifically, OEC took the position --- took that
5 position arguing that Mr. Busby was not completely
6 forthright when disclosing and explaining prior
7 criminal charges lodged against him in the State of
8 Mississippi, as well as the reason for his separation
9 from employment with the Porch Creek Indian Gaming
10 Authority in the State of Alabama. And finally, OEC
11 took issue with what they felt was Mr. Busby's failure
12 to adequately disclose the disposition of his gaming
13 license with the Porch Creek Indian Tribal Gaming
14 Commission.

15 A hearing in this matter was held on
16 November 6th, 2013. Both parties appeared at the
17 hearing and offered evidence. After the hearing, a
18 Board Hearing Officer issued the Report and
19 Recommendation presently before the Board recommending
20 that Mr. Busby ---. Well, ultimately, the Hearing
21 Officer felt that Mr. Busby adequately disclosed his
22 prior criminal charges. He was not obligated to
23 disclose the suspension of his Tribal Gaming License
24 on his application, as at that time, the application
25 did not specifically ask if his license or a license

1 had been suspended. And finally, the Hearing Officer
2 felt that OEC did not submit competent evidence to
3 support its position that the suspension of Mr.
4 Busby's license in Alabama was a direct cause of his
5 lost employment there. As a result, the Hearing
6 Officer recommended that, in fact, Mr. Busby's
7 petition should be granted and he should be allowed to
8 withdraw without prejudice.

9 OEC thereafter filed exceptions to the
10 Report and Recommendation, arguing that the Hearing
11 Officer erred in his analysis. OEC obviously
12 maintains that this matter should be granted, or the
13 withdrawal should be granted with prejudice. Mr.
14 Busby, through Mr. Stewart, filed exceptions --- or an
15 answer to OEC's exceptions to the Hearing Officer's
16 report.

17 Finally, before the Board takes the
18 matter up, I would note that there is a lot of
19 confidential information in the paper record
20 associated with this case. Both Mr. Stewart on behalf
21 of his client and OEC have requested that the paper
22 record on file with the OHA be maintained as
23 confidential.

24 The OCC would concur. So, the issue
25 before the Board today, with that being said, is

1 whether the Report and Recommendation which would
2 grant Mr. Busby's withdrawal without prejudice should
3 be granted. And as indicated, Mr. Stewart and Mr.
4 Busby are present.

5 CHAIRMAN:

6 And we have two Mr. Stewarts here;
7 right?

8 ATTORNEY SHERMAN:

9 Yes.

10 ATTORNEY STUART:

11 Yes.

12 CHAIRMAN:

13 Why don't we go to the OEC first, Glenn
14 Stuart?

15 ATTORNEY STUART:

16 Glenn Stuart, S-T-U-A-R-T, on behalf of
17 the OEC. We would maintain that this withdrawal be
18 with prejudice. In the alternative, we would
19 recommend that there at least be some sort of
20 condition requiring Mr. Busby to be prohibited from
21 reapplying for a period of five years, but we will
22 leave that to the discretion of the Board.

23 CHAIRMAN:

24 And Mr. Stuart, could you just state,
25 succinctly, for the Board OEC's reasons for the

1 request?

2 ATTORNEY STUART:

3 There were some serious suitability
4 issues that BIE discovered during its background
5 investigation. There was some failure to disclose a
6 license suspension, as noted by the OCC. There was
7 underlying arrests that we believe effects negatively
8 on Mr. Busby's good character, honesty, and integrity.
9 And we ---.

10 CHAIRMAN:

11 In what way?

12 ATTORNEY STUART:

13 I'm trying not to delve too much into
14 the facts. But they were gaming offenses. Those
15 charges were ultimately expunged in September of 2013.
16 But the Board is still --- has the ability to look at
17 those charges, the facts underlying those charges in
18 their analysis of suitability.

19 CHAIRMAN:

20 And Mr. Cook, can the Board assume that
21 the substance of those charges would part of the
22 Confidentiality Order; is that correct, sir?

23 ATTORNEY COOK:

24 The Affidavit of Probable Cause, for
25 example, are subject to the Confidentiality Order. I

1 don't know whether Mr. Busby and his attorney are
2 willing to waive them for the purposes of our having a
3 discussion today or not.

4 ATTORNEY STEWART:

5 To what degree would ---? I mean ---.

6 CHAIRMAN:

7 Well, Mr. --- why don't you just state
8 ---? You represent the Petitioner; is that correct?

9 ATTORNEY STEWART:

10 Correct. It's Mark Stewart, like
11 Martha. S-T-E-W-A-R-T, with Eckert Seamans here for
12 Mr. Busby.

13 CHAIRMAN:

14 Is Mr. Busby going to testify?

15 ATTORNEY STEWART:

16 Mr. Busby came prepared to answer any
17 questions that the Board may have. He's taken time
18 off from work. He has flown here from Oklahoma, which
19 I think is reflective of his respect for the Board and
20 the importance that he lends to this matter.

21 CHAIRMAN:

22 Any questions from anyone on the Board?

23 MR. FAJT:

24 I got one.

25 CHAIRMAN:

1 Greg?

2 MR. FAJT:

3 Thank you, Mr. Chairman. Mr. Stewart,
4 this one's for you. It's my understanding there was a
5 requested delay in this matter a month or two ago; is
6 that correct?

7 ATTORNEY STEWART:

8 Yes.

9 MR. FAJT:

10 Was that requested delay the result of a
11 pending application of Mr. Busby, a pending employment
12 application elsewhere?

13 ATTORNEY STEWART:

14 No.

15 MR. FAJT:

16 Thank you.

17 CHAIRMAN:

18 Any other questions? Okay. Mr. Stuart?

19 ATTORNEY STUART:

20 We believe that the record that speaks
21 for itself. The information that's in the record ---
22 it really is what it is. The Board has been able to
23 review all that information. We think that, based on
24 that information, that the withdrawal should be with
25 prejudice, that the facts surrounding those arrests,

1 the misinformation was included and not included in
2 Mr. Busby's application effects negatively on his
3 suitability. And that's really what we're looking at
4 right now, is suitability. And we're in kind of a
5 gray area with this withdrawal with prejudice, because
6 there's not much guidance in the regulations or the
7 Act to dictate how --- what avenue to go down, what
8 information needs to be included for a withdrawal with
9 prejudice. So, we're kind of treating this like a
10 denial application. If Mr. Busby was not suitable for
11 licensure in Pennsylvania, then we would contest that
12 he's not suitable to withdraw his application unless
13 it be with prejudice.

14 CHAIRMAN:

15 All right. We understand. May I have a
16 motion?

17 MR. MCNALLY:

18 Mr. Chairman, I move that Board adopt
19 the Report and Recommendation of the OHA regarding the
20 withdrawal of Joseph Bubsy's Key Employee Application
21 as described by the OCC. Mr. Busby's application will
22 be withdrawn with prejudice, and that the record in
23 this matter be maintained as confidential, given that
24 certain --- that it contains large portions of Mr.
25 Busby's application.

1 MR. MOSCATO:

2 Second.

3 ATTORNEY COOK:

4 If I may, Mr. Chairman, just so we're
5 clear, the Report and Recommendation was that he be
6 withdrawn without prejudice. So, an adoption of the
7 Report and Recommendation would allow the withdrawal
8 without prejudice.

9 CHAIRMAN:

10 Right.

11 ATTORNEY COOK:

12 So, you would reject the Report and
13 Recommendation if you were inclined to have it be with
14 prejudice and adopt if without.

15 CHAIRMAN:

16 John, do you want to restate the ---?

17 MR. MCNALLY:

18 That's right.

19 CHAIRMAN:

20 Okay.

21 ATTORNEY STEWART:

22 Mr. Chairman, it was my understanding
23 that we were going to have an opportunity to address
24 the Board after Mr. Stuart was done.

25 CHAIRMAN:

1 I'm sorry. Go right ahead, sir.

2 ATTORNEY STEWART:

3 Okay.

4 CHAIRMAN:

5 I apologize. I thought you had
6 finished.

7 ATTORNEY STEWART:

8 No. I was just trying to be responsive
9 to the direct questions you had asked. Yeah, this
10 matter is one where I know the Board has reviewed the
11 materials. This is a matter where things do not
12 always appear as they seem. And it's been one where,
13 if you have reviewed the materials thoroughly and you
14 peel back the onion a little bit, you see that a lot
15 of things here frankly don't add up. And you might be
16 saying to yourself, oh, well, they don't add up to Mr.
17 Busby. But we would contend --- and frankly, the
18 Hearing Officer found the opposite way.

19 What you have here was --- and would you
20 would have to believe to accept some of the matters
21 that were in the record was that a decorated law
22 enforcement individual, as someone who had accolades
23 in that career as well as in the gaming industry, was
24 essentially going to throw away his career and his
25 reputation over a sum of \$400.

1 You then have allegations that certain
2 aspects of his arrest and charges were not properly
3 disclosed, which were later reversed. And OEC
4 acknowledged before the Hearing Officer that, in fact,
5 Mr. Busby did disclose those matters to the Board.

6 The remaining item had to do with
7 whether a suspension of a license with a Tribal Gaming
8 Authority had been properly disclosed. And frankly,
9 it was not disclosed. But was it improperly not
10 disclosed? And the answer to that is no, it was not.
11 And there's a clear record on what happened there.
12 And again, it may seem implausible to you when you
13 look at it. But ask yourself whether an applicant
14 would disclose all of the criminal charges and arrests
15 and issues to the Board, which are much more
16 prejudicial than the administrative licensing issue
17 that was involved that was alleged not to be
18 disclosed, and then fail to disclose that matter to
19 the Board. It just doesn't add up that somebody would
20 do that.

21 And we said before the Hearing Officer
22 we were grateful for the finding. And we agreed with
23 the Hearing Officer's view of Question 24 and that it
24 didn't really ask for this information. But we said
25 openly before the Hearing Officer that that wasn't

1 what Mr. Busby was relying on, that what happened, as
2 implausible as it may seem, in fact happened. And I
3 can attest to that, because I drafted and answered the
4 OEC's objection, basically maintaining its position
5 that there was never a suspension at all, until that
6 letter was found. And my client, before verifying it,
7 had me change the entire pleading. Obviously, that
8 wouldn't have been done had there been some sort of
9 foreknowledge and knowing non-disclosure.

10 So, we would hope that the Board would
11 take these factors into account and examine them
12 thoroughly. And consider the fact that, you know,
13 there were difficult family circumstances that lead to
14 decisions made, in terms of the resolution of the
15 offenses in Mississippi --- the charges, I should say.
16 But compliance has been dutifully made throughout that
17 time period, that all charges have been dismissed.
18 And that the matter has fully been expunged.

19 If all we have is this business with the
20 disclosure of a status of a license when everything
21 else is talked about, it's hard to believe that that
22 would be what would cause the ultimate action on the
23 Board's part. And just to be clear, in our reply
24 exceptions, Mr. Busby was open to the condition that
25 OEC had proposed. We suggested that perhaps the

1 duration of it, being essentially tantamount to a
2 withdrawal with prejudice, was excessive given the
3 Report and Recommendation. But we do defer to the
4 Board in terms of any type of appropriate duration of
5 a condition on reapplication, should that be the way
6 the Board wanted to go. Do you have anything you want
7 to say?

8 CHAIRMAN:

9 If you want to say anything, sir, you
10 should be sworn. I'd ask you to stand up, please.
11 And state your name and spell your last name?

12 MR. BUSBY:

13 Joseph Busby, spelling is B-U-S-B-Y.

14 CHAIRMAN:

15 Could you swear the witness?

16 -----
17 JOSEPH BUSBY, HAVING FIRST BEEN DULY SWORN, TESTIFIED
18 AS FOLLOWS:

19 -----

20 CHAIRMAN:

21 Now, you can sit down, sir. All right,
22 Mr. Stewart. You can proceed.

23 ATTORNEY STEWART:

24 Mr. Busby just has some thoughts.

25 A. I just want to make the statement that I spent my

1 entire career building a reputation of having a good
2 work ethic, being an ethical person, and being a
3 professional. That's both in law enforcement and in
4 the gaming industry. I received multiple degrees and
5 certifications associated with the job that I
6 currently do in the gaming industry and have done.
7 Anyone who's worked with me in the past can attest to
8 the fact that I am an ethical person, that I do take
9 my job and responsibilities very seriously.

10 The past few years have presented me and my
11 family some unusual obstacles we've addressed. In
12 overcoming those obstacles, both on a personal and
13 professional level, as I find myself moving forward in
14 my career and continuing to establish and maintain my
15 reputation, I find myself reaching back to clear up
16 blemishes associated with the allegations made back in
17 2011.

18 And I've been successful in clearing all of those
19 blemishes associated with those allegations, including
20 a complete expunction of my record. And I find that
21 this potential of having my application withdrawn with
22 prejudice is the last blemish associated with those
23 allegations. And I hope to successfully answer any
24 questions that you may have associated with the
25 request for withdrawal with prejudice and my answers

1 in conjunction with the Hearing Officer's
2 recommendations. I hope to get my application simply
3 withdrawn without prejudice.

4 CHAIRMAN:

5 Mr. Stuart, any response to the ---?

6 ATTORNEY STUART:

7 Just to clarify the record from what Mr.
8 Stewart said. Mr. Stewart had said that basically,
9 Mr. Busby is a decorated law enforcement officer. We
10 all know that good people can do stupid things. Good
11 people can do dumb things. Good people can do illegal
12 things. So, I don't think that should have any
13 bearing on the circumstances that occurred in 2011.
14 Also, Mr. Stewart had said something about throwing
15 away his career for \$400. There were five casinos
16 involved for \$200 a pop. So, we're talking more
17 \$1,000. The \$400 was the restitution that Mr. Busby
18 had to pay to two of the casinos that actually gave
19 him the money.

20 Also, the arrest alone, we believe, and
21 the charges involved and the facts surrounding those
22 arrests would impact his suitability. And we think
23 that, alone, should warrant a withdrawal with
24 prejudice. And also, just the failure to disclose his
25 license suspension with the Porch Creek Indian

1 Authority alone is enough to warrant a withdrawal with
2 prejudice. And also, Mr. Busby is a Key Employee
3 Applicant. And we hold him to a much higher standard
4 than, say, a non-gaming registrant or a Gaming Permit
5 Application. Thank you.

6 CHAIRMAN:

7 Mr. Stewart?

8 ATTORNEY STEWART:

9 Yes, please. This has been an ongoing
10 kind of back and forth throughout this proceeding.

11 And it is a question of what standard the Board
12 applies and what standard Mr. Busby has to meet.

13 Obviously, the matter of a withdrawal without
14 prejudice is totally within the Board's discretion.

15 But the OEC has posited that, in order
16 to withdraw an application for licensure, you should
17 actually have to satisfy the standard to be licensed.
18 When you're requesting a license, when you are
19 requesting to maintain a license and not have one
20 revoked, you are asking for a very valuable privilege
21 that this Board awards.

22 When you're asking to simply be able to
23 walk away from, essentially, an application, you're
24 not asking for a license. You're asking for, simply,
25 the ability to apply without --- to withdraw without

1 prejudice and not face a five year ban. That's a very
2 different level of impact on Pennsylvania Gaming.
3 It's a very different level of impact upon what you're
4 asking for. Frankly, I was trying to think of an
5 analogy before I came in, because frequently, OEC has
6 said, well, if you grant this without prejudice, it's
7 like telling every jurisdiction that you had no issues
8 with this application. And I would submit that that's
9 not the case at all. First of all, if applications
10 are made anywhere else, the information is disclosed
11 in all of those jurisdictions. And they'll conduct
12 their own investigation.

13 But secondly, this is really much more
14 like a neutral reference. Do you consider the
15 granting of a license like getting a positive letter
16 of reference from a prior employer? Perhaps a denial
17 is like getting a not so positive one from your
18 employer. But many times people give neutral
19 references. And that's really all a withdrawal
20 without prejudice is. It's nothing more, nothing
21 less. To say that you have to satisfy the standard in
22 proving all of the suitability requirements to obtain
23 a license simply to withdraw an application does not
24 seem to be the best standard or the appropriate fit
25 for the request and the interest at issue. Thank you.

1 CHAIRMAN:

2 Mr. Stuart, do you have a response to
3 that?

4 ATTORNEY STUART:

5 I do. I think that the withdrawal with
6 prejudice is a case that is used in a case just like
7 this, where we have someone who could potentially be
8 denied and face a five year ban and then say, okay,
9 no harm, no foul. I'm going to go. I'm just going to
10 withdraw my application. And then, I'll be on my way.
11 This is the last step the Board has to say, wait a
12 minute, we did find an issue with your background
13 investigation.

14 We did find serious suitability issues.
15 And that's why we had the withdrawal with prejudice.
16 And this is kind of a novel case. Because this is the
17 first time we're going to have a suitability issue
18 coming up on a withdrawal with prejudice. So, it's a
19 little bit precedent-setting right now. So, we are
20 kind of in a new area for the Board to decide.

21 CHAIRMAN:

22 Any other questions?

23 MR. MCNALLY:

24 I just want us to make a statement.
25 First of all, we did thoroughly review the record.

1 And now you're asking us to disregard some of the
2 record or not give it proper weight to it. And I can
3 tell you, from my own personal standpoint, every time
4 I did peel back the onion, as you suggest, it smelled
5 worse. So, I've seen a lot of people come before us,
6 throw careers away for a lot less than \$400. So, that
7 doesn't really sway my decision making at all.

8 CHAIRMAN:

9 And Counselor, I have to tell you, I
10 concur completely with what John just said, that
11 reviewing the facts, reviewing the record --- it was
12 an offense here. And speaking for myself, I see it as
13 a serious offense, one that the Board should not just
14 disregard. It was a serious offense here.

15 ATTORNEY STEWART:

16 I don't think there's any dispute that
17 the offenses were serious. Mr. Busby has disputed
18 that he committed those offenses. And you have the
19 --- and frankly, the charges against him have been
20 dismissed.

21 You have that record. You've seen the
22 testimony about the plea bargains that were made with
23 other participants in the incident, the fact that the
24 charges against his wife were dismissed and that he
25 had to accept this plea in order for that to occur.

1 The fact that she had a green card issue
2 pending at the time. So, obviously, there's a lot of
3 facts here. I would say that we would be happy to
4 address any portions of the record you think that
5 we're walking away from.

6 The one thing that's clear from the
7 Report and Recommendation is that there is absolutely
8 no evidence in this record that Mr. Busby committed
9 any of the offenses, you know, in Mississippi. But
10 that was the Hearing Officer's finding. So, it's out
11 of our advocacy.

12 CHAIRMAN:

13 Anything more? Okay. May I have a
14 motion?

15 MR. MCNALLY:

16 Mr. Chairman, I move that the Board
17 reject the Board recommendation that the OHA regarding
18 the withdrawal of Joseph Busby's Key Employee
19 Application as described by the OCC. That Mr. Busby's
20 application be withdrawn with prejudice and let the
21 record in this matter be noted as confidential given
22 it contains a large portion of Mr. Busby's
23 application.

24 CHAIRMAN:

25 Second?

1 MR. MOSCATO:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? The motion carries. Thank
8 you. I appreciate it.

9 ATTORNEY COOK:

10 In an effort to keep the record muddy,
11 I'd call the matter of Jane Cook. On November 8th,
12 2013, the Bureau of Casino Compliance was notified by
13 the Pennsylvania State Police that Ms. Cook had been
14 arrested and charged with one felony count of
15 hindering the apprehension or prosecution of a
16 fugitive and one felony count of providing false
17 information to law enforcement. These charges stem
18 from allegations that a male fugitive with an
19 extensive criminal record was living with Ms. Cook,
20 and that she provided false information as to his
21 whereabouts to the Pennsylvania State Police.

22 Upon learning of this matter, the OEC
23 filed a Request for Emergency Order of Suspension,
24 which was signed by the Executive Director on December
25 5th, 2013. On December 11th, 2013, Ms. Cook's charge

1 of hindering the apprehension and prosecution of a
2 fugitive was withdrawn. But her charge of providing
3 false information to law enforcement was bound over to
4 the Court of Common Pleas.

5 Ms. Cook requested a hearing regarding
6 her emergency suspension before a Board Hearing
7 Officer, which was held on February 27th, 2014. The
8 OEC and Ms. Cook, along with her counsel, appeared at
9 the hearing. OEC offered testimony and documentary
10 evidence supporting the Emergency Suspension. Ms.
11 Cook did not provide any information. However, her
12 counsel gave a brief statement indicating that while
13 Ms. Cook maintained her innocence with respect to the
14 underlying charges, he understood that because a
15 felony remained pending against her, that the Board's
16 Regulations allowed for the suspension to continue.

17 Thereafter a Report and Recommendation
18 was issued by the Hearing Officer recommending that
19 the Emergency Suspension continue. And that is the
20 recommendation before the Board.

21 CHAIRMAN:

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

24 MR. MOSCATO:

25 Mr. Chairman, I move that the Board

1 adopt the Report and Recommendation regarding Jane
2 Cook's Gaming Employee Permit as described by the OCC.

3 MR. WOODS:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE

8 CHAIRMAN:

9 Opposed? The motion carries.

10 ATTORNEY COOK:

11 The final report before the Board today
12 pertains to Noreen Zaun-Lanese. On October 17th,
13 2013, the OEC filed a complaint to place Ms. Zaun-
14 Lanese on the Board's Exclusion List, alleging that
15 she assisted her 20-year-old daughter in gaining
16 access to the gaming floor at the Hollywood Casino at
17 Penn National Race Course.

18 A hearing in this matter was held on
19 February 25th, 2014. The OEC appeared, offering
20 testimony and exhibits. And Ms. Zaun-Lanese
21 participated by telephone, offering testimony.

22 OEC alleges that Ms. Zaun-Lanese
23 attempted to shield her daughter from a casino
24 entrance security guard's view, thereby distracting
25 him so that she would be able to access the gaming

1 floor. Ms. Zaun-Lanese testified that she and her
2 husband were asking the security guard at the time for
3 directions to the racetrack, as they knew their
4 daughter was of age to be --- to go to the track.

5 But regardless, Ms. Zaun-Lanese admitted
6 that, once on the gaming floor, she allowed her
7 daughter to stop, participate in some gaming with
8 respect to slot machines, as well as to have two
9 alcoholic beverages.

10 Thereafter, the Hearing Officer issued a
11 Report and Recommendation finding, essentially, that
12 Ms. Zaun-Lanese did not attempt to shield the security
13 guard, but that she did, in fact, allow her daughter
14 to game and drink alcohol while on the gaming floor.
15 And as a result of those facts, the Hearing Officer
16 felt that it would be appropriate to place her on the
17 Board's Exclusion List. And that is the
18 recommendation before the Board.

19 CHAIRMAN:

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

22 MR. WOODS:

23 Mr. Chairman, I would move that the
24 Board adopt the Report and Recommendation regarding
25 placing Noreen Zaun-Lanese on the PGCB Involuntary

1 Exclusion List, as described by the OCC. I'd further
2 move that Ms. Zaun-Lanese be allowed to petition the
3 Board for removal from the list after one year.

4 MR. FAJT:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY SHERMAN:

12 And that concludes all matters of the
13 OCC.

14 CHAIRMAN:

15 Thank you, gentlemen. Next, Director of
16 Licensing, Susan Hensel.

17 MS. HENSEL:

18 Thank you, Chairman.

19 CHAIRMAN:

20 Good afternoon, Susan.

21 MS. HENSEL:

22 Thank you, Chairman Ryan and the members
23 of the Board. Before the Board today will be motions
24 regarding one slot machine operator renewal license,
25 as well as 497 Principal, Key, Gaming, and Non-Gaming

1 Employees. In addition, there will be the
2 consideration of 15 Gaming Service Provider
3 Applicants.

4 The first matter for your consideration
5 is the renewal of the Sands Bethworks Gaming, LLC
6 Category 2 Slot Machine License. The license renewal
7 hearing for this entity is complete. And the Bureau
8 of Licensing has provided you with the background
9 investigation suitability report regarding the
10 renewal. As a result, the license renewal is ready
11 for your consideration. No issues regarding Sands
12 Bethworks Gaming, LLC have been identified by the
13 Bureau of Licensing that would preclude renewal of the
14 Category 2 License. I have provided you with a draft
15 Order for this entity and ask that the Board consider
16 the Order to renew the Category 2 Slot Machine License
17 for Sands Bethworks Gaming, LLC.

18 CHAIRMAN:

19 Any comments from Enforcement Counsel?

20 ATTORNEY PITRE:

21 We continue our recommendation that the
22 Board renew the license.

23 CHAIRMAN:

24 Questions or comments from the Board?

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

1 MR. FAJT:

2 Mr. Chairman, I move that the Board
3 approve the renewal of Sands Bethworks Gaming, LLC's
4 Category 2 License as described by the Bureau of
5 Licensing.

6 MS. KAISER:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? The motion carries.

13 MS. HENSEL:

14 Also for your consideration is the
15 Approval of Principal and Key Employee Licenses.
16 Prior to this meeting, the Bureau of Licensing
17 provided you with a Proposed Order for 1 Principal and
18 12 Key Employee Licenses for slot machine licensees.
19 I ask that the Board consider the Order approving
20 these licenses.

21 CHAIRMAN:

22 Any comments from Enforcement Counsel?

23 ATTORNEY PITRE:

24 Enforcement Counsel has no objection.

25 CHAIRMAN:

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

3 MS. KAISER:

4 Mr. Chairman, I move the Board approve
5 the issuance of Principal and Key Employee Licenses as
6 described by the Bureau of Licensing.

7 MR. MCCALL:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 Next, there are Temporary Principal and
16 Key Employee Licenses. Prior to this meeting, the
17 Bureau of Licensing provided you with an Order
18 regarding the issuance of temporary licenses for 1
19 Principal and 7 Key Employees. I ask that the Board
20 consider the Order approving these licenses.

21 ATTORNEY PITRE:

22 And Enforcement Counsel has no
23 objection.

24 CHAIRMAN:

25 Any questions or comments from the

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

2 MR. MCCALL:

3 Mr. Chairman, I move that the Board
4 approve the issuance of Temporary Principal and Key
5 Employee Credentials as described by the Bureau of
6 Licensing.

7 MR. MCNALLY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 There are also Gaming Permits and Non-
16 Gaming Registrations. Prior to this meeting, the
17 Bureau of Licensing provided you with a list of 342
18 individuals to whom the Bureau has granted temporary
19 or full occupation permits and 94 individuals to whom
20 the Bureau has granted registrations under the
21 authority delegated to the Bureau of Licensing. I ask
22 that the Board consider the Order approving these
23 permits and registrations.

24 CHAIRMAN:

25 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. MCNALLY:

7 Mr. Chairman, I would move that the
8 Board approve the issuance of Gaming Employee Permits
9 and Non-Gaming Employee Registrations, as described by
10 the Bureau of Licensing.

11 CHAIRMAN:

12 Second?

13 MR. MOSCATO:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 MS. HENSEL:

21 Next, there was a recommendation of
22 denial for two Gaming Employee Applicants. The Bureau
23 of Licensing has provided you with the Orders
24 addressing these Applicants who the OEC has
25 recommended for denial. In each case, the Applicants

1 failed to request a hearing within the specified time
2 period. I ask that the Board consider the Orders
3 denying the Gaming Employee Applicants.

4 CHAIRMAN:

5 Any comments from Enforcement Counsel?

6 ATTORNEY PITRE:

7 Enforcement Counsel continues to
8 recommend denial in each instance.

9 CHAIRMAN:

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

12 MR. MOSCATO:

13 Chairman, I move that the Board deny the
14 Gaming Employee Applications as described by the
15 Bureau of Licensing.

16 MR. WOODS:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? The motion carries.

23 MS. HENSEL:

24 Also for your consideration are
25 withdrawal requests for Key, Gaming and Tournament

1 Applicants. In each case, the license or permit is no
2 longer required. For today's meeting, I have provided
3 the Board with a list of 1 Key Employee, 30 Gaming,
4 and 7 Tournament withdrawals for approval. I ask that
5 the Board consider the Orders approving the lists of
6 withdrawals.

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

14 MR. WOODS:

15 Mr. Chairman, I move that the Board
16 approve the withdrawals as described by the Bureau of
17 Licensing.

18 MR. FAJT:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? The motion carries.

25 MS. HENSEL:

1 Finally for your consideration are
2 Gaming Service Provider Registrations. The Bureau of
3 Licensing provided you with an Order and an attached
4 list of 15 Registered Gaming Service Providers. I ask
5 that the Board consider the Order registering these
6 Gaming Service Providers.

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

14 MR. FAJT:

15 Mr. Chairman, I move that the Board
16 issue an Order to approve the applications for Gaming
17 Service Provider Registration as described by the
18 Bureau of Licensing.

19 MS. KAISER:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 ALL SAY AYE

24 CHAIRMAN:

25 Opposed? The motion carries.

1 MS. HENSEL:

2 That concludes the Bureau of Licensing's
3 matters.

4 CHAIRMAN:

5 Thank you, Susan. Next, we'll hear from
6 Cyrus Pitre, Chief Enforcement Counsel. Cyrus?

7 ATTORNEY PITRE:

8 Members of the Board, Chairman, we have
9 three matters for your consideration today. One
10 suspension, one revocation, and one involuntary
11 exclusion. First matter will be presented by
12 Assistant Enforcement Counsel Michael Roland.

13 ATTORNEY ROLAND:

14 Mr. Chairman, members of the Board,
15 Michael Roland. Again, R-O-L-A-N-D, with the OEC.
16 Our first matter is a motion to consider the
17 suspension of Nghia Thach's Gaming Employee Permit.

18 On November the 19th, 2012, the Board
19 issued a Gaming Employee Permit to Ngiah Thach as a
20 Dealer at Sands Casino. The OEC filed a complaint
21 setting forth allegations that Mr. Thach should have
22 his Gaming Employee Permit suspended because he was
23 arrested on April 16th, 2013, by the Hatfield Township
24 Police Department.

25 On or about April 12th, 2013, a pallet

1 containing ten boxes was delivered to Mr. Thach's home
2 address. Those boxes contained 47 bags of packaged
3 marijuana, with a potential street value of \$282,000.
4 An additional 15 bags of packaged marijuana, with a
5 potential street value of \$90,000, were located at a
6 storage unit rented by Mr. Thach. Police charged Mr.
7 Thach with manufacture, delivery, or possession of a
8 controlled substance with intent to manufacture or
9 deliver, which is a felony, and multiple lesser
10 included drug charges.

11 Mr. Thach's preliminary hearing was held
12 on May 7th, 2013. And the charges were waived for
13 court. The charges against Mr. Thach are still
14 pending, and his case appeared on a trial list for
15 Montgomery County on April 24th, 2014.

16 Mr. Thach is not currently employed by
17 any casino in the Commonwealth of Pennsylvania. The
18 complaint was properly served upon Mr. Thach to the
19 address on the criminal complaint by both certified
20 and first class mail. Mr. Thach has not responded in
21 any way. Given Mr. Thach's failure to respond, the
22 averments in the complaint are deemed to be admitted
23 as fact. And his right to a hearing has been waived.
24 On March 25th, 2014, the OEC filed a request to enter
25 judgment upon default. The matter is now before the

1 Board, to consider the suspension of Nghia Thach's
2 Gaming Employee Permit.

3 CHAIRMAN:

4 Is Nghia Binh Thach in the hearing room?
5 Any questions or comments from the Board? Ex-Officio
6 members? May I have a motion?

7 MS. KAISER:

8 Mr. Sherman, I move that the Board issue
9 an Order to approve the suspension of Nghia Binh
10 Thach's Gaming Employee Permit, as described by the
11 OEC.

12 MR. MCCALL:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 ATTORNEY ROLAND:

20 Thank you.

21 ATTORNEY PITRE:

22 The next item we have for the Board is a
23 consideration for the revocation of Richard Conte,
24 Jr.'s Gaming Employee Permit. The matter will be
25 presented by Assistant Enforcement Counsel, Dustin

1 Miller.

2 ATTORNEY MILLER:

3 Good afternoon, Chairman Ryan, members
4 of the Board. I'm Dustin Miller on behalf of the OEC.
5 The next matter today is a request for revocation
6 involving Richard J. Conte, Jr. Mr. Conte was
7 employed as a dealer at Parx Casino and permitted as a
8 Gaming Employee. The OEC filed an Enforcement
9 Complaint to revoke Mr. Conte's gaming permit for
10 failing to maintain his suitability on December 11th,
11 2013.

12 On or about July 24th, 2013, a patron of
13 Parx Casino reported that Mr. Conte was removing chips
14 from patrons' winning pots and placing the chips in
15 his tip box while working as a dealer at Parx Casino.
16 The Parx Casino surveillance department reviewed Mr.
17 Conte's last four work shifts, which revealed that Mr.
18 Conte misappropriated chips that belonged to either
19 patrons of Parx Casino or Parx Casino itself on seven
20 occasions, which resulted in a loss of \$31.

21 Mr. Conte was terminated from Parx
22 Casino on July 25th, 2013. Pennsylvania State Police
23 were notified of Mr. Conte's actions. But Parx Casino
24 declined to press charges against him. He's not
25 currently employed at any Pennsylvania casino.

1 The Enforcement Complaint was properly
2 served upon Mr. Conte to his last known address. Mr.
3 Conte did not respond to the filing in any way. Due
4 to Mr. Conte's failure to respond, the averments in
5 the Enforcement Complaint are deemed admitted as fact
6 and his right to a hearing has been waived. On April
7 11th, 2014, the OEC filed a request to enter judgment
8 upon default. The matter is now before the Board to
9 consider the revocation of Mr. Conte's Gaming Employee
10 Permit.

11 CHAIRMAN:

12 Is Richard Conte in the hearing room?
13 Any questions or comments from the Board? Ex-Officio
14 members? May I have a motion?

15 MR. MCCALL:

16 Mr. Chairman, I move that the Board
17 issue an Order to approve the revocation of Richard
18 Conte Jr.'s Gaming Employee Permit as described by
19 OEC.

20 MR. MCNALLY:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion carries.

2 ATTORNEY MILLER:

3 Thank you.

4 ATTORNEY PITRE:

5 The last matter that we have on the
6 agenda today is a consideration of placement of Ms.
7 Sherea Hawkins on the Board's Involuntary Exclusion
8 List. That matter will be presented by Assistant
9 Enforcement Counsel, Cassandra Fenstermaker.

10 ATTORNEY FENSTERMAKER:

11 Good afternoon, Chairman Ryan, members
12 of the Board. I'm Cassandra Fenstermaker,
13 F-E-N-S-T-E-R-M-A-K-E-R. On or about February 10th,
14 2014, the OEC filed a petition to place Sherea Hawkins
15 on the Board's Exclusion List.

16 Ms. Hawkins pled guilty to multiple
17 theft charges as a result of thefts she committed
18 while patronizing Harrah's Philadelphia Casino and
19 Racetrack and Parx Casino. The petition was sent to
20 Ms. Hawkins by both first class and certified mail.
21 She failed to respond to the petition in any way. And
22 therefore, all facts alleged in the complaint are
23 deemed admitted. A request to enter judgment upon
24 default was filed on March 25th, 2014. And at this
25 time, the OEC requests that Sherea Hawkins be added to

1 the Board's Involuntary Exclusion List.

2 CHAIRMAN:

3 Is Sherea Hawkins in the hearing room?
4 Any questions or comments from the Board? Ex-Officio
5 members? May I have a motion?

6 MR. MCNALLY:

7 Mr. Chairman, I move that the Board
8 issue an Order to approve the addition of Sherea
9 Hawkins to the PGCB Involuntary Exclusion List, as
10 described by the OEC.

11 MR. MOSCATO:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 ALL SAY AYE

16 CHAIRMAN:

17 Opposed? The motion carries.

18 ATTORNEY FENSTERMAKER:

19 Thank you.

20 ATTORNEY PITRE:

21 That concludes our business. Thank you.

22 CHAIRMAN:

23 Thank you both. Ladies and gentlemen,
24 that I believe concludes today's meeting. Our next
25 scheduled public meeting will be held on Wednesday,

1 May 21st, at 10:00 a.m. Any final comments from the
2 Board or Ex-Officio members? Can I have a motion to
3 adjourn?

4 MR. MOSCATO:

5 Mr. Chairman, I move adjournment of this
6 esteemed panel.

7 MR. WOODS:

8 Second.

9 CHAIRMAN:

10 Thank you very much, ladies and
11 gentlemen. We are adjourned.

12 * * * * *

13 MEETING CONCLUDED AT 12:32 P.M.

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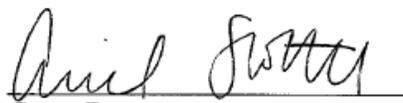
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CERTIFICATE

I hereby certify that the foregoing proceedings,
meeting held before Chairman Ryan was reported by me
on 4/30/2014 and that I Ariel Slotter read this
transcript and that I attest that this transcript is a
true and accurate record of the proceeding.


Court Reporter