

PENNSYLVANIA GAMING CONTROL BOARD

STATE MUSEUM AUDITORIUM
300 NORTH STREET
HARRISBURG, PENNSYLVANIA

JUNE 5, 2007, 11:43 A.M.

BEFORE:

TAD DECKER, CHAIRMAN
RAY ANGELI (via telephone)
JEFFREY COY
MARY DiGIACOMO COLINS
KENNETH McCABE
GARY SOJKA
SANFORD RIVERS (via telephone)
KEITH WELKS, EX-OFFICIO DESIGNEE

HILLARY M. HAZLETT, REPORTER
NOTARY PUBLIC

	I N D E X	
	SPEAKER	PAGE
1		
2		
3	Anne LaCour Neeb	5
4	Michael Walsh	8
5	Frank Donaghue	9
6	Richard Sandusky	10
7	Nan Horner	12
8	Donald Shiffer	18
9	Doug Sherman	24
10	Sean Hannon	29
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN DECKER: Sorry for the delay. I
2 apologize for being late. Good morning, everyone.
3 I'm Tad Decker. I'm Chairman of the Pennsylvania
4 Gaming Control Board. I would like to welcome the
5 Board and all of you to this public meeting.

6 A quorum of the Board is present. The
7 meeting is called to order. I'm going to confirm
8 that by saying Board Members Ray Angeli and Sanford
9 Rivers, who are joining us by phone.

10 COMMISSIONER ANGELI: Ray Angeli, I'm here.

11 COMMISSIONER RIVERS: Sanford Rivers is
12 here.

13 CHAIRMAN DECKER: Okay. Great. Then we
14 definitely have a quorum and the meeting is now
15 called to order.

16 We also have Keith Welks here again --
17 Keith, welcome -- who is attending on behalf of State
18 Treasurer Robin Wiessmann. Finally, in the audience,
19 I believe we have Stacie Amsler and Andrea Mead, who
20 are here representing Revenue Secretary Tom Wolf.
21 Thank you all for joining us.

22 Moving along to one of our regular
23 housekeeping items, let me ask everyone including me
24 to turn off their cell phones, blackberries, etc.,
25 because they interfere with the sound system.

1 As usual, please join us for the Pledge of
2 Allegiance.

3 (Pledge of Allegiance.)

4 CHAIRMAN DECKER: Thank you. Again, I
5 apologize for our delay. We had some things to
6 discuss, some issues at our Executive Session.

7 Again, by formal way of announcements, we
8 did have an Executive Session today to discuss a
9 number of items, particularly with personnel matters.
10 No business was conducted at this session.

11 As a reminder, the Board is accepting
12 applications for the two available Category 3 slot
13 machine licenses, as well as the new local law
14 enforcement grant program through June 29th.

15 Applications and information for both the
16 Category 3 licenses and the grant program are
17 available on the Board's website.

18 Okay. Moving on to the transcript and
19 minutes. May I have a motion from the Board to
20 approve the transcript and minutes of the April 19th
21 meeting.

22 COMMISSIONER SOJKA: Yes. Mr. Chairman, I
23 move that the Board approve the transcript and
24 minutes of the April 19th, 2007 meeting.

25 CHAIRMAN DECKER: Second, please.

1 COMMISSIONER COY: Second.

2 CHAIRMAN DECKER: Thank you.

3 Any questions or comments?

4 All of those in favor?

5 COMMISSIONERS: Aye.

6 CHAIRMAN DECKER: Any opposed?

7 Motion carries. Thank you.

8 Moving on to new business, first up is our

9 Executive Director Anne Neeb. Anne?

10 MS. LaCOUR NEEB: I think this is on. Is
11 this on?

12 CHAIRMAN DECKER: Yes, it is.

13 MS. LaCOUR NEEB: Good morning, Chairman
14 Decker and members of the Board. I would like to
15 provide you all with an update on operations at our
16 four sites.

17 The Meadows Racetrack and Casino in
18 Washington County is in the final stages of
19 construction on its temporary facility, and it's also
20 in the process of finalizing their internal controls
21 and addressing security and other issues that were
22 outstanding.

23 The Board's opening team has been on-site
24 since late last month and has been working very
25 closely with the Meadows to ensure its facility and

1 staff are in compliance with the law and the
2 regulations.

3 They are doing a good job. It's keeping up
4 to date with everything that we have asked them to do
5 and to date, this evening there will be an additional
6 meeting with their staff and our staff.

7 Additionally, we have Commissioners Rivers
8 and McCabe, who have been working on-site at that
9 facility to ensure that they are in compliance.

10 I believe after today's meeting,
11 Commissioner McCabe will be going there this evening.

12 Gaming revenues at the facilities continue
13 to exceed their original estimates. We're very
14 pleased with that. I believe you received from Doug
15 a Slots Win per Day, the Pennsylvania Licensed Casino
16 Report earlier in the week. I believe that was
17 e-mailed. That gives you the snapshot of how each
18 facility has been performing.

19 We can say, at this point, they have been
20 performing very well in the first six months of
21 operation. We are very happy that all of the casinos
22 have at least met and in some cases exceeded all of
23 the estimates.

24 We will continue to provide you with the
25 gaming revenue numbers as the additional facilities

1 come on.

2 We also went to visit, to give you a
3 report, at Hollywood Casino Penn National.
4 Commissioner Colins, Commissioner Sojka, as well as
5 Melinda Tucker, Director of Racetrack Operations,
6 Paul Resch, and myself visited the property last
7 week. They have made an enormous amount of progress.

8 This facility is approximately 365,000
9 square feet. It's absolutely enormous. It's
10 beautiful. We think they look to be and appear to be
11 on schedule and planning to open the first quarter of
12 2008, maybe as early as January depending on
13 construction timetables and any unforeseen events
14 concerning construction and also weather.

15 As soon as they have finished with their
16 construction, we, of course, will then send our team
17 there to start its review of the facility and their
18 surveillance and their internal controls and
19 compulsive gaming plans. If they are in compliance,
20 we will work with them to open them up as the next
21 casino.

22 So I don't have any agenda items or motions
23 for the Board. So that will conclude my report, but
24 I will be happy to answer any questions you have.

25 CHAIRMAN DECKER: Any questions from any of

1 the members of the Board for Anne?

2 Anne, thank you.

3 MS. LaCOUR NEEB: Okay. Thank you.

4 CHAIRMAN DECKER: I think we do not have a
5 report from administration today. Let's move on to
6 Chief Counsel, Frank Donaghue. Am I missing
7 something? It's the next thing I have on my agenda.

8 MS. LaCOUR NEEB: From Mike Walsh, let's
9 see. Okay. The only one was a personnel issue,
10 whether or not we would have the Board -- we had a
11 motion --

12 CHAIRMAN DECKER: We did have one personnel
13 issue.

14 MS. LaCOUR NEEB: One employee.

15 CHAIRMAN DECKER: Is Mike here?

16 MS. LaCOUR NEEB: He's not here but I could
17 probably -- he is here. Okay.

18 CHAIRMAN DECKER: Michael?

19 MR. WALSH: Thank you. Good morning,
20 Mr. Chairman and members of the Board. There is just
21 one agenda item. It is a motion to approve the
22 hiring of Young Bonner as an enforcement specialist
23 here at the Pennsylvania Gaming Control Board.

24 As is policy, he has completed a background
25 investigation and drug screening. We would

1 appreciate a motion at this time.

2 CHAIRMAN DECKER: May I have a motion to
3 that effect?

4 COMMISSIONER DIGIACOMO COLINS: So moved.

5 CHAIRMAN DECKER: Thank you.

6 COMMISSIONER SOJKA: Second.

7 CHAIRMAN DECKER: Any questions or comments
8 for Michael about his employee? This individual has
9 a great deal of experience in gaming, correct?

10 MR. WALSH: That's my understanding. He
11 has many years of experience and will come to us from
12 Louisiana.

13 CHAIRMAN DECKER: Okay. Again, any
14 questions or comments?

15 All of those in favor?

16 COMMISSIONERS: Aye.

17 CHAIRMAN DECKER: Any opposed?

18 Motion carries.

19 Thank you, Michael.

20 MR. WALSH: Thank you, Mr. Chairman.

21 CHAIRMAN DECKER: Next up is now Frank
22 Donaghue, our Chief Counsel. Frank?

23 MR. DONAGHUE: Good morning. For our first
24 order of business, I would like to turn it over to
25 the Director of our Regulatory Review, as well as the

1 Director of Compulsive Gaming to go over some
2 regulations related to compulsive gaming.

3 CHAIRMAN DECKER: Okay. Richard, please.

4 MR. SANDUSKY: Good morning. First agenda
5 item we have for Board action today is the adoption
6 of final-form regulations for Chapters 501a and 503a,
7 Chapter 501a being the compulsive problem gaming
8 requirements and Chapter 503a being the
9 self-exclusion program.

10 These regulations were published as
11 proposed rulemakings back on January 27th, 2007. We
12 received comments from four different entities on
13 these proposed regulations. The Pennsylvania Chapter
14 of the National Association of Social Workers and
15 Mr. Samuel Knapp filed comments after the close of
16 the public comment period, but those were reviewed by
17 our staff. And Representative Paul Clymer, who is
18 the Republican Chairman of the House Gaming Oversight
19 Committee, submitted comments as did the Independent
20 Regulatory Review Commission.

21 The staff has reviewed all of those
22 comments and made a number of revisions in both
23 chapters in response to them.

24 The one that I would like to make note of
25 is that all of the commentators asked for more

1 specificity in the definition of a "qualified
2 treatment professional."

3 In these proposed regulations, we have
4 refined the definition and added a little more
5 specificity.

6 What we have not done in this final-form
7 rulemaking package, as was requested by some of the
8 commentators, is add specific certification
9 requirements for the qualified treatment
10 professionals.

11 Instead, what we are recommending to the
12 Board is that we adopt this revised definition, which
13 is still somewhat general; but also, in the very near
14 future, the staff will be recommending a proposed
15 rulemaking to you, which will contain certification
16 requirements.

17 We felt it was important to do that as a
18 separate proposed rulemaking because we want to make
19 sure that all of the affected public has an
20 opportunity to comment on those rather than putting
21 them in this final-form regulation. That was the
22 most significant issue in the regulation.

23 Nan and I are available to answer any
24 questions you may have. If there are no questions,
25 we would ask for a motion for adoption of the

1 final-form rule.

2 CHAIRMAN DECKER: Are there any questions
3 for Nan or Richard on these two chapters?

4 COMMISSIONER COY: Yes, Mr. Chairman.
5 Thank you. I suspect Nan would be the appropriate
6 one to respond.

7 In terms of becoming qualified to be a
8 qualified professional in this field, are there
9 educational institutions in Pennsylvania which are
10 offering courses along this line, or are there
11 accredited institutions in this regard?

12 MS. HORNER: It's not so much institutions,
13 but the Council on Compulsive Gambling of
14 Pennsylvania has been training trainers. So these
15 trainers are available statewide to train clergy,
16 treatment providers, anyone who is interested in 30
17 hours of gambling specific treatment.

18 Two weeks ago, the Department of Health,
19 Bureau of Drug and Alcohol Programs sponsored a
20 week-long seminar down in Boiling Springs where
21 people were able to get 30 hours of education.

22 Sands Bethworks has provided funding for a
23 series of these treatment seminars. There are
24 several different organizations. I think Keystone
25 and Marworth have also held programs.

1 So the trainers are out there, they are
2 providing training so that counselors can become
3 certified.

4 COMMISSIONER COY: I just want to make sure
5 that there was a way for people who wanted to go down
6 this road to become a counselor were able to do it.

7 MS. HORNER: Yes. And much of it is free,
8 which is really a wonderful thing, that you can
9 obtain your 30 hours of education towards
10 certification by contacting the Department of Health.
11 They'll tell you where some of these free programs
12 are being offered.

13 COMMISSIONER COY: Good. Thank you.

14 CHAIRMAN DECKER: Any other questions or
15 comments from the Board?

16 COMMISSIONER McCABE: Mr. Chairman?

17 CHAIRMAN DECKER: Please.

18 COMMISSIONER McCABE: I move that the Board
19 adopt the final-form regulation No. 125-54 pertaining
20 to Chapters 501a and 503a and that the Board post
21 this final-form regulation on the Board's website.

22 CHAIRMAN DECKER: Thank you. Is there a
23 second?

24 COMMISSIONER SOJKA: Second.

25 CHAIRMAN DECKER: Thank you.

1 Again, any questions?

2 All of those in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN DECKER: Any opposed?

5 Motion carries. Thank you.

6 Richard?

7 MR. SANDUSKY: The second item we have for
8 your consideration today is the final-form version of
9 Chapter 491a, which is part of our hearing and
10 appeals regulations.

11 This chapter has the general rules of
12 practice in it. There was only one commentator on
13 this proposed rulemaking, which was published on
14 January 6th, 2007. That was the Independent
15 Regulatory Review Commission. Their comments were
16 really minor clarity ones. They have been addressed
17 in this final-form rulemaking and we would ask for a
18 motion for approval.

19 CHAIRMAN DECKER: Thank you.

20 COMMISSIONER COY: Mr. Chairman?

21 CHAIRMAN DECKER: Please.

22 COMMISSIONER COY: I move that the Board
23 adopt the final-form regulation No. 125-53 pertaining
24 to Chapter 491a and that the Board post this
25 final-form regulation on the Board's website.

1 CHAIRMAN DECKER: Thank you.

2 Is there a second?

3 COMMISSIONER SOJKA: Second.

4 CHAIRMAN DECKER: Any questions or
5 comments?

6 All of those in favor?

7 COMMISSIONERS: Aye.

8 CHAIRMAN DECKER: Any opposed?

9 Motion carries. Thank you very much.

10 MR. SANDUSKY: Thank you.

11 CHAIRMAN DECKER: Frank, is there anything
12 else?

13 MR. DONAGHUE: Yes, there's several more
14 items, Mr. Chairman. First, I would like to turn to
15 withdrawal petitions. There are quite a number of
16 them. So I have a lengthy presentation to make,
17 which can be followed by one order if the Board so
18 desires.

19 The Board has received the following
20 petitions for withdrawal from non-gaming employee
21 applications, gaming employee applications, and key
22 employee applications.

23 With regard to these requests, they were
24 reviewed by the Office of Enforcement Counsel, and
25 the Chief Enforcement Counsel has no objection to the

1 withdrawal, as there is no information constituting
2 good cause to deny, condition, or prejudice the
3 withdrawal of these applications, and all required
4 fees have been paid to date. These would all be
5 granted without prejudice.

6 The Chief Counsel's Office concurs in this
7 review and submits the following for a motion by the
8 Board to grant the withdrawal petitions at the
9 following PGCB licensing docket numbers without
10 prejudice; No. 17848, No. 4468, No. 4514, 4381, 4430,
11 4267, 3943, 4359, 4351, 4422, 4340, 3956, 4337, 4385,
12 4384, 4370, 4255, 3323.

13 The Board has also received the following
14 petitions to withdraw previously filed petitions to
15 withdraw gaming employee and permittee applications.

16 The previous petitions to withdraw have not
17 been acted upon by the Board as of this date. These
18 individuals now request that their previously filed
19 petitions to withdraw now be withdrawn.

20 With regard to these requests, they were
21 reviewed by the Office of Enforcement Counsel, and
22 the Chief Counsel has no objection to the withdrawal
23 as there is no information constituting good cause to
24 deny, condition, or prejudice the withdrawal of these
25 applications. All required fees have been paid to

1 date.

2 These would all be granted without
3 prejudice. Chief Counsel's Office concurs in this
4 review and submits the following for a motion by the
5 Board to grant the withdrawal petitions at the
6 following PGCB licensing docket numbers without
7 prejudice. Those numbers are 3501, 3619, 3497, 3496,
8 and 3491.

9 CHAIRMAN DECKER: Frank, just for our
10 education, what distinguishes the two categories?

11 MR. DONAGHUE: Again, the one is the
12 withdrawal petitions themselves; and the second one,
13 there were those five particular docket numbers, they
14 have petitions to withdraw previously filed petitions
15 to withdraw the gaming applications.

16 CHAIRMAN DECKER: Okay. Thank you.

17 COMMISSIONER DiGIACOMO COLINS: Yes.
18 Mr. Chairman, I move that the Board grant the
19 withdrawal petitions without prejudice as recommended
20 by Chief Counsel.

21 CHAIRMAN DECKER: Thank you, Commissioner
22 Colins.

23 Can I have a second?

24 COMMISSIONER SOJKA: Second.

25 CHAIRMAN DECKER: Thank you.

1 Any questions or comments from the Board?

2 All of those in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN DECKER: Any opposed?

5 Motion carries. Thank you.

6 MR. DONAGHUE: Mr. Chairman, next, the
7 Office of Chief Counsel would like to turn to three
8 non-gaming employee denials, which are currently
9 before the Board.

10 These are reports -- these are based on
11 reports and recommendations to deny non-gaming
12 applications for the following individuals. The
13 record for each of these individuals has been
14 provided to the Board, including the report and
15 recommendation, the relevant sections of
16 applications, and the information verifying the
17 non-disclosure.

18 I'm going to turn this over with regard to
19 these particular issues to Assistant Counsel, Don
20 Shiffer.

21 MR. SHIFFER: Good morning, Mr. Chairman.
22 The first individual is Nancy M. Meier, Docket No.
23 1002278. In this case, a recommendation for denial
24 was made by the Bureau of Investigations and
25 Enforcement due to non-disclosure of various arrests

1 in Miss Meier's non-gaming employee application
2 disclosure form. Following a hearing, the Hearing
3 Officer recommended Miss Meier's application be
4 denied.

5 Once again, Kevin J. Webb, Docket No.
6 1001992, similarly in this case, a recommendation for
7 denial was made by the Bureau of Investigations and
8 Enforcement due to a non-disclosure, as well as
9 several arrests.

10 Following the hearing, the Hearing Officer
11 from the Bureau of Hearing and Appeals recommended
12 that Mr. Webb's non-gaming application also be
13 denied.

14 Last is Mr. Donald A. Rossi, Docket No.
15 1000219-PS-1. In this case, the recommendation from
16 the Bureau of Investigation and Enforcement was made
17 due to non-disclosures of arrests on his gaming --
18 non-gaming application.

19 Following a hearing, the Hearing Officer
20 recommended that Mr. Rossi's application be denied as
21 well.

22 So at this time, I would be happy to answer
23 any questions; but if not, ask the Board to entertain
24 a motion.

25 CHAIRMAN DECKER: Thank you, Don.

1 May I have a motion to that effect?

2 COMMISSIONER McCABE: Mr. Chairman, after
3 consideration of the evidentiary record, the Hearing
4 Officer's report and recommendation, I move that the
5 Board approve an order to adopt the recommendation to
6 deny the applications as described by counsel.

7 COMMISSIONER COY: Second.

8 CHAIRMAN DECKER: Thank you.

9 Any questions for Don?

10 Hearing none, all of those in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN DECKER: Any opposed?

13 Motion carries. Thank you.

14 MR. DONAGHUE: Next, Mr. Chairman, before
15 the Board are exceptions filed by Juan Jimenez to the
16 Bureau of Hearings and Appeals March 29th, 2007
17 report and recommendation recommending the denial of
18 his gaming employee permit.

19 Mr. Jimenez applied for a gaming employee
20 permit. During the course of the BIE investigation,
21 it was discovered that Mr. Jimenez had failed to
22 disclose a 1981 DUI arrest on his gaming application.

23 Mr. Jimenez was permitted to amend his
24 application but failed to do so within the time
25 allotted.

1 As a result, BIE issued a recommendation
2 that Mr. Jimenez be denied a gaming permit. A
3 hearing was conducted and after reviewing the
4 evidentiary record as a whole, the Bureau of Hearing
5 and Appeals issued its written report and
6 recommendation enumerating its findings of fact and
7 conclusions of law recommending that the Jimenez
8 gaming employee permit be denied.

9 The basis for the Hearing Officer's
10 recommendation of denial centered on Mr. Jimenez's
11 threshold of non-disclosure and did not discuss how
12 the untimely amendment of his gaming application
13 affected the recommendation.

14 Mr. Jimenez has filed an exception to the
15 Hearing Officer's report and recommendation. The
16 Office of Enforcement Counsel filed a response to
17 Mr. Jimenez's exceptions, which advocates the Hearing
18 Officer's report and recommendation should not be
19 overruled and that Jimenez's application be denied.

20 The matter along with the complete
21 evidentiary record is now before the Board for its
22 consideration.

23 CHAIRMAN DECKER: Thank you. Is there a
24 motion that the Board would like to make on this
25 applicant?

1 COMMISSIONER COY: Mr. Chairman, I would
2 move that Juan A. Jimenez's exceptions be granted in
3 part and that this matter be remanded to the Bureau
4 of Hearings and Appeals for an evidentiary hearing
5 with instructions for Mr. Jimenez to be afforded the
6 opportunity to present testimony and other evidence
7 as to why his amended gaming permit application was
8 filed untimely and why he should be granted a permit.

9 CHAIRMAN DECKER: Okay. Can I have a
10 second?

11 COMMISSIONER SOJKA: Second.

12 CHAIRMAN DECKER: Any other discussion on
13 this particular case?

14 COMMISSIONER COY: I just think,
15 Mr. Chairman, if I might?

16 CHAIRMAN DECKER: Please.

17 COMMISSIONER COY: I think the intention of
18 the Board would be to afford Mr. Jimenez an
19 opportunity to indicate why his exceptions were
20 untimely filed or not timely filed and to simply put
21 it back on his onus to show and prove to the Bureau
22 and ultimately to the Board why he should be granted
23 the permit.

24 CHAIRMAN DECKER: Right. So in this case,
25 Mr. Jimenez would get another chance to resurrect his

1 application?

2 MR. DONAGHUE: That is correct.

3 CHAIRMAN DECKER: Okay. We had a second.

4 COMMISSIONER SOJKA: Yes.

5 CHAIRMAN DECKER: Thank you very much.

6 Any other questions or comments about this
7 particular applicant?

8 All of those in favor?

9 COMMISSIONERS: Aye.

10 CHAIRMAN DECKER: Any opposed?

11 Motion carries. Thank you very much.

12 MR. DONAGHUE: And finally --

13 CHAIRMAN DECKER: Thank you. Before Don
14 leaves, I would like to note that this may be Don's
15 last hearing with us since he has decided to move on.

16 I know I speak for the entire Board and
17 other staff members, Don, in thanking you for your
18 hard work, particularly during that time period where
19 we were dealing with all of the applicants and even
20 afterwards in terms of helping us set up the programs
21 on the grants and now on these appeals. You have
22 done a great job and we certainly appreciate it. You
23 have our thanks.

24 MR. SHIFFER: Thank you, Mr. Chairman.

25 (Applause.)

1 CHAIRMAN DECKER: We wish you the absolute
2 best of luck in your next assignment, so to speak.

3 MR. SHIFFER: Thank you very much.

4 MR. DONAGHUE: Thank you, Don.

5 Finally, Mr. Chairman, from the Office of
6 Chief Counsel, Deputy Chief Counsel Sherman is going
7 to present a motion to approve a Board order
8 regarding the intervention petition filed by the
9 Pennsylvania Thoroughbred Horsemen's Association.

10 MR. SHERMAN: Good afternoon. The Board
11 has received a petition from Greenwood Gaming and
12 Entertainment for approval of its licensed facility
13 expansion plan.

14 That plan seeks, in part, to reclassify its
15 temporary slot machine facility, as well as part of
16 its permanent facility.

17 On May 4th, 2007, the Pennsylvania
18 Thoroughbred Horsemen's Association filed a petition
19 to intervene in the Greenwood application.

20 Greenwood Gaming has filed an answer to
21 that petition to intervene. The horsemen allege in
22 their petition to intervene that they have a contract
23 with the Greenwood subsidiary entities that are
24 licensed by the State Horse Racing Commission and
25 that the horsemen receive income, which depends upon

1 the on-site patronage of racing fans.

2 The horsemen allege that if Greenwood
3 Gaming is permitted to change their plans at this
4 time, racing activity would be reduced and thereby
5 their fees and revenues would likewise be reduced to
6 their detriment and to the detriment of the horse
7 racing industry in Pennsylvania.

8 The right to intervene is, of course, under
9 our regulations within the sole discretion of the
10 Board, and a person wishing to intervene may file a
11 petition to intervene if that person has an interest
12 in the proceeding, which is substantial, direct, and
13 immediate, the interest is not adequately represented
14 by a party to the proceeding and the person may be
15 bound by the action of the Board in the proceeding.

16 As to these three elements, the horsemen
17 assert that they have an interest in the proceeding,
18 which is direct, substantial, and immediate by way of
19 the Live Racing Agreement.

20 Second, they assert that they have an
21 interest by virtue of their Live Racing Agreement,
22 which may be different from the interest of the Board
23 under the Gaming Act.

24 Third, that the Board's decision on the
25 Greenwood application would be binding on the

1 Horsemen's Association as well.

2 I stress that the matter before the Board
3 at this time is only the question of whether the
4 Board should be permitted to intervene.

5 If the horsemen are granted intervention,
6 they would be able to present evidence to the Board
7 concerning the Greenwood petition through the
8 submission of written statements or other methods as
9 determined by this Board necessary to develop a
10 comprehensive evidentiary record.

11 Further proceedings to actually consider
12 the Greenwood petition will be scheduled after notice
13 to parties.

14 I would suggest that it would now be
15 appropriate for the Board to entertain a motion to
16 consider the petition to intervene.

17 CHAIRMAN DECKER: May I have a motion to
18 deal with this particular filing?

19 COMMISSIONER SOJKA: Yes, Mr. Chairman.
20 Having considered the petition to intervene of the
21 Pennsylvania Thoroughbred Horsemen's Association and
22 based upon the reasons stated in that petition, as
23 well as the Greenwood Gaming answer to the petition,
24 I move that the petition to intervene be granted.

25 COMMISSIONER DiGIACOMO COLINS: Second.

1 CHAIRMAN DECKER: Is there any discussion
2 on this point?

3 Let me ask a question. When would you
4 anticipate that there would be a review of this
5 Greenwood's petition?

6 MR. SHERMAN: Assuming the intervention is
7 granted, the Board would be free to schedule a
8 hearing before the Office of Hearings and Appeals and
9 set up a schedule with the Board as soon as
10 practical.

11 CHAIRMAN DECKER: Ken?

12 COMMISSIONER McCABE: I have a question.
13 By law or procedure, before we take action, doesn't
14 the law, the Act, the Gaming Act require that any
15 change to any of the horse racing plans -- that
16 affect the horse racing plans have to be heard before
17 the Horse Racing Commission first before it comes to
18 us for us to hear? Does that make sense what I'm
19 asking? Don't they have to --

20 MR. DONAGHUE: What is significant for
21 purposes of today is that the Board would be acting
22 solely on the intervention petition filed by this
23 association and then that particular issue would be
24 taken up at a later date.

25 CHAIRMAN DECKER: I think we'll just act on

1 that one today and then we will set up a schedule for
2 the future in accordance with a number of issues. I
3 would presume we would do that. We are just acting
4 on the one today.

5 COMMISSIONER DIGIACOMO COLINS: Today, for
6 purposes of this vote, we are acting on the motion to
7 approve or grant the petition to intervene at which
8 point -- after which point then a hearing will be
9 scheduled on the underlying petition by Philadelphia
10 Park with the intervening parties participating; is
11 that correct?

12 MR. DONAGHUE: That is correct.

13 CHAIRMAN DECKER: Go ahead.

14 COMMISSIONER SOJKA: I just want to
15 mention, too, I think the principal thrust of the
16 Greenwood answer to the petition was principally one
17 of standing, if I understand it completely, too; and
18 I think we have addressed that?

19 MR. SHERMAN: That is correct.

20 CHAIRMAN DECKER: Okay. I think Ken's
21 question went to down the road, but it was a
22 perfectly good question as to how we were going to
23 look at things and in that order.

24 Well, we have got a motion in front of us.
25 Are there any other questions or comments on that?

1 Hearing none, all of those in favor?

2 COMMISSIONERS: Aye.

3 CHAIRMAN DECKER: Any opposed?

4 Motion carries.

5 MR. DONAGHUE: Thank you.

6 CHAIRMAN DECKER: Frank, is there anything
7 else on the agenda for you today?

8 MR. DONAGHUE: Nothing else.

9 CHAIRMAN DECKER: Thank you. Licensing.
10 Sean Hannon is the manager of our enterprise
11 licensing unit and will now present several items for
12 us.

13 Sean?

14 MR. HANNON: Good afternoon, Chairman
15 Decker and members of the Board. I will be sitting
16 in for Susan Hensel today as she is on vacation. I
17 have several licensing matters for you this morning.

18 CHAIRMAN DECKER: We actually let Susan go
19 on vacation. I didn't think we did.

20 MR. HANNON: Well deserved.

21 CHAIRMAN DECKER: Okay.

22 MR. HANNON: Prior to this meeting, the
23 Bureau of Licensing provided you with an order
24 listing two individuals who the Bureau has granted
25 temporary key employee licenses to and who are now

1 eligible for full licenses. I ask that the Board
2 adopt a motion approving the order.

3 CHAIRMAN DECKER: Thank you. May I have a
4 motion to that effect?

5 COMMISSIONER SOJKA: Mr. Chairman, I move
6 that the Board adopt the order accepting the report
7 of the Bureau of Licensing regarding the issuance of
8 key employee licenses.

9 CHAIRMAN DECKER: Thank you. Can I have a
10 second?

11 COMMISSIONER McCABE: Second.

12 CHAIRMAN DECKER: Thank you.

13 Any questions or comments for Sean?

14 Hearing none, all those in favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN DECKER: Any opposed?

17 Motion carries. Thank you.

18 MR. HANNON: The next item is the approval
19 of temporary key employee licenses for individuals
20 working in slots facilities.

21 Prior to this meeting, the Bureau of
22 Licensing provided you with an order and attached
23 list of 46 individuals, who the Bureau has granted
24 temporary key employee licenses to under the
25 authority delegated to the Director of Licensing.

1 I ask that the Board adopt an order
2 approving the order.

3 CHAIRMAN DECKER: Thank you. May I have a
4 motion to that effect, please.

5 COMMISSIONER DIGIACOMO COLINS: Yes.
6 Mr. Chairman, I move that the Board adopt the order
7 accepting the report of the Bureau of Licensing
8 regarding the issuance of temporary key employee
9 licenses.

10 CHAIRMAN DECKER: Second, please?

11 COMMISSIONER SOJKA: Second.

12 CHAIRMAN DECKER: Any discussion or
13 comments?

14 Apparently -- eventually, they're going to
15 move on to the permanent license, correct?

16 MR. HANNON: Correct. They'll go through
17 the suitability process.

18 CHAIRMAN DECKER: Right, through the
19 suitability process, correct. I just wanted to
20 clarify that.

21 Any questions or comments?

22 Hearing none, all of those in favor?

23 COMMISSIONERS: Aye.

24 CHAIRMAN DECKER: Opposed?

25 Motion carries.

1 Sean?

2 MR. HANNON: The Bureau of Licensing also
3 provided you with an order and a list of 180
4 individuals, who the Bureau has granted occupation
5 permits to, and 172 individuals, who the Bureau has
6 granted registrations to under the authority
7 delegated to the Director of Licensing. I ask that
8 the Board adopt a motion to approve the order.

9 CHAIRMAN DECKER: Thank you.

10 May I have a motion to that effect, please?

11 COMMISSIONER McCABE: Mr. Chairman, I move
12 that the Board adopt the order accepting the report
13 of the Bureau of Licensing regarding the issuance of
14 employee permits and registration.

15 COMMISSIONER COY: Second.

16 CHAIRMAN DECKER: Thank you. Any questions
17 or comments?

18 All of those in favor?

19 COMMISSIONERS: Aye.

20 CHAIRMAN DECKER: Any opposed?

21 Motion carries. Thank you.

22 You have another one, right, Sean?

23 MR. HANNON: Yes. The next item concerns
24 the recommendation of denials for 16 gaming employee
25 permit applications and four non-gaming employee

1 registration applications.

2 Prior to this meeting, the Bureau of
3 Licensing provided you with the orders addressing
4 each of the individual applicants, who the Bureau of
5 Investigation and Enforcement has recommended for
6 denial.

7 As stated in each order, each applicant
8 received the recommendation of denial letter from the
9 PGCB.

10 In the letter, the applicants were given
11 ten days in which to request a hearing regarding
12 their denial.

13 In each case, more than ten days has passed
14 since the applicant received the letter and the
15 applicant has failed to request a hearing.

16 I ask that the Board adopt a motion
17 approving the denial orders for the 16 gaming and 4
18 non-gaming applicants.

19 COMMISSIONER COY: Mr. Chairman, I move
20 that the Board adopt the orders denying the gaming
21 and non-gaming employee licenses described by the
22 Bureau of Licensing.

23 CHAIRMAN DECKER: Can I have a second?

24 COMMISSIONER SOJKA: Second.

25 CHAIRMAN DECKER: Any questions?

1 All of those in favor?

2 COMMISSIONERS: Aye.

3 CHAIRMAN DECKER: Any opposed?

4 Motion carries.

5 Sean?

6 MR. HANNON: Next item concerns certified
7 vendor applicants, who are today before the Board for
8 approval.

9 Certified vendors are those doing business
10 with a facility in excess of \$200,000 in a 12-month
11 period or who are working in a restricted area or on
12 the gaming floor.

13 Prior to this meeting, the Bureau of
14 Licensing provided you with an order and an attached
15 list of the following four vendors: Daniel J.
16 Keating Construction Company, Independence
17 Excavating, Inc., Signcraft Corporation, and Western
18 Reserve Coach Sales, Inc.

19 I have consulted with the Chief Enforcement
20 Counsel, and BIE has no objections to the
21 certification of the four companies.

22 Should you vote to approve their
23 certifications, the companies would be subject to a
24 series of conditions. I ask that the Board adopt a
25 motion approving the order.

1 CHAIRMAN DECKER: Thank you.

2 May I have a motion to that effect, please?

3 COMMISSIONER DiGIACOMO COLINS: Yes.

4 Mr. Chairman, I move that the Board adopt the order
5 and the attached list regarding the approval of
6 applications for vendor certification.

7 CHAIRMAN DECKER: Thank you.

8 Is there a second?

9 COMMISSIONER McCABE: Second.

10 CHAIRMAN DECKER: Thank you.

11 Any questions or comments?

12 Hearing none, all of those in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN DECKER: Any opposed?

15 Motion carries. Thank you.

16 MR. HANNON: The final matter concerns
17 registered vendor applicants. Registered vendors are
18 those doing business with facilities between \$15,000
19 and 200,000 in a 12-month period.

20 Prior to this meeting, the Bureau of
21 Licensing provided you with an order and attached
22 list of the 17 vendors. These vendors are providing
23 non-gaming goods and services.

24 I have consulted with Chief Enforcement
25 Counsel Dale Miller, and BIE has no objection to the

1 registration of the 17 companies.

2 Should you vote to approve the
3 registration, the companies would be listed on the
4 Board's approved vendor website list, which is now
5 available on the Board's website.

6 The registrations are good for four years.
7 I ask that the Board adopt a motion approving the
8 Board.

9 CHAIRMAN DECKER: Thank you.

10 May I have a motion to that effect?

11 COMMISSIONER McCABE: Mr. Chairman, I move
12 that the Board adopt the order and the attached list
13 regarding the approval of application for vendor
14 registration.

15 CHAIRMAN DECKER: Thank you.

16 Second?

17 COMMISSIONER SOJKA: Second.

18 CHAIRMAN DECKER: Any questions or
19 comments?

20 All of those in favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN DECKER: Any opposed?

23 The motion carries.

24 MR. HANNON: That concludes the Bureau of
25 Licensing presentation.

1 CHAIRMAN DECKER: Thank you very much.

2 MR. HANNON: Sure.

3 CHAIRMAN DECKER: I believe that is all of
4 the items we have on our agenda today.

5 Is there any other business that the Board
6 members want to raise?

7 As a separate issue and as a reminder, our
8 next meeting will be held on June 21st at 11:00 a.m.
9 at the Omni William Penn Hotel located at 530 William
10 Penn Place, Pittsburgh. Again, our meeting will be
11 in Pittsburgh.

12 Again, any questions or final comments from
13 the Board members?

14 Otherwise, may I have a motion to adjourn?

15 COMMISSIONER McCABE: So moved.

16 COMMISSIONER COY: Second.

17 CHAIRMAN DECKER: All those in favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN DECKER: Motion carries. Thank
20 you. Thank you to Ray and Sandy.

21 (The meeting concluded at 12:21 p.m.)

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

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Hillary M. Hazlett, Reporter
Notary Public

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