

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

\* \* \* \* \*

PUBLIC MEETING

\* \* \* \* \*

BEFORE: GREGORY C. FAJT, CHAIRMAN  
Raymond S. Angeli, Jeffrey W. Coy, James B.  
Ginty, Kenneth T. McCabe, Sanford Rivers,  
and Gary A. Sojka, MEMBERS  
David Barasch, EX OFFICIO DESIGNEE

HEARING: Wednesday, November 4, 2009  
10:00 a.m.

LOCATION: State Museum Auditorium  
300 North Street  
Harrisburg, PA 17120

WITNESSES: Kevin O'Toole, Claire Yantis, R. Douglas  
Sherman, Richard Sandusky, Stephen Cook,  
Susan Hensel, Cyrus Pitre, Melissa Powers,  
Dustin Miller

Reporter: Cynthia Piro-Simpson

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R. DOUGLAS SHERMAN  
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25CHAIRMAN:

Good morning everybody. I'm Greg Fajt, Chairman of the Gaming Control Board. Just as a housekeeping matter, I'd like to ask you to turn off your cell phones, Blackberries and other electronic devices, as they tend to interfere with the communication system that we have, and thank you for that.

Just on a housekeeping matter, our court stenographer is not here. We will audiotape today's proceedings and have the meeting transcribed later and obviously make the transcription available to the public as we always do. Today we have with us Dave Barasch, ex officio designee, representing Revenue Secretary, Steve Stetler; Jennifer Langan, representing State Treasurer, Rob McCord and Frank Jurbala, representing Secretary of Agriculture. Russell Redding. Thank you all for being here today.

A quorum of the Board is present.  
Today's proceedings are called to order. I'd like to ask everybody to stand for the Pledge of Allegiance.  
PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN:

1                   We'll now commence our scheduled public  
2 meeting. The first order of business is old business  
3 and announcements. By way of announcements, the Board  
4 held an Executive Session on November 3rd, 2009 in  
5 accordance with the Sunshine Act. The purpose of the  
6 Executive Session was to discuss personnel issues,  
7 litigation matters and conduct quasi-judicial  
8 deliberations relating to matters pending before the  
9 Board. I also would like to remind everyone that the  
10 Gaming Control Board will hold a hearing on Thursday,  
11 November 12th, 2009 to gather evidence including  
12 public comment on the renewal of the Category 1 slot  
13 machine operator's license of Mountainview  
14 Thoroughbred Racing Association, operators of  
15 Hollywood Casino at Penn National Racecourse.

16                   The hearing will be held at 10:00 a.m. at  
17 the East Hanover Township Municipal Building located  
18 at 8848 Jonestown Road in Grantville, Pennsylvania.  
19 Citizens groups and elected officials wishing to  
20 present oral or written testimony in this matter can  
21 register on the PGCB website at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).  
22 The deadline for registration and receipt of written  
23 comments is noon, Tuesday, November 10th.

24                   You may also send your comments via mail,  
25 however they should be postmarked no later than

1 Tuesday, November 10th to the Pennsylvania Gaming  
2 Control Board, P.O. Box 69060, Harrisburg, PA 17106,  
3 attention Board Secretary or they can be faxed to  
4 (717) 346-8350.

5                   Okay, let's move on to the minutes and  
6 transcript. May I have a motion to approve the  
7 minutes and transcript of the September 16th, 2009  
8 meeting?

9                   COMMISSIONER SOJKA:

10                   Yes, Mr. Chairman, I move that the Board  
11 approve the minutes and the transcript of the  
12 September 23rd, 2009 meeting.

13                   CHAIRMAN:

14                   Second?

15                   COMMISSIONER RIVERS:

16                   Second.

17                   CHAIRMAN:

18                   All in favor?

19 ALL STATE AYE

20                   CHAIRMAN:

21                   Opposed? Motion passes. Moving on to  
22 new business, I'd like to have Kevin O'Toole, our  
23 Executive Director, to provide his report. Kevin?

24                   MR. O'TOOLE:

25                   Thank you, Chairman Fajt. Good morning,

1 members of the Board. I'll be brief this morning. I  
2 would like to report that slot machine revenue  
3 continues to show growth at the nine operating casinos  
4 in Pennsylvania. For the month of October 2009, gross  
5 revenue through the play of slot machines rose almost  
6 32 percent over the previous year.

7           In October 2009, the nine operating  
8 casinos generated \$177 million in gross revenue,  
9 compared to \$134 million in October 2008 when seven  
10 casinos were in operation. This growth in revenue  
11 resulted in tax collections of \$97.4 million this past  
12 month.

13           I would also like to bring to your  
14 attention the most recent press release posted to the  
15 Board's website by the Communications Department. In  
16 addition to detailing the increase in slot revenue for  
17 October 2009, the press release also highlights the  
18 numerous municipal and county projects that have been  
19 made possible through funds received from the local  
20 share assessments of the slot machines gross terminal  
21 revenue.

22           The Communications Department, led by  
23 Doug Harbach, along with Richard McGarvey and Doreen  
24 Appel, do an outstanding job of communicating to all  
25 interested parties the numerous benefits that have

1 resulted from the casino industry in the Commonwealth  
2 of Pennsylvania. That concludes my remarks this  
3 morning. Thank you.

4 CHAIRMAN:

5 Thank you, Kevin. Any questions or  
6 comments from the Board? Thank you. Next up is our  
7 Director of Human Resources, Claire Yantis. Claire?

8 MS. YANTIS:

9 Good morning Chairman Fajt, members of  
10 the Board. We have before you today a motion to  
11 consider the hiring of two individuals in the Bureau  
12 of Investigations and Enforcement (BIE). First,  
13 Timothy Ferguson is being recommended for hire as an  
14 investigator in the Scranton Office of the BIE.  
15 Second, Sean Tagle is being recommended for hire as an  
16 investigator in the Harrisburg Office of BIE. Both  
17 Mr. Ferguson and Mr. Tagle have completed the PGCB  
18 interview process, background investigation and drug  
19 screening and are therefore being recommended for hire  
20 by Deputy Director Paul Mauro and Regional Director  
21 Michael Rosenberry. As such, I ask that you consider  
22 a motion to hire these two individuals as indicated.

23 CHAIRMAN:

24 Any questions or comments from the Board?  
25 Seeing none, could I have a motion, please?

1                   COMMISSIONER COY:

2                   Mr. Chairman, I move the Board approve  
3 the hiring of the agency staff as proposed, on the  
4 condition that all employees have completed the  
5 necessary background investigation and drug testing.

6                   CHAIRMAN:

7                   Second?

8                   COMMISSIONER MCCABE:

9                   Second.

10                  CHAIRMAN:

11                  All in favor?

12 ALL STATE AYE

13                  CHAIRMAN:

14                  Opposed? Motion passes. Thank you,  
15 Claire. Next up is our Office of Chief Counsel (OCC),  
16 Doug Sherman.

17                  ATTORNEY SHERMAN:

18                  Good morning, Chairman Fajt, members of  
19 the Board. Our first agenda item relates to Final-  
20 form regulations presented by Richard Sandusky.

21                  MR. SANDUSKY:

22                  Good morning. The regulation we have for  
23 consideration by the Board today is Final-form  
24 Regulation 125-105. This regulation makes numerous  
25 changes to the jackpot payout and credit-meter payout

1 process in Section 465 --- in Chapter 465a. It was  
2 adopted by the Board as a proposed rulemaking on July  
3 15th of this year and was published in the  
4 Pennsylvania Bulletin on August 22nd, 2009 with a  
5 30-day comment period. This rulemaking was designed  
6 to make substantial changes to the jackpot-payout  
7 process that would streamline the process and would  
8 result in greater efficiencies for our licensees. In  
9 response to the proposed rulemaking, we received  
10 comments from Washington Trotting Association and  
11 Chester Downs and Marina. We also received comments  
12 from the Independent Regulatory Review Commission.

13           WTA's comment was a fairly substantive  
14 one. And at their facility, rather than have the slot  
15 attendants do the actual payout of high dollar value  
16 jackpots, they prefer to have the supervisor who would  
17 normally act as the witness or verifier do that. We  
18 have modified the regulations so that the facilities  
19 will have the ability to have either individual,  
20 either the slot attendant or the supervisor or higher,  
21 do the actual payout of the jackpot.

22           The other comments that were received  
23 from IRRC and Chester were mainly clarity items. We  
24 had made some minor revisions to the language in the  
25 regulation to address those concerns.

1 I'd be happy to answer any questions the  
2 Board members may have on this regulation. And if  
3 not, I'd ask for a motion for adoption of the Final-  
4 form rulemaking.

5 CHAIRMAN:

6 Any questions or comments from the Board?  
7 I have one. And it just dawned on me, but, you know,  
8 with the issue that recently happened at The Meadows,  
9 and the jackpot scam that happened here, I mean, does  
10 this change in regulation have any impact, positively  
11 or negatively, on that ---?

12 MR. SANDUSKY:

13 I would say this regulation really would  
14 have nothing to do with that fact situation. That was  
15 fairly unique in that the individuals involved got a  
16 slot-machine attendant, as I understand it, to reset a  
17 machine and do some settings that were not authorized  
18 to be put on. So it was really an error on the part  
19 of the personnel involved and would be unaffected by  
20 these regulations.

21 CHAIRMAN:

22 Okay. Thank you. Any other questions,  
23 comments? With that, can I have a motion, please?

24 COMMISSIONER RIVERS:

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

1 Adopt the Final-form Regulation Number 125-105, and  
2 that the Final-form Regulation be posted on the  
3 Board's website.

4 CHAIRMAN:

5 Second?

6 COMMISSIONER MCCABE:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL STATE AYE

11 CHAIRMAN:

12 Opposed? Motion passes.

13 MR. SANDUSKY:

14 Thank you.

15 CHAIRMAN:

16 Thank you, Richard. Next on the agenda  
17 are withdrawals, a Report and Recommendation and two  
18 Emergency Suspensions for the Board's consideration.  
19 Deputy Chief Counsel, Steve Cook, will present these.

20 ATTORNEY COOK:

21 Good morning, Mr. Chairman, members of  
22 the Board. The Board has received five unopposed  
23 Petitions to Withdraw Applications, which include  
24 three Principal Applications for persons associated  
25 with slot-machine Licensees or Manufacturers as well

1 as two personal history disclosure statements  
2 submitted by Principals of Vendors. The individuals  
3 subject to these petitions are as follows: Jeffrey  
4 Burge, Calvin Frank, Simon Kelly, Geoffrey Kleeman and  
5 Heidi Modaro. The Office of Enforcement Counsel (OEC)  
6 has no objection to these Petitions for Withdrawal,  
7 therefore they would all be granted without prejudice.

8 CHAIRMAN:

9 Any questions or comments from the Board?  
10 If none, can I have a motion, please?

11 COMMISSIONER MCCABE:

12 Mr. Chair, I move that the Board issue  
13 orders to approve the Withdrawals or Surrenders as  
14 described by the OCC.

15 CHAIRMAN:

16 Second?

17 COMMISSIONER GINTY:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL STATE AYE

22 CHAIRMAN:

23 Opposed? Motion passes. Next, Steve?

24 ATTORNEY COOK:

25 Next before the Board for consideration

1 is a Report and Recommendation received from the  
2 Office of Hearings and Appeals (OHA) relative to the  
3 Gaming Employee Permit Application submitted by Lynn  
4 Nichols. The Report and Recommendation, along with a  
5 complete evidentiary record in this matter, was  
6 submitted to the Board prior to this meeting.  
7 Additionally, Ms. Nichols has been notified that the  
8 Board is considering her Report and Recommendation  
9 today and that she has the right to be present to  
10 briefly address the Board. If Ms. Nichols is present,  
11 we'd ask her to come forward.

12 Briefly, Ms. Nichols submitted an  
13 Application for a Gaming-Employee Permit to work as a  
14 slot-machine attendant at the Rivers Casino. In her  
15 application, however, Ms. Nichols failed to disclose  
16 two prior arrests, specifically a March 19, '81  
17 arrest, in which she subsequently pled guilty to  
18 retail theft, and a December 1984 arrest for homicide,  
19 robbery and conspiracy, in which she ultimately pled  
20 guilty to the robbery charge.

21 During a post-application interview, BIE  
22 questioned Ms. Nichols and she again failed to  
23 disclose these arrests. As a result, on July 30th,  
24 2009 the OEC issued a notice of recommendation of  
25 denial. Ms. Nichols requested a hearing, which was

1 scheduled for September 16th, 2009, however, she  
2 failed to appear and the hearing was held in absentia.  
3 Subsequently a Report and Recommendation was issued,  
4 recommending denial of Ms. Nichols' Gaming-Employee  
5 Application. Based upon Ms. Nichols' nondisclosures  
6 and her failure to cooperate in the investigative  
7 process, the OCC recommends that the Board consider a  
8 motion adopting in part the Report and Recommendation  
9 of the hearings --- of the OHA and deny Ms. Nichols'  
10 application.

11 CHAIRMAN:

12 Any questions or comments? May I have a  
13 motion, please?

14 COMMISSIONER COY:

15 Mr. Chairman, I move the Board issue an  
16 Order adopting the Report and Recommendation of the  
17 OHA relating to Lynn Nichols' Application for a  
18 Gaming-Employee Permit as described by the Office of  
19 Chief Counsel.

20 COMMISSIONER ANGELI:

21 Second.

22 CHAIRMAN:

23 All in favor.

24 ALL STATE AYE

25 CHAIRMAN:

1                   Opposed? Motion passes.

2                   ATTORNEY COOK:

3                   Next are emergency suspensions. The  
4 first is an Emergency Order to suspend the Employee  
5 Registration of Amber Citriniti. Ms. Citriniti was  
6 issued a Non-Gaming Employee Registration on June 9th,  
7 2009 and is employed as a West End Supervisor at the  
8 Rivers Casino.

9                   On June 23rd, 2009 the Pennsylvania State  
10 Police notified the Bureau of Casino Compliance that  
11 Ms. Citriniti was arrested as a result of an accident  
12 which occurred on June 17th, 2007. On that date, Ms.  
13 Citriniti, while driving, allegedly failed to yield to  
14 an oncoming motorcycle. The motorcycle crashed into  
15 Ms. Citriniti's vehicle and the driver of the  
16 motorcycle died as a result of his injuries. The  
17 Pennsylvania State Police subsequently conducted an  
18 investigation of the accident and discovered a small  
19 amount of marijuana in Ms. Citriniti's vehicle. She  
20 thereafter submitted to a blood test and tested  
21 positive for marijuana. As a result, Ms. Citriniti  
22 was charged with homicide by vehicle, a third-degree  
23 felony, possession of a controlled substance,  
24 possession of drug paraphernalia, driving under the  
25 influence and several other traffic-related offenses.

1           As a result of these charges, the OEC  
2 filed a request for an Emergency Order of Suspension  
3 of Ms. Citriniti's Non-Gaming Employee Registration.  
4 On October 30th, 2009 the Order was signed by the  
5 Executive Director. Ms. Citriniti was personally  
6 served with the Order and on that date requested an  
7 informal hearing on the matter pursuant to the Board's  
8 regulations. This hearing was held on November 2nd.  
9 At the conclusion of the hearing, the Hearing officer  
10 Ordered that the Emergency Order remain in place.  
11 Board regulations now require that a Temporary  
12 Emergency Order be presented to the Board for a full  
13 evidentiary hearing or that the matter be referred  
14 back to the OHA for a full evidentiary hearing. This  
15 is the issue that's before the Board today.

16           CHAIRMAN:

17           Questions or comments from the Board?  
18 Seeing none, may I have a motion?

19           COMMISSIONER SOJKA:

20           Yes, Mr. Chairman. I'll move that the  
21 Board issue an Order to extend the Emergency  
22 Suspension of Amber Citriniti's Non-Gaming Employee  
23 Registration and that the matter be referred to OHA  
24 for a hearing to determine validity of the OEC's  
25 request for a suspension.

1                   COMMISSIONER ANGELI:

2                   Second.

3                   CHAIRMAN:

4                   All in favor?

5 ALL STATE AYE

6                   CHAIRMAN:

7                   Opposed? Motion passes.

8                   ATTORNEY COOK:

9                   The second Emergency Order to suspend  
10 before the Board today is the Non-Gaming Employee  
11 Registration of Mary Beth Ehrhart. Ms. Ehrhart was  
12 issued a Non-Gaming Employee Registration on June  
13 16th, 2009 and is employed as a sous chef at the  
14 Rivers Casino. On October 9th, 2009, Ms. Ehrhart  
15 notified the Bureau of Casino Compliance that she was  
16 arrested on September 29th, 2009 and charged with  
17 multiple offenses. An investigation was then  
18 initiated and it was determined that the Pennsylvania  
19 State Police had charged Ms. Ehrhart with theft by  
20 unlawful taking and receiving stolen property, both of  
21 which are third-degree felonies. The Pennsylvania  
22 State Police alleges that Ms. Ehrhart, during her  
23 former employment as a manager of a Golden Corral  
24 Restaurant, stole \$2,500 in cash from the restaurant  
25 safe.

1           As a result of these charges, OEC filed a  
2 request for an Emergency Order of Suspension. And on  
3 October 30th, 2009 the Order was signed by the  
4 Executive Director. Ms. Ehrhart was served with the  
5 Emergency Order on that date and she also requested an  
6 informal hearing, which was also held on November 2nd.

7       At that hearing, Ms. Ehrhart testified that the  
8 charges against her remained pending and that a  
9 preliminary hearing is scheduled for November 25th,  
10 2009. Ms. Ehrhart also testified that she did not ---  
11 excuse me, she did not deny taking the money, however,  
12 she did dispute the amount alleged. The Hearing  
13 Officer found that the suspension should remain in  
14 effect after hearing all of the evidence. As with the  
15 last matter, Board regulations now require that the  
16 Temporary Emergency Order be presented to the Board  
17 for a full evidentiary hearing or that the matter be  
18 referred back to OHA to conduct that hearing.

19                       CHAIRMAN:

20                       Questions or comments? May I have a  
21 motion, please?

22                       COMMISSIONER SOJKA:

23                       Yes, Mr. Chairman, I'll also move that  
24 the Board issue an Order to extend the Emergency  
25 Suspension of Mary Beth Ehrhart's Non-Gaming Employee

1 Registration and that that matter be referred to OHA  
2 for a hearing to determine the validity of OEC's  
3 request for a suspension.

4 COMMISSIONER ANGELI:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL STATE AYE

9 CHAIRMAN:

10 Opposed? Motion passes.

11 ATTORNEY COOK:

12 That concludes the matters of the OCC.

13 CHAIRMAN:

14 Thank you, Steve, thank you, Doug. Next  
15 up is our Director of Licensing, Susan Hensel.

16 MS. HENSEL:

17 Thank you, Chairman Fajt and members of  
18 the Board. The first matter for your consideration is  
19 the approval of Principal and Key Employee Licenses.  
20 Prior to this meeting, the Bureau of Licensing  
21 provided you with a proposed Order for two Principals  
22 and seven Key Employee Licenses for Washington  
23 Trotting Association, Inc., Philadelphia Entertainment  
24 and Development Partners, LP and WMS Gaming, Inc. I  
25 ask that the Board consider the Order approving these

1 licenses.

2 CHAIRMAN:

3 Any questions or comments from  
4 Enforcement Counsel?

5 ATTORNEY PITRE:

6 No objection.

7 CHAIRMAN:

8 Any questions or comments from the Board?  
9 May I have a motion, please?

10 COMMISSIONER ANGELI:

11 Mr. Chairman, I move that the Board issue  
12 an Order to approve the Issuance of Principal and Key  
13 Employee Licenses as described by the Bureau of  
14 Licensing.

15 CHAIRMAN:

16 Second?

17 COMMISSIONER SOJKA:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL STATE AYE

22 CHAIRMAN:

23 Opposed. Motion passes.

24 MS. HENSEL:

25 We also have an Order regarding Gaming

1 and Non-Gaming Permits and Registrations. Prior to  
2 this meeting, the Bureau of Licensing provided you  
3 with a list of 104 individuals, including 50 initial  
4 and 54 renewals who the Bureau has granted occupation  
5 permits to and 41 individuals who the Bureau has  
6 granted registrations to under the authority delegated  
7 to the Bureau of Licensing. I ask that the Board  
8 adopt a motion approving the Order.

9 CHAIRMAN:

10 Cyrus, any comments?

11 ATTORNEY PITRE:

12 There's no objection.

13 CHAIRMAN:

14 Okay. Any questions from the Board? If  
15 not, can I have a motion, please?

16 COMMISSIONER SOJKA:

17 Yes, Mr. Chairman, I move that the Board  
18 issue an Order to approve the Issuance of Gaming  
19 Permits and Non-Gaming Registrations as just described  
20 by the Bureau of Licensing.

21 CHAIRMAN:

22 Second?

23 COMMISSIONER RIVERS:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 ALL STATE AYE

3 CHAIRMAN:

4 Motion passes. Next.

5 MS. HENSEL:

6 In addition, there are withdrawal  
7 requests for Gaming Employee Applications. In each  
8 case the application is no longer required, due to  
9 such circumstances as the employee accepting a  
10 different job, the job offer being rescinded or the  
11 employee failing to report to work. For today's  
12 meeting, I have provided the Board with a list of nine  
13 withdrawals for approval. I ask that the Board  
14 consider the Order approving this list of withdrawals.

15 CHAIRMAN:

16 Any comments from Enforcement Counsel?

17 ATTORNEY PITRE:

18 No objection.

19 CHAIRMAN:

20 Okay. Comments from the Board. If none,  
21 can I have a motion, please?

22 COMMISSIONER RIVERS:

23 Yes, Mr. Chairman, I move that the Board  
24 Issue an Order to approve the Withdrawal of Gaming and  
25 Non-Gaming Employee Applications as described by the

1 Bureau of Licensing.

2 CHAIRMAN:

3 Second?

4 COMMISSIONER MCCABE:

5 Second.

6 CHAIRMAN:

7 All in favor.

8 ALL STATE AYE

9 CHAIRMAN:

10 Opposed? Motion passes.

11 MS. HENSEL:

12 Finally we have two Orders regarding  
13 Vendors. The first is to certify the following six  
14 Vendors: Intec Construction, Inc., Masterminds, Inc.,  
15 Thomas Company, Inc., Trahan, Burden and Charles,  
16 Inc., Waste Management of Pennsylvania, Inc. and West  
17 Side Electrical Services, Inc. I ask that the Board  
18 consider the Order approving these Vendors for  
19 certification.

20 ATTORNEY PITRE:

21 No objection.

22 CHAIRMAN:

23 Thank you. Any questions from the Board?

24 Can I have a motion, please?

25 COMMISSIONER MCCABE:

1 Yes, Mr. Chair, I move that the Board  
2 issue an Order to approve the applications for Vendor  
3 Certification as described by the Bureau of Licensing.

4 CHAIRMAN:

5 Second?

6 COMMISSIONER GINTY:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL STATE AYE

11 CHAIRMAN:

12 Opposed? Motion passes.

13 MS. HENSEL:

14 The Bureau of Licensing also provided you  
15 with an Order and an attached list of 11 registered  
16 Bureau of Investigations and Enforcement Vendors. I  
17 ask that the Board adopt a motion approving the Order  
18 registering these Vendors.

19 CHAIRMAN:

20 Cyrus?

21 ATTORNEY PITRE:

22 No objection.

23 CHAIRMAN:

24 Thank you. Any questions from the Board?

25 May I have a motion?

1                   COMMISSIONER GINTY:

2                   Mr. Chairman, I move that the Board issue  
3 an Order to approve the Applications for Vendor  
4 Registration as described by the Bureau of Licensing.

5                   CHAIRMAN:

6                   Second?

7                   COMMISSIONER COY:

8                   Second.

9                   CHAIRMAN:

10                  All in favor?

11 ALL STATE AYE

12                  CHAIRMAN:

13                  Opposed? Motion passes.

14                  MS. HENSEL:

15                  That concludes the Bureau of Licensing's  
16 presentation.

17                  CHAIRMAN:

18                  Thank you, Susan. Next up we have  
19 Enforcement Counsel. Cyrus, could you please  
20 introduce your fellow attorneys?

21                  ATTORNEY PITRE:

22                  Sure. This morning we have three matters  
23 for the Board's consideration. Melissa Powers will  
24 present the first matter and Dustin Miller will  
25 present the last two matters.

1                   CHAIRMAN:

2                   Thank you.

3                   ATTORNEY POWERS:

4                   Chairman Fajt, members of the Board, good  
5 morning.

6                   CHAIRMAN:

7                   Good morning.

8                   ATTORNEY POWERS:

9                   The first matter that I have for you  
10 today is that of Glen Conner. On August 25th, 2009,  
11 OEC filed a complaint for revocation against Mr.  
12 Conner for failure to comply with federal or state  
13 laws and also failure to maintain suitability. Mr.  
14 Conner did not respond to the complaint within 20  
15 days, therefore his right to a hearing has been waived  
16 and the facts alleged in the complaint are deemed  
17 admitted. On October 22nd, 2009, OEC filed a request  
18 for default judgment. At this time OEC would ask that  
19 the Board revoke the Non-Gaming Employee Registration  
20 of Glen Conner.

21                   CHAIRMAN:

22                   Any questions or comments from the Board?  
23 If not, can I have a motion, please?

24                   COMMISSIONER COY:

25                   Mr. Chairman, I move the Board issue an

1 Order approving the revocation of Glen Conner's Non-  
2 Gaming Employee Registration as described by OEC.

3 COMMISSIONER ANGELI:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL STATE AYE

8 CHAIRMAN:

9 Opposed? Motion passes.

10 ATTORNEY MILLER:

11 Good morning, Chairman Fajt, members of  
12 the Board. The next request for revocation today  
13 involves Gary Devine. Mr. Devine had been employed as  
14 an EVS attendant at Harrah's Chester Downs Casino and  
15 registered as a Non-Gaming Employee. OEC filed an  
16 enforcement complaint to revoke Mr. Devine's Non-  
17 Gaming Employee Registration for failing to comply  
18 with federal or state laws on September 2nd, 2009.  
19 The enforcement complaint was properly served upon Mr.  
20 Devine to the address listed on his application by  
21 both certified and first class mail.

22 Mr. Devine did not respond to the filing  
23 in any way. Due to Mr. Devine's failure to respond,  
24 the averments and the enforcement complaint are deemed  
25 to be admitted as fact and his right to a hearing has

1 been waived. On October 16th, 2009 OEC filed a  
2 request to enter judgment upon default in this matter.  
3 The matter is now before the Board to consider the  
4 revocation of Mr. Devine's Non-Gaming Employee  
5 Registration.

6 CHAIRMAN:

7 Any questions or comments from the Board?  
8 Seeing none, can I have a motion, please?

9 COMMISSIONER ANGELI:

10 Mr. Chairman, I move that the Board issue  
11 an Order to approve the revocation of the Non-Gaming  
12 Employee Registration of Gary L. Devine, Jr., Barber,  
13 as described by OEC

14 CHAIRMAN:

15 Second?

16 COMMISSIONER SOJKA:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL STATE AYE

21 CHAIRMAN:

22 Opposed? Motion passes.

23 ATTORNEY MILLER:

24 The final request for revocation today  
25 involves Hoa To. Mr. To had been employed as an

1 operations' attendant at Philadelphia Park Casino and  
2 registered as a Non-Gaming Employee. OEC filed an  
3 enforcement complaint to revoke Mr. To's Non-Gaming  
4 Employee Registration for failing to maintain his  
5 suitability on July 28th, 2009. The enforcement  
6 complaint was properly served upon Mr. To to the  
7 address listed on his application by both certified  
8 and first class mail. Mr. To did not respond to the  
9 filing in any way. Due to Mr. To's failure to respond  
10 the averments in the enforcement complaint are deemed  
11 to be admitted as fact and his right to a hearing has  
12 been waived.

13                   On October 16th, 2009 OEC filed a request  
14 to enter judgment upon default against Mr. To. The  
15 matter is now before the Board to consider the  
16 revocation of Mr. To's Non-Gaming Employee  
17 Registration.

18                   CHAIRMAN:

19                   Any questions or comments from the Board?  
20 May I have a motion, please?

21                   COMMISSIONER SOJKA:

22                   Yes, Mr. Chairman, I move that the Board  
23 issue an Order to approve the revocation of the Non-  
24 Gaming Employee Registration of Hoa To as described by  
25 the Office of Enforcement Counsel.

1                   CHAIRMAN:

2                   Is there a second?

3                   COMMISSIONER RIVERS:

4                   Second.

5                   CHAIRMAN:

6                   All in favor?

7 ALL STATE AYE

8                   CHAIRMAN:

9                   Opposed? Motion passes.

10                  ATTORNEY PITRE:

11                  Thank you. That concludes our business.

12                  CHAIRMAN:

13                  Thank you, folks. Before we close, I  
14 want to take a little bit of time to talk about Sandy  
15 Rivers. As many of you know, today is Sandy's last  
16 meeting. His term has expired on the Board. Sandy  
17 was one of the original Board members of the Gaming  
18 Control Board. And I have for Sandy a citation here  
19 signed by all of his fellow Commissioners. But I just  
20 want to read a couple of points from this citation,  
21 because I think, you know, as gaming evolves in  
22 Pennsylvania, we've been at this now for five years, I  
23 guess, since the Act passed in July of 2004. You  
24 know, a lot of what this Board and a lot of what the  
25 original members of the Board accomplished gets missed

1 by the public. And let me just read a couple of the  
2 provisions in here.

3           This Board was established from the  
4 ground up. It was the first state agency in more than  
5 30 years that was created, and created a comprehensive  
6 body of regulations to ensure the integrity of gaming  
7 and investigated thousands of individuals for  
8 licensure. Again, the first state agency in 30 years.  
9 I like to say to people that when this Board was  
10 formed, there were no offices, there were no paper  
11 clips, there were no fax machines, no phones, no  
12 Blackberries, nothing. This organization started  
13 literally from the ground up. Whereas after a  
14 licensing process that included 18 days of public-  
15 input hearings across the state, as well as  
16 suitability hearings in Harrisburg, the Board voted on  
17 September 27th, 2006 to award its first conditional  
18 Category 1 operator license.

19           Whereas on November 14th, 2006, less than  
20 two years after the Board held its first meeting,  
21 Pennsylvania's first licensed gaming facility, Mohegan  
22 Sun at Pocono Downs opened to the public. Whereas the  
23 Board voted on December 20th, 2006 to award 11  
24 permanent Category 1 and Category 2 operator licenses.  
25 It goes on to talk about the tax relief. We've had

1 over \$3 billion of money generated by the casino  
2 operators in Pennsylvania. Two billion of that three  
3 billion has gone to property tax relief. Hundreds of  
4 millions more to local municipalities because of the  
5 local share that's in the bill, half a million --- or  
6 half a billion dollars has gone to the horseracing  
7 industry. So the bottom line is, there is a lot of  
8 success out there. And a lot of that success is  
9 attributable to the gentleman to my right, Sandy  
10 Rivers.

11                   The thing about Sandy is, in my dealings  
12 with him, both from his original appointment, and I  
13 never knew Sandy before the original appointment, he's  
14 always done the right thing. And in this business,  
15 you know, he's a man of his word and what you see is  
16 what you get. And we've all come across folks who  
17 don't operate that way and when you have somebody like  
18 Sandy, you know he has your back, you know he's going  
19 to do the right thing, you know he's going to examine  
20 the issue and make the call at the end of the day and  
21 it's always the right call. And Sandy, you know, your  
22 honesty, your integrity, your hard work is beyond  
23 reproach. You've been a great friend, a great  
24 colleague and we will miss you. We wish you the best  
25 and thank you for your years of service to the

1 Commonwealth, Sandy.

2 COMMISSIONER RIVERS:

3 Thank you.

4 CHAIRMAN:

5 Thank you. When the NFL referee tells  
6 you to sit out, you sit out. There you go, pal. That  
7 concludes business for today. Looking ahead, the  
8 Board will hold its next public meeting on Wednesday,  
9 November 18th, 2009 at 10:00 a.m. The meeting will be  
10 held here in the State Museum Auditorium. Any final  
11 questions or comments from the Board? Seeing none,  
12 can I have a motion to adjourn?

13 COMMISSIONER:

14 So moved.

15 CHAIRMAN:

16 Second.

17 COMMISSIONER:

18 Second.

19 CHAIRMAN:

20 Meeting is adjourned. Thank you.

21 \* \* \* \* \*

22 MEETING CONCLUDED AT 10:30 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding Public Hearing was transcribed by me on 11/09/2009 and that I attest that this transcript is a true and accurate record of the proceeding.

  
Court Reporter