

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: GREGORY C. FAJT, CHAIRMAN

James B. Ginty, Raymond S. Angeli,

Jeffrey W. Coy, Kenneth T. McCabe,

Gary A. Sojka, Kenneth I. Trujillo

(via telephone)

HEARING: Tuesday, May 25, 2010, 3:45 p.m.

LOCATION: Commonwealth Keystone Building

400 North Street, Hearing Room 1

Harrisburg, PA 17120

WITNESSES: Claire Yantis, Steven Dluzniewski, Vincent

Monturo, Susan Hensel

Reporter: Jennifer T. Alves

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A P P E A R A N C E S

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P R O C E E D I N G S

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CHAIRMAN:

We'll get started again. By way of announcements, the Board held an executive session today at 10:00 a.m. and again just prior to this meeting. Both executive sessions were held in accordance with the Sunshine Act.

The purpose of the executive session held at 10:00 a.m. today was to discuss personnel matters, pending litigation and to conduct quasi-judicial deliberations relating to matters pending before the Board. The executive session which ended just a few minutes ago was held to conduct quasi-judicial deliberations relative to the three hearings that we held earlier today.

Having made all of the announcements, our next item of business is approval of the minutes and the transcript of the April 29th Board meeting. May I have a motion, please?

MR. ANGELI:

Mr. Chairman, I move that the Board approve the minutes and the transcript of the April 29th, 2010 meeting.

MR. COY:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 ALL SAY AYE

5 CHAIRMAN:

6 Opposed? Motion passes. The first item
7 under New Business are new hires. Claire Yantis, our
8 Human Resources Director, will provide her report.
9 Welcome, Claire.

10 MS. YANTIS:

11 Good afternoon, Chairman, Board members.
12 We have before you today a motion to consider the
13 hiring of two individuals. William Bannister has been
14 selected for the position of Casino Compliance
15 Representative at Presque Isle. And Michelle Slater
16 has been selected for the position of Casino
17 Compliance Representative at the Rivers.

18 Both individuals have completed the PGCB
19 interview process, background investigation and drug
20 screening, and are being recommended for hire by
21 Director of Casino Compliance, Jerry Stoll. As such,
22 I ask that you consider a motion to hire these
23 individuals as indicated.

24 CHAIRMAN:

25 Any questions or comments from the Board?

1 Do I have a motion, please?

2 MR. COY:

3 Mr. Chairman, I move the Board approve
4 the applicants as proposed on the condition that all
5 of them have completed the necessary background
6 investigations and drug testing.

7 MR. GINTY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? Motion passes. Thank you,
14 Claire. Next is our Chief Counsel, Doug Sherman, and
15 Richard Sandusky. Welcome.

16 ATTORNEY SHERMAN:

17 Good afternoon, Chairman, members of the
18 Board. Our first agenda matter relates to temporary
19 regulations, which Director of Regulatory Review,
20 Richard Sandusky, will address.

21 ATTORNEY SANDUSKY:

22 Good afternoon. The first package we
23 have for consideration by the Board today is
24 Regulation 125-121. What this regulation does is add
25 additional provisions to the chapter on internal

1 controls. These are specifically related to the
2 technical standards for drop boxes on table games and
3 the drop in count process. If there are any questions
4 on this regulation, I'd be happy to respond to them.
5 And if not, we'd ask for a motion to approve.

6 CHAIRMAN:

7 Any questions or comments from the Board
8 on this regulation? Can I have a motion, please?

9 MR. GINTY:

10 Mr. Chairman, I move that the Board adopt
11 Temporary Regulation Number 125-121, that the Board
12 establish a public comment period of 30 days for this
13 temporary regulation and that the temporary regulation
14 be posted on the Board's website.

15 CHAIRMAN:

16 Second?

17 MR. MCCABE:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion passes.

24 ATTORNEY SANDUSKY:

25 The second item we have for consideration

1 today is Regulation 125-122. What this regulation
2 does is it makes amendments to the temporary
3 regulations that were earlier adopted by the Board to
4 respond to some comments that we have received from
5 the industry on those earlier regulations and to fill
6 in a couple of voids. If there are any questions, I'd
7 be happy to respond to them. And if not, we'd ask for
8 a motion for adoption.

9 CHAIRMAN:

10 May I have a motion, please?

11 MR. MCCABE:

12 Yes, Mr. Chairman. I move that the Board
13 adopt Temporary Regulation Number 125-122, that the
14 Board establish a public comment period of 30 days for
15 this temporary regulation and that the temporary
16 regulation be posted on the Board's website

17 MR. SOJKA:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? Motion passes. Thank you,
24 Richard.

25 ATTORNEY SANDUSKY:

1 Thank you.

2 ATTORNEY SHERMAN:

3 Today the Board has four petitions before
4 it for consideration. Three of these matters were
5 heard by the Board earlier today during public
6 hearings. And they specifically are HSP and Holdings
7 Acquisition's Petitions for Authorization to Conduct
8 Table Games and the Issuance of a Table Games
9 Operation Certificate. The third matter was Mt.
10 Airy's Amended Petition for Approval of a
11 Reconfiguration of its Gaming Floor.

12 And the fourth petition to be considered
13 today is being considered based upon a documentary
14 record. In all of the matters, the Board has been
15 provided with the relevant pleadings. Any additional
16 documentary evidentiary and supporting materials
17 obviously has had the opportunity to, in the case of
18 the hearings, hear the parties.

19 Briefly, the first matter is that of HSP
20 Gaming. Obviously they are asking the Board to grant
21 a Table Games Operation Certificate. The OEC is not
22 opposed to granting them a petition subject to
23 approximately 27 conditions set forth in their answer.

24 The conditions for this applicant as well
25 as for all such applicants breakdown into two

1 categories; those that must be addressed prior to
2 commencement of table games operations and those which
3 must be satisfied after the commencement of table
4 games operation. Should the Board choose to grant the
5 petition, the Office of Chief Counsel (OCC) supports
6 the impositions of all of those conditions.

7 The other thing I think it's important to
8 note is if the Board grants either of the table games
9 petitions today, it will not be authorizing the
10 Licensee to commence the operation of table games at
11 this time nor will it necessarily be adopting the
12 specific proposals contained in the various appendices
13 attached to the petition.

14 Rather, the Board will be approving the
15 issuance of the certificate, which is the first step
16 toward commencing operations. Prior to operations
17 being permitted, the Licensee must still obtain a
18 number of other approvals from the Board, including
19 approvals of a floor plan, internal controls, staffing
20 levels and training programs.

21 Additionally, HSP in this case must
22 satisfy all Board regulatory requirements as well as
23 all of the conditions placed on its license. In
24 addition to this petition, HSP also has filed a
25 petition to protect the confidentiality of information

1 contained in its exhibits and appendices 5A, 5B, 6,
2 7A, 6B, 10A and 12A. OEC has not objected to that
3 request and we would support it. It's now recommended
4 that the Board undertake consideration of those two
5 motions.

6 CHAIRMAN:

7 Thank you. Any questions or comments
8 from the Board?

9 MR. SOJKA:

10 I just want to be sure that I understand
11 the status of the conditions supplied by the OEC
12 having to do with the May 24th letter.

13 CHAIRMAN:

14 That's the next petition.

15 MR. SOJKA:

16 I'm sorry. Oh, this is HSP. I'm
17 terribly sorry. No more questions.

18 CHAIRMAN:

19 Hold that question for about two minutes.

20 MR. SOJKA:

21 Well, somebody else will ask it.

22 CHAIRMAN:

23 Any other questions from the Board? If
24 not, could I have a motion, please?

25 MR. SOJKA:

1 Yes, you can. Mr. Chairman, I move that
2 the Board grant the petition of HSP Gaming LP as
3 accurately described by the OCC.

4 MR. ANGELI:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? Motion passes.

11 ATTORNEY SHERMAN:

12 The next matter before the Board is that
13 of Holdings Acquisition's Petition to Conduct Table
14 Games and Issuance of a Table Games Operation
15 Certificate. Again, this matter was heard by the
16 Board earlier today. And as with HSP's table games
17 petition, the OEC does not oppose the granting of a
18 petition provided Holdings abides by approximately 21
19 conditions listed in OEC's answer as well as three
20 additional conditions which were proposed today.

21 Holdings has also filed with their
22 petition a motion to keep certain information filed
23 with its Table Games Petition confidential under the
24 provisions of the Gaming Act. OEC has not objected to
25 that motion. And therefore it's recommended that the

1 Board consider both petitions which are pending before
2 the Board at this time.

3 CHAIRMAN:

4 Any questions or comments from the Board?
5 I'm going to ask Chief Counsel to read those --- I
6 believe it's four conditions now; correct? Four
7 additional conditions. And if you could read those
8 into the record, please.

9 ATTORNEY SHERMAN:

10 Yes, the three conditions which had
11 initially been referred to by Enforcement Counsel was
12 that by June 8th, 2010, Holdings Acquisition Company
13 LP shall submit to BIE for a review and analysis
14 executed documents and any and all other documents
15 associated with the restructuring of its debt.

16 Two, Holdings Acquisition shall not
17 commence table games operations until BIE has issued
18 an analysis and recommendation regard --- and a
19 positive recommendation regarding the restructuring to
20 the Board for its review and consideration.

21 Three, Holdings Acquisition shall not
22 commence table games operations until such time that
23 it receives written confirmation from the Board that
24 the restructuring is satisfactory to the Board. And
25 the final condition which we would suggest would be

1 appropriate for the Board to remove any doubt is that
2 Holdings Acquisition shall not commence table games
3 operations until BIE has verified that Holdings
4 Acquisition actually possesses adequate funds
5 necessary for the expansion and modification of
6 petitioner's licensed facility to accommodate the
7 table games and to pay the authorization fee under
8 1361(a) of the Act.

9 CHAIRMAN:

10 Thank you. Any other questions from the
11 Board? If not, could I have a motion, please?

12 MR. ANGELI:

13 Mr. Chairman, I move that the Board grant
14 the petition of Holdings Acquisition Company LP as
15 described by the OCC.

16 MR. MCCABE:

17 Second.

18 CHAIRMAN:

19 All in favor?

20 ALL SAY AYE

21 CHAIRMAN:

22 Opposed? Motion passes.

23 ATTORNEY SHERMAN:

24 The next petition before the Board today
25 is Mt. Airy's amended Petition for Approval and

1 Reconfiguration of the Gaming Floor pursuant to an
2 operating plan that has identified as OP-5C. This
3 plan calls for an \$11,986 square foot expansion of Mt.
4 Airy's gaming floor as well as the addition of four
5 additional table games, raising the number of table
6 games at the facility from 68 to 72. The matter is
7 now appropriate for the Board's consideration.

8 CHAIRMAN:

9 Any questions or comments from the Board?
10 Could I have a motion, please?

11 MR. ANGELI:

12 Mr. Chairman, I move that the Board grant
13 the petition of Mount Airy #1, LLC, as described by
14 the OCC.

15 CHAIRMAN:

16 Second?

17 MR. MCCABE:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? Motion passes.

24 MR. COY:

25 Mr. Chairman, I --- just to comment for

1 the record. I would hope that this type of petition
2 in the future could be handled by our Executive
3 Director. And very candidly, I think this is
4 something that --- not that it was a waste of the
5 Board's time, but we could have more efficiently used
6 our personnel to handle this type of request, I think.

7 CHAIRMAN:

8 Thank you.

9 MR. GINTY:

10 I agree.

11 CHAIRMAN:

12 Okay. Next.

13 ATTORNEY SHERMAN:

14 The final petition before the Board is
15 that of Samuels and Son Seafood. It's their petition
16 to be removed from the Prohibited Vendor List.
17 Samuels and Son Seafood filed a Vendor Certification
18 Application with the Board in May of 2009. It was
19 incomplete and was notified as such by the Bureau of
20 Licensing.

21 By May 21st of 2009 --- and specifically
22 identified three incomplete sections of the
23 application. Three additional follow-up letters were
24 sent to this company. Samuels and Son Seafood failed
25 to comply with the direction to complete the

1 application. Eventually the Board placed Samuels and
2 Son Seafood Company on Prohibited Gaming Service
3 Provider List in April of this year.

4 After being notified of that placement,
5 Samuels and Son immediately filed the present petition
6 seeking removal from the list. They have cured all
7 such deficiencies in their application. And OEC has
8 not objected to the petition to remove the company
9 from the Prohibited Gaming Service Provider List
10 provided that Samuels and Son Seafood pay a civil
11 penalty in the amount of \$1,500 along with a couple
12 other conditions that are contained in the answer
13 before the Board.

14 CHAIRMAN:

15 Thank you. Any questions or comments
16 from the Board? Could I have a motion?

17 MR. COY:

18 Yes, Mr. Chairman. I move the Board
19 grant the petition of Samuels and Son Seafood as
20 described by the OCC.

21 MR. GINTY:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? Motion passes. Next,
3 presenting withdrawals and reports and recommendations
4 is deputy chief counsel, Steve Cook.

5 ATTORNEY COOK:

6 Good afternoon. The Board's received
7 three unopposed petitions which include requests to
8 withdraw the applications of 14 individuals or
9 businesses. The parties subject to these petitions
10 are as follows.

11 DigiDeal Corporation, Michael J. Kuhn,
12 Nicole Floyd, David Krise, Donald Evans, Robert Stoll,
13 Randy Sines, Larry Martin, Johan Finley, Maryanne
14 Snyder, Gregory Lowney, NABAC, LLC, Marco Marino and
15 Timothy John Parrott. The OEC has no objections
16 relative to these petitions to be withdrawn.
17 Therefore a motion approved by the Board would grant
18 the withdrawals without prejudice.

19 CHAIRMAN:

20 Thank you. Any questions from the Board?
21 Could I have a motion?

22 MR. GINTY:

23 So moved.

24 MR. MCCABE:

25 Second.

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CHAIRMAN:

All in favor?

ALL SAY AYE

CHAIRMAN:

Opposed? Motion passes.

ATTORNEY COOK:

Next before the Board for consideration are three reports and recommendations received from the Office of Hearings and Appeals (OHA) relative to two Non-Gaming Registrations and one Gaming Employee Permit. These Reports and Recommendations along with the evidentiary record in each case have been provided to the Board prior to this meeting. Additionally, in each case the persons involved have been notified that the Board is considering their Report and Recommendation today. And if they are present, they should come forward when their name is announced.

The first report before the Board today is that pertaining to Melinda Lindor. Ms. Lindor was issued a Non-Gaming Employee Registration on January 10th, 2007, and was employed as a diner server at Harrah's Chester Casino and Racetrack. On January 22nd, 2010, the OEC filed an Enforcement Action against Ms. Lindor alleging certain misconduct while working at Harrah's.

1 Ms. Lindor requested a hearing on the
2 matter and testified that she had not, in fact,
3 engaged in wrongful conduct. Notwithstanding that
4 fact, surveillance video taken at the relevant time
5 and location was introduced into evidence at the
6 hearing by the OEC and shows Ms. Lindor engaging the
7 conduct consistent with the allegations made.

8 After review of the entire evidentiary
9 record, the Hearing Officer issued a Report and
10 Recommendation, recommending a finding that Ms. Lindor
11 did, indeed, act improperly. The Hearing Officer
12 thereafter recommended that the Board impose a two
13 year suspension on --- excuse me, upon Ms. Lindor's
14 Non-Gaming Registration.

15 Notwithstanding this recommendation, the
16 OCC believes that there is sufficient evidence to lead
17 to a revocation of Ms. Lindor's registration. And we
18 would recommend to the Board that the Report and
19 Recommendation be rejected and that Ms. Lindor's
20 registration be revoked.

21 CHAIRMAN:

22 Is Ms. Lindor in the audience? Okay.
23 Any questions from the Board? If not, could I have a
24 motion, please?

25 MR. MCCABE:

1 Yes, Mr. Chair. I move that the Board
2 issue an Order to reject the Report and Recommendation
3 of the OHA regarding the Non-Gaming Registration of
4 Melinda Lindor as described by the OCC and move for
5 the revocation of Ms. Lindor's license.

6 MR. SOJKA:

7 I'll second that.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? Motion passes.

13 ATTORNEY COOK:

14 Robert Mendicino is the next matter
15 before the Board today. Mr. Mendicino submitted his
16 application to work as a beverage supervisor at
17 Harrah's Chester on September 20th, 2009. The OEC
18 thereafter issued a Notice of Recommendation of Denial
19 based upon Mr. Mendicino's failure to disclose
20 outstanding tax-related issues on his application.

21 Mr. Mendicino requested a hearing and was
22 notified of a hearing schedule for January 21st, 2010.
23 However, Mr. Mendicino did not appear at that hearing
24 and it was held in his absence. Subsequent thereto,
25 the Hearing Officer issued a Report and

1 Recommendation, recommending that Mr. Mendicino's
2 Gaming Employee Permit Application be denied.

3 On March 3rd, 2010, the Board adopted the
4 OHA Report and Recommendation and denied this
5 application. On March 23rd, 2010, the OHA received a
6 letter from Mr. Mendicino explaining that he never
7 received the hearing notice. And that was his
8 explanation for not appearing at the hearing.

9 The OHA issued an Order which treated Mr.
10 Mendicino's letter as a request for reconsideration of
11 the Board's March 3rd, 2010 Order. A second hearing
12 in this matter was thereafter held on April 8th, 2010.
13 Both Mr. Mendicino and the OEC attended the hearing
14 and provided evidence.

15 Mr. Mendicino testified at that time that
16 at the time of his application he was unaware of
17 certain unfiled tax returns and a minor financial
18 liability he owed to the Commonwealth. He further
19 testified that he had delivered all material necessary
20 to catch up on his taxes to a professional tax
21 adviser. However, at that point in time the documents
22 were still not submitted to the Commonwealth of
23 Pennsylvania.

24 As a result of that testimony taken, a
25 Report and Recommendation was issued which recommended

1 that Mr. Mendicino's application for gaming --- to be
2 a gaming employee be denied. Be denied without
3 prejudice so that he can come back at such time as he
4 makes good on his obligations to the Commonwealth.
5 The OCC would concur on that recommendation. And we
6 believe this matter is now ripe and ready for the
7 Board to act.

8 CHAIRMAN:

9 Is Mr. Mendicino present? Any questions
10 from the Board? If not, could I have a motion,
11 please?

12 MR. SOJKA:

13 Yes, Mr. Chairman. I'll move that the
14 Board issue an Order to adopt the Report and
15 Recommendation of the OHA regarding the Non-Gaming
16 Employee Registration of Robert Mendicino as described
17 by the OCC.

18 MR. ANGELI:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? Motion passes.

25 ATTORNEY COOK:

1 The final Report and Recommendation
2 before the Board today pertains to Steven Dluzniewski,
3 who submitted a Non-Gaming Employee Registration
4 Application on January 11th, 2010, seeking work as an
5 Operations Attendant at Parx Casino. I believe this
6 gentleman is here today. He should come forward.

7 By way of background, the OEC issued a
8 Notice of Recommendation of Denial based on Mr.
9 Dluzniewski's failure to disclose his criminal history
10 as well as the nature of the underlying charges and
11 convictions, which included a 2002 arrest and
12 conviction for possession with intent to deliver a
13 controlled substance, which is a felony offense, and
14 possession of a controlled substance in 2004, which
15 was for marijuana possession.

16 Mr. Dluzniewski requested a hearing,
17 which was held on March 18th, 2010. Both the OEC and
18 Mr. Dluzniewski attended the hearing and offered
19 testimony. Both parties also filed post-hearing
20 briefs. At this hearing, Mr. Dluzniewski testified,
21 among other things, that his lawyers had advised him
22 that his prior arrest and convictions would be
23 expunged from his record. And therefore, he did not
24 believe he needed to disclose them on his application
25 to the Board.

1 He also provided eight letters of
 2 recommendation and testified that he had not used
 3 marijuana for approximately five and a half years. He
 4 further indicated that he'd held, at that point in
 5 time, a job at a warehouse for approximately four
 6 years. After hearing all of the evidence, the Hearing
 7 Officer issued a Report and Recommendation, finding
 8 that Mr. Dluzniewski's evidence supported an approval
 9 of his application. This matter is now ripe for the
 10 Board's consideration. As I indicated, this
 11 gentleman's here today. And I'd presume he'd like to
 12 address the Board.

13 CHAIRMAN:

14 Thank you. Mr. Dluzniewski, if you'd
 15 like to make a brief statement before the Board,
 16 please feel free to do so. Yes, and --- thank you,
 17 Ken. Could you please stand to be sworn in by the
 18 stenographer?

19 -----

20 STEVEN DLUZNIEWSKI, HAVING FIRST BEEN DULY SWORN,
 21 TESTIFIED AS FOLLOWS:

22 -----

23 CHAIRMAN:

24 Thank you. Please proceed.

25 MR. DLUZNIEWSKI:

1 My name is Steven Dluzniewski,
2 S-T-E-V-E-N, D-L-U-Z-N-I-E-W-S-K-I. For years, I have
3 been struggling to build a better life for my family,
4 for my three kids and my kids' mother. I have surely
5 made some mistakes. I most sincerely apologize. That
6 is a result of my own misunderstanding.

7 I misrepresented my legal status on my
8 job application. I thank God for my grandmother has
9 always believed in me and helped me keep my family off
10 the streets. But without the help that I was briefly
11 able to contribute to the household when I got the job
12 at the racetrack, the house is in process for a
13 foreclosure.

14 The short time that I worked at the
15 racetrack were the happiest times of my life. I was
16 complimented by the supervisor for my work ethics and
17 skills. And I don't think anyone could appreciate the
18 opportunity that the job provides more than me.

19 I was a breadwinner, a provider and a
20 citizen. I had my family and church behind me. And I
21 believe that with this job I can achieve the goals
22 that I have learned are the most important things
23 around me. I hope that you consider me a worthy
24 candidate to be a proud and appreciated member of your
25 team.

1 I would like to read the following letter
 2 from my pastor of my parish. To whom it may concern,
 3 I am writing on behalf of Steven Dluzniewski, an
 4 active member of St. Joachim Church. He is a very ---
 5 in strengthening his talent and his abilities as a
 6 person. I have witnessed an outward positive change
 7 in him, which has also had a profound, rewarding
 8 effect on his family. It is good to see people make
 9 changes in their lives that will offer them
 10 life-giving benefits. Please feel free to contact me,
 11 Father Steve Ruchrun (phonetic).

12 CHAIRMAN:

13 Thank you. Any questions or comments
 14 from the Board? Mr. Ginty?

15 MR. GINTY:

16 Yeah, I have a few questions. Son, how
 17 old were you when you were arrested for the ---?

18 MR. DLUZNIEWSKI:

19 2002 and 2005.

20 MR. GINTY:

21 I'm sorry. Say again? How old were you?
 22 What was your age?

23 MR. DLUZNIEWSKI:

24 Eighteen (18).

25 MR. GINTY:

1 Eighteen (18)?

2 MR. DLUZNIEWSKI:

3 Yes.

4 MR. GINTY:

5 And how old are you now?

6 MR. DLUZNIEWSKI:

7 Twenty-seven (27).

8 MR. GINTY:

9 How long have you been, I guess, clean or
10 turned around?

11 MR. DLUZNIEWSKI:

12 Approximately I'd say about five years.

13 MR. GINTY:

14 And what brought you to do that?

15 MR. DLUZNIEWSKI:

16 I just had my first daughter. I had lost
17 my job. And that was the only thing.

18 MR. GINTY:

19 Now, how old are your children?

20 MR. DLUZNIEWSKI:

21 Excuse me?

22 MR. GINTY:

23 How old are your children?

24 MR. DLUZNIEWSKI:

25 Six, seven and eight.

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MR. GINTY:

And how are you supporting them now?

MR. DLUZNIIEWSKI:

Family.

MR. GINTY:

I noticed you were sitting with a gentleman. Is that your attorney?

MR. DLUZNIIEWSKI:

No, that's my uncle.

MR. GINTY:

Sir, would you come forward? If I understand correctly, you wrote a letter on behalf of Steven?

CHAIRMAN:

If I could interrupt just --- sir, could you stay standing? And we're going to swear you in too, please.

VINCENT MONTURO, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

CHAIRMAN:

And could you please state your name for the stenographer? And then you can sit down and begin to answer questions. State your name.

1 MR. MONTURO:

2 My name is Vincent Monturo,
3 V-I-N-C-E-N-T, M-O-N-T-U-R-O. I'm Steven
4 Dluzniewski's uncle.

5 MR. GINTY:

6 Now, I understand when someone's going
7 through a change like this it's very important that he
8 have the support of family and friends. And I'd kind
9 of like you to address the type of support he is
10 receiving.

11 MR. MONTURO:

12 I've been supporting Steven for the last
13 few years, mentoring him and doing whatever I can to
14 help him find a job and support his family. He's come
15 a long way. He's become part of the community. He's
16 become part of the church. The church has been doing
17 well by him. He's been meeting with the pastor on a
18 biweekly basis, just sitting there, one on one,
19 talking to each other, talking about life.

20 He's been working with his family. His
21 family, again, three daughters; three, six and eight
22 years old. He has a lot of family values. He makes
23 sure that his children come first. He's got a lot of
24 monetary situations there but he's trying to do it the
25 best he can.

1 He's living with his grandmother. He's
2 fixing the home up; whatever he can work out. He's
3 just been doing a really great job. He's been
4 striving to just make a better family and a better
5 life for himself.

6 Years ago, back when situations happened,
7 without a father and he had an overwhelmed mother, it
8 just didn't work out for him. He's since --- again,
9 once with his family, he really wants to make
10 something of himself. He was really pleased with this
11 job that he got at the Philadelphia Parx Casino. He
12 came home, called me on the phone, tell me about his
13 supervisor, Linda, giving him compliments. He was
14 thrilled about it. You could just see the entire
15 change.

16 And well, we both apologize for the
17 misunderstanding. But when he filled out the
18 application he was under the opinion that his record
19 was expunged.

20 MR. GINTY:

21 I have no further questions. But I'll
22 have a comment before you go.

23 CHAIRMAN:

24 Thank you. Other questions, comments?
25 Commissioner Sojka?

1 MR. SOJKA:

2 Ken.

3 CHAIRMAN:

4 Commissioner McCabe?

5 MR. MCCABE:

6 I'm going to talk a little bit about the
7 charge back when you were 18 years old. But one of
8 the charges that you were charged with was possession
9 with the intent to sell or --- how much marijuana was
10 it?

11 MR. DLUZNIEWSKI:

12 Well, approximately \$180.

13 MR. MCCABE:

14 How much?

15 MR. DLUZNIEWSKI:

16 About \$180.

17 MR. MCCABE:

18 \$180 ---

19 MR. DLUZNIEWSKI:

20 Yes.

21 MR. MCCABE:

22 --- worth? Well, how much in weight is
23 that?

24 MR. DLUZNIEWSKI:

25 I would say about an ounce.

1 MR. MCCABE:

2 So you had an ounce? Why did they charge
3 you with the --- put the charge of intent to sell?

4 MR. DLUZNIEWSKI:

5 Because they said I was actually selling.

6 MR. MCCABE:

7 Were you selling it?

8 MR. DLUZNIEWSKI:

9 Yes.

10 MR. MCCABE:

11 Okay. And that was how many years ---
12 why were you selling it?

13 MR. DLUZNIEWSKI:

14 Because I just had my daughter and I just
15 lost my job that I had for almost four and a half
16 years. And that was the only way I could get money at
17 that present time.

18 MR. MCCABE:

19 Did you cooperate with law enforcement
20 authorities at all?

21 MR. DLUZNIEWSKI:

22 Yes, I did.

23 MR. MCCABE:

24 If you want to in an open forum like
25 this, how did you cooperate?

1 MR. DLUZNIEWSKI:

2 They gave me 18 months probation and that
3 was it.

4 MR. MCCABE:

5 Okay. But when I say did you cooperate,
6 did you provide them the name of the person that sold
7 you the dope or provided you with the marijuana?

8 MR. DLUZNIEWSKI:

9 No, I didn't. No.

10 MR. MCCABE:

11 Okay. Did they ask you to do that?

12 MR. DLUZNIEWSKI:

13 No.

14 MR. MCCABE:

15 They didn't ask you to ---?

16 MR. DLUZNIEWSKI:

17 No, sir.

18 MR. MCCABE:

19 Where were you selling it?

20 MR. DLUZNIEWSKI:

21 Next door to my house.

22 MR. MCCABE:

23 Was that near a school or anything?

24 MR. DLUZNIEWSKI:

25 No.

1 MR. MCCABE:

2 Okay.

3 CHAIRMAN:

4 Commissioner Sojka?

5 MR. SOJKA:

6 Those were many of the same questions I
7 had. But I'm also curious about this issue of your
8 understanding that one of those charges, the felony
9 charge, had been expunged. How did you come to that
10 conclusion?

11 MR. DLUZNIEWSKI:

12 That's what the lawyer had in my --- he
13 had told me that if I paid him this much money that he
14 would have it expunged.

15 MR. SOJKA:

16 Oh, he didn't tell you that it had been?
17 He told you that if you paid him, he would take care
18 of that?

19 MR. DLUZNIEWSKI:

20 Yes.

21 MR. SOJKA:

22 I see. Fine. Thank you.

23 MR. MCCABE:

24 One last question. Why should we grant
25 you permission to work in the gaming world?

1 MR. DLUZNIEWSKI:

2 Because I think I'd be a good ---.

3 MR. MCCABE:

4 Convince me to say yes.

5 MR. DLUZNIEWSKI:

6 I would be a good --- I'm a good worker.
7 I need to support my family. And I'd really like to
8 work. I do whatever I can. I hustle to get the job
9 done.

10 CHAIRMAN:

11 Commissioner Coy?

12 MR. COY:

13 One question. And if I read this, I
14 apologize as I may have already known the answer. But
15 is there a job waiting for you at Parx?

16 MR. DLUZNIEWSKI:

17 Yes, there is. She told me that it will
18 be held for me.

19 MR. COY:

20 So, do you feel confident that if the
21 Board ---

22 MR. DLUZNIEWSKI:

23 Yes, I do.

24 MR. COY:

25 --- would grant you, that you would be

1 employed?

2 MR. DLUZNIEWSKI:

3 Yes, very confident.

4 CHAIRMAN:

5 Commissioner Trujillo, do you have any
6 questions?

7 MR. TRUJILLO:

8 No, no, I do not.

9 CHAIRMAN:

10 Thank you.

11 MR. SOJKA:

12 Could I ask one more?

13 CHAIRMAN:

14 Yes, absolutely.

15 MR. SOJKA:

16 Could you describe again just very
17 quickly the job you're doing at the Parx Casino and
18 with whom you come in contact?

19 MR. DLUZNIEWSKI:

20 Janitorial and cleaning.

21 MR. SOJKA:

22 Are you on the gaming floor when you do
23 that?

24 MR. DLUZNIEWSKI:

25 Yes, I am.

1 MR. SOJKA:

2 Okay. Thank you.

3 MR. MCCABE:

4 I have one last question ---

5 CHAIRMAN:

6 Commissioner McCabe?

7 MR. MCCABE:

8 --- to OEC. You're the ones recommended
9 that we approve his license. Can you please tell us
10 why?

11 ATTORNEY PITRE:

12 No, we recommended that you not approve
13 the license but ---.

14 MR. MCCABE:

15 Okay. So ---.

16 ATTORNEY PITRE:

17 Prior to that, the hearing hadn't taken
18 place. The hearing took place. The Hearing Officer
19 found that he had been rehabilitated. Had we felt
20 otherwise or we weren't --- had we felt that he would
21 be inimical to the gaming industry, we would have
22 probably filed exceptions to that.

23 We didn't file exceptions to it because
24 realistically, I think that he has shown that he's
25 rehabilitated. But it's for the Board to determine

1 whether or not they think he should be allowed that
2 chance.

3 CHAIRMAN:

4 Thank you. Commissioner Ginty?

5 MR. GINTY:

6 You have not filed exceptions to the
7 Hearing Officer's ---?

8 ATTORNEY PITRE:

9 No, we haven't.

10 MR. GINTY:

11 It's not my motion, Mr. Chairman, but I
12 would like to make a comment that we've had cases from
13 time to time. And as I've said before, as we move
14 more into Philadelphia, unfortunately we're going to
15 have more cases of applicants with some criminal
16 backgrounds. Recidivism is a big issue in any city.
17 I think we have a responsibility under the Act which
18 requires us to increase employment to look at these
19 people in a serious way.

20 I'll make a few comments. One is the
21 offense here is not a violent one. He did not serve
22 time for it, although the offense was a felony. He
23 was granted probation; apparently completed that
24 probation successfully. I'm impressed with his
25 straightforwardness both before the Hearing Examiner

1 and before us today. I think you presented your case
2 very well.

3 MR. DLUZNIEWSKI:

4 Thank you.

5 MR. SOJKA:

6 And I congratulate you on that. I'm also
7 very impressed with the support that he's getting from
8 his family and his community and his church. And I
9 think that if we are going to address this issue that
10 this is the right one to start with.

11 MR. SOJKA:

12 Could I ask yet one more question?

13 CHAIRMAN:

14 Certainly.

15 MR. SOJKA:

16 I'm sorry. And I appreciate those
17 comments, Commissioner Ginty. I have still one loose
18 end that I need to tie up. And that is you said that
19 the motivation for your effort to sell which led to a
20 felony conviction was due to the fact that you had
21 just had a daughter and you lost your job.

22 MR. DLUZNIEWSKI:

23 Yes.

24 MR. SOJKA:

25 I realize the losing of the job is a

1 different issue from this, but could you --- would you
2 willingly share with us why you lost that job?

3 MR. DLUZNIEWSKI:

4 Because my girlfriend was having a
5 difficult pregnancy. She had arthritis and she was
6 diabetic. And I actually didn't have the day off that
7 day. And so I just took it off because I wanted to be
8 there for my daughter. And they called me up and said
9 you're terminated. There was nothing else I could do.

10 MR. SOJKA:

11 That's helpful to me. Thank you.

12 MR. DLUZNIEWSKI:

13 Thanks.

14 CHAIRMAN:

15 Any other questions? If not, could I
16 have a motion, please?

17 ATTORNEY COOK:

18 Mr. Chairman, just so we're clear, the
19 motion --- the Report and Recommendation recommends
20 that this gentleman be approved for non-gaming work.
21 So if the Board is inclined to have him be allowed to
22 work, it would be a vote for the Report and
23 Recommendation. And additionally I would --- that
24 that would require a qualified majority.

25 CHAIRMAN:

1 Thank you.

2 MR. MCCABE:

3 I'm going to make this motion. I'm going
4 to say something beforehand. I don't know if you know
5 my background. But I was with the FBI. I was
6 impressed that you've been here the whole time. I'm
7 impressed that you're honest. I understand when
8 people make mistakes and they learn by them.

9 We got all the letters from the pastor,
10 from your relatives, having your uncle here to speak
11 up on your behalf. And I see change in your life and
12 you're trying to make that change. And I want to give
13 you that opportunity. So I'm going to stick my neck
14 out. And Mr. Chairman, I'm going to move that the
15 Board issue an Order to adopt the Report and
16 Recommendation of the OHA regarding the Non-Gaming
17 Employee Registration of Steven Dluzniewski as
18 described by the OCC.

19 CHAIRMAN:

20 Second?

21 MR. ANGELI:

22 I'll second that.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? Motion passes. Mr.
3 Dluzniewski, let me just say that as Commissioner
4 McCabe said, we're taking a leap of faith here. And I
5 hope and pray that you will not let us down. So thank
6 you for being here.

7 MR. DLUZNIEWSKI:

8 I will not let you down.

9 CHAIRMAN:

10 And thank you, sir, for taking the time
11 out of your schedule.

12 MR. MONTURO:

13 Thank you. And you won't be sorry. He's
14 a good boy and he'll do well by you.

15 CHAIRMAN:

16 Thank you very much.

17 MR. DLUZNIEWSKI:

18 Thank you.

19 CHAIRMAN:

20 Thank you.

21 ATTORNEY COOK:

22 Thank you, Doug. Thank you, Steve. That
23 concludes all our matters.

24 CHAIRMAN:

25 Okay. I'll now ask Susan Hensel,

1 Director of Bureau of Licensing, to come forward to
2 present the items on her agenda today.

3 MS. HENSEL:

4 Thank you, Chairman Fajt and members of
5 the Board.

6 CHAIRMAN:

7 Welcome, Susan.

8 MS. HENSEL:

9 The first matter for your consideration
10 is the approval of Key Employee Licenses. Prior to
11 this meeting, the Bureau of Licensing provided you
12 with a proposed Order for 15 Key Employee Licenses.
13 And I ask that the Board consider the Order approving
14 these licenses.

15 CHAIRMAN:

16 Any questions or comments from
17 Enforcement Counsel?

18 ATTORNEY PITRE:

19 No objection.

20 CHAIRMAN:

21 Thank you. Questions from the Board?

22 MR. COY:

23 So moved.

24 CHAIRMAN:

25 Second?

1 MR. GINTY:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? Motion passes.

8 MS. HENSEL:

9 We also have for your consideration the
10 issuance of Temporary Principal and Key Employee
11 Licenses. Prior to this meeting, the Bureau of
12 Licensing provided you with an Order regarding the
13 issuance of Temporary Licenses for one Principal and
14 six Key Employee Licenses. I ask that the Board
15 consider the Order approving these licenses.

16 ATTORNEY PITRE:

17 No objection.

18 CHAIRMAN:

19 Thank you. Questions from the Board?

20 Motion, please?

21 MR. GINTY:

22 So moved.

23 MR. MCCABE:

24 Second.

25 CHAIRMAN:

1 All in favor?

2 ALL SAY AYE

3 CHAIRMAN:

4 Opposed? Motion passes.

5 MS. HENSEL:

6 Next are Gaming Permits and Non-Gaming
7 Registrations. Prior to this meeting, the Bureau of
8 Licensing provided you with a list of 401 individuals
9 who the Bureau has granted occupation Permits to and
10 84 individuals who the Bureau has granted
11 Registrations to under the authority delegated to the
12 Bureau of Licensing. I ask that the Board adopt a
13 motion approving the Order.

14 ATTORNEY PITRE:

15 No objection.

16 CHAIRMAN:

17 Thank you. Questions from the Board?

18 Can I have a motion?

19 MR. MCCABE:

20 So moved.

21 MR. SOJKA:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? Motion passes.

3 MS. HENSEL:

4 In addition, we have two Orders regarding
5 Gaming Service Providers. The first is to certify the
6 following Gaming Service Providers. Canuso Software
7 Design, LLC; Commerce Construction Company, Cuddy
8 Roofing, Inc.; and Josk, LLC. I ask that the Board
9 consider the Order approving these Gaming Service
10 Providers for certification.

11 ATTORNEY PITRE:

12 We recommend certification.

13 CHAIRMAN:

14 Thank you. Questions from the Board?
15 Motion, please?

16 MR. SOJKA:

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

21 MR. GINTY:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? Motion passes.

3 MS. HENSEL:

4 Finally, I am requesting that the
5 following three Gaming Service Provider Applications
6 be declared abandoned. Audio Vision Production
7 Company, LLC, Delente Fans Factory, Inc., and Office
8 Furniture Warehouse of Pittsburgh, Inc. These Gaming
9 Service Providers filed applications even though they
10 received compensation below the threshold that
11 required them to file.

12 However, they failed to submit required
13 documentation after being given notice of deficiencies
14 and an opportunity to correct the deficiencies. Under
15 our regulations, the Board has the authority to
16 declare an application abandoned if an applicant fails
17 to provide information necessary to cure application
18 deficiencies. I ask that the Board consider the Order
19 declaring these applications abandoned.

20 ATTORNEY PITRE:

21 No objection.

22 CHAIRMAN:

23 Thank you. Questions from the Board?
24 Motion, please?

25 MR. ANGELI:

1 So moved.

2 MR. COY:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? Motion passes. Thank you very
9 much, Susan.

10 MS. HENSEL:

11 Thank you.

12 CHAIRMAN:

13 This concludes today's business. In
14 closing, our next scheduled public meeting will be
15 held on Thursday, June 10, in the North Office
16 Building, Hearing Room One. The meeting will begin at
17 10:00 a.m. Any final comments from the Board? Could
18 I have a motion to adjourn?

19 MR. COY:

20 So moved.

21 CHAIRMAN:

22 Second?

23 MR. GINTY:

24 Second.

25 CHAIRMAN:

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Meeting is adjourned. Thank you.

* * * * *

MEETING CONCLUDED AT 4:48 P.M.

* * * * *

CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before Chairman Fajt, was reported by me on 05/25/2010 and that I Jennifer T. Alves read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.


Court Reporter