

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: WILLIAM H. RYAN, JR., CHAIRMAN
Gregory C. Fajt, James B. Ginty,
Keith R. McCall, Anthony C. Moscato,
Gary A. Sojka, Kenneth I. Trujillo; Members
Christopher Craig, Representing Robert
McCord, State Treasurer
Robert Coyne, Representing Daniel P.
Meuser, Secretary of Revenue
Matthew Meals, Representing George Greig,
Secretary of Agriculture
HEARING: Thursday, October 13, 2011
LOCATION: Capitol East Wing, 8-A
Harrisburg, PA 17120

Reporter: Cynthia Piro Simpson

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A P P E A R A N C E S

OFFICE OF CHIEF COUNSEL

R. DOUGLAS SHERMAN, ESQUIRE

Chief Counsel

SUSAN YOCUM, ESQUIRE

Assistant Chief Counsel

STEPHEN S. COOK, ESQUIRE

Deputy Chief Counsel

OFFICE OF ENFORCEMENT COUNSEL

BILLIE JO MATELEVICH-HOANG, ESQUIRE

Assistant Enforcement Counsel

KATIE HIGGINS, ESQUIRE

Assistant Enforcement Counsel

BETH MANIFESTO, ESQUIRE

Assistant Enforcement Counsel

DUSTIN MILLER, ESQUIRE

Assistant Enforcement Counsel

ALEXANDRA SACAVAGE, ESQUIRE

Assistant Enforcement Counsel

CASSANDRA FENSTERMAKER, ESQUIRE

Assistant Enforcement Counsel

PA Gaming Control Board

P.O. Box 69060

Harrisburg, PA 17106-9060

Counsel for the Pennsylvania Gaming Control Board

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CHAIRMAN:

We'll now continue to the scheduled part of the meeting. And before I call order, let me just inform everybody that Commissioner Trujillo may not be here in person, but he is here in spirit and in a minute will be here over the telephone, so we will proceed with that understanding.

TELEPHONE CALL PLACED

CHAIRMAN:

Ken?

MR. TRUJILLO:

Yes.

CHAIRMAN:

Thank you very much.

MR. TRUJILLO:

Thank you.

CHAIRMAN:

We'll now call our regularly scheduled meeting to order. By way of announcements, the last public meeting of the Board, an Executive Session was held on Wednesday, October 5th, 2011 for the purpose of discussing and deliberating Valley Forge Convention Center Partners' Petition for Approval of a Revised

1 Plan for Controlling Access to its Gaming Floor.

2 A second Executive Session was held
3 yesterday for the purpose of discussing personnel
4 matters pending litigation and to conduct quasi-
5 judicial deliberations relating to matters being
6 considered by the Board today. Finally, a third
7 Executive Session was held just prior to our
8 reconvening here. The purpose of that Executive
9 Session was to deliberate on the hearings held earlier
10 today.

11 Next piece of business, we have
12 consideration of a motion to approve the transcripts
13 and minutes of the Board's meetings on July 20th,
14 August 18th and September 14th, 2011. Do I have a
15 motion?

16 MR. GINTY:

17 Mr. Chairman, I move that the Board
18 approve the minutes and transcripts of the July 20th,
19 August 18th and September 14 meetings.

20 MR. MCCALL:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Okay. Opposed? The motion carries.
2 First order of new business is consideration of the
3 Pennsylvania Gaming Control Board budget for the next
4 fiscal year to be presented by David Rhen, our Budget
5 Manager. David.

6 MR. RHEN:

7 Hello. Is this on? I'm here today to
8 provide an overview and request the Board's approval
9 of the fiscal year 2012-13 budget request. The Gaming
10 Board's fiscal year 2012-2013 budget request is
11 \$36,098,000. This is a \$597,000 or 1.7 percent
12 increase over the fiscal year 11/12 budget of \$35.5
13 million. All increases are related to increases in
14 personnel costs.

15 As a component of the overall budget,
16 personnel costs are budgeted at \$30.2 million or 84
17 percent of the Board's overall request. This budget
18 will support current competent levels plus condition
19 of casino proprietor representatives at Category 3
20 facilities scheduled to open next fiscal year.

21 Personnel costs are anticipated to
22 increase by six percent above current year levels.
23 This increase is a result of contractual pay
24 increases, rising health benefit costs and increase in
25 pension contribution from 7 percent to 10.6 percent

1 and required additional staff for the new Category 3
2 facilities.

3 Operating expenses are budgeted at \$5.9
4 million or 16 percent of your overall request. By
5 category, realty and office equipment leases is the
6 largest planned expense at \$1.9 million or 32 percent
7 of operating expenses, followed by other operating
8 expenses, which is primarily databases used for
9 background investigations at \$1.5 million or 25
10 percent of operating expenses.

11 Next is services at \$1 million or 18
12 percent. Services include vendor systems development
13 and maintenance, state police license applicant
14 fingerprinting, interagency billings such as
15 comptroller services, payroll and data processing and
16 legal services. And finally, telecommunications is
17 budgeted at \$674,000 or 11 percent of the operating
18 budget. And all other categories combined are 14
19 percent of operating expenses.

20 The budget will be funded through a
21 combination of \$11 million in restricted revenue,
22 which is fees for investigations and proceedings of
23 the Board and the gaming lab charge backs,
24 manufacturers and casinos and \$25.1 million in drawn
25 out escrow accounts funded by casino operators. So,

1 that's my presentation on next year's budget. I'd be
2 happy to take any questions if you have any.

3 CHAIRMAN:

4 Any questions or comments from members of
5 the Board?

6 MR. FAJT:

7 One quick question, please, Mr. Chairman.

8 CHAIRMAN:

9 Certainly.

10 MR. FAJT:

11 Dave, I apologize if you touched on this,
12 and I missed it, but are there employee raises in that
13 budget for next year?

14 MR. RHEN:

15 There are employee raises. We are
16 following the AFSCME contract for next year. There's
17 a one percent raise in the contract on July 1, I
18 believe, and then two to four percent sometime April
19 of 2013.

20 MR. FAJT:

21 Thank you.

22 CHAIRMAN:

23 Any other members of the Board? Mr.
24 Coyne?

25 MR. COYNE:

1 I have nothing.

2 CHAIRMAN:

3 Mr. Meals?

4 MR. MEALS:

5 I have none. Thank you.

6 CHAIRMAN:

7 And Mr. Craig?

8 MR. CRAIG:

9 No, thank you.

10 CHAIRMAN:

11 Okay. With respect to the budget, do I
12 have a motion?

13 MR. MCCALL:

14 Mr. Chairman, I move that the Board
15 approve the proposed Pennsylvania Gaming Control Board
16 Budget for fiscal year 2012-2013 as presented by the
17 Budget Manager.

18 CHAIRMAN:

19 Second?

20 MR. MOSCATO:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion carries. All right,
2 Dave. I think you also have for us an update today on
3 Board revenue and expenditures for this fiscal year?

4 MR. RHEN:

5 Correct. This report is, as you said,
6 through September expenditures. Expenditures total
7 \$7.95 million. This total included payroll expenses
8 of \$6.8 million or 8.5 percent of total expenses and
9 operating expenses of \$1.2 million or 15 percent of
10 year-to-date expenses.

11 For the month of September alone,
12 expenditures totaled \$3.6 million, including \$3.3
13 million for three payrolls that posted during the
14 month and \$296,000 for operating expenses. The
15 Board's largest operating expenses for September
16 included \$156,000 for rentals and leases, \$52,000 for
17 other operating expenses, which is primarily database
18 searches for background investigations, and \$52,000
19 for telecommunications.

20 The Board's largest operating expenses
21 to-date include \$609,000 or 51 percent of all
22 operating expenses for rentals and leases, \$188,000 or
23 16 percent of operating expenses for services,
24 \$138,000 or 12 percent for other operating expenses
25 and \$67,000 or 7 percent for IT equipment purchases.

1 That concludes the report.

2 CHAIRMAN:

3 Any questions or comments from the Board?

4 Mr. Coyne?

5 MR. COYNE:

6 I have none.

7 CHAIRMAN:

8 Mr. Meals?

9 MR. MEALS:

10 I have none. Thank you.

11 CHAIRMAN:

12 Mr. Craig?

13 MR. CRAIG:

14 I have none.

15 CHAIRMAN:

16 Okay. Thank you very much, Dave.

17 MR. RHEN:

18 Thank you.

19 CHAIRMAN:

20 Next we have Claire Yantis, Director of

21 Human Resources. Claire?

22 MS. YANTIS:

23 Good afternoon, Chairman, Board members.

24 The Office of Human Resources has before you today a

25 motion to hire one individual. Jamie Black has been

1 selected for hire as an Assistant Chief Counsel Two in
2 the Office of Chief Counsel (OCC) and is being
3 recommended for hire by Chief Counsel Doug Sherman.

4 Ms. Black has completed the PGCB
5 interview process, background investigation and drug
6 screening and is being presented for Board approval at
7 this time. Unless there are any questions, I'd ask
8 that the Board consider a motion to hire Ms. Black as
9 indicated.

10 CHAIRMAN:

11 Any questions or comments? May I have a
12 motion?

13 MR. MOSCATO:

14 Mr. Chairman, as the applicant has
15 successfully completed background screening, I move
16 that the Board approve the applicant as proposed by
17 the Director of Human Resources.

18 MR. SOJKA:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 And all opposed? The motion carries.

25 MS. YANTIS:

1 Thank you.

2 CHAIRMAN:

3 Thanks, Claire. Doug Sherman, Chief
4 Counsel? Doug?

5 ATTORNEY SHERMAN:

6 Good afternoon, Chairman, members of the
7 Board. Our first agenda items relate to Final-form
8 Regulations which Assistant Chief Counsel Susan Yocum
9 is here to present.

10 MS. YOCUM:

11 Good afternoon, Chairman, members of the
12 Board. I do have four Final-form rulemakings on table
13 games, which were provided to the Board in advance of
14 the meeting.

15 Just to provide a brief overview of what
16 happened between the proposed stage and the final
17 stage, which is where we are now, after the Board
18 approved the proposed regulations, they offered a
19 comment period in which the public, the industry,
20 Independent Regulatory Review Commission and the
21 legislative standing committees all had an opportunity
22 to comment. All comments received during that
23 proposed phase are addressed in the preamble to the
24 final form rulemaking, and any suggested revisions are
25 incorporated into the packet.

1 The first Final-form rulemaking for your
2 consideration today is 125-138, which addresses the
3 requirements for electronic game tables, including
4 fully automated tables; the certification requirements
5 for gaming related gaming service providers; and the
6 conditional licensure of table game manufacturer and
7 suppliers. We did receive comments from IRRC
8 regarding this proposed --- or this Final-form
9 rulemaking, which are incorporated into this packet.
10 I'd be happy to answer any questions you may have.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 Do I have a motion?

14 MR. SOJKA:

15 Yeah, yes, Mr. Chairman. I'll move that
16 the Board adopt the Final-form Regulation 125-138 as
17 described by the OCC and that the regulation be posted
18 on the Board's website.

19 CHAIRMAN:

20 A second?

21 MR. MOSCATO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? The motion carries.

3 MS. YOCUM:

4 The next is Final-form rulemaking 125-
5 148. This regards the dealing procedures, the
6 permissible wagers, table layout requirements and
7 authorized pay tables for Roulette, Big Six Wheel and
8 Casino War. During the comment period we received
9 comments from Parx, Harrah's and IRRC. Again, happy
10 to answer any questions you may have.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 May I have a motion?

14 MR. MOSCATO:

15 Mr. Chairman, I move that the Board adopt
16 the Final-form Regulation 125-148 as described by the
17 OCC and that the regulation be posted on the Board's
18 website.

19 MR. FAJT:

20 Second.

21 CHAIRMAN:

22 All in favor?

23 ALL SAY AYE

24 CHAIRMAN:

25 Opposed? The motion carries.

1 MS. YOCUM:

2 125-149, addressing the dealing
3 procedures, permissible wagers and authorized payouts
4 for Pai Gow Tiles, Craps and Mini-Craps and Sic Bo.
5 We received comments from Hollywood, Parx and IRRC on
6 this rulemaking.

7 CHAIRMAN:

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

10 MR. FAJT:

11 Mr. Chairman, I move that the Board adopt
12 Final-form Regulation 125-149 as described by the OCC
13 and that the regulation be posted on the Board's
14 website.

15 MR. GINTY:

16 Second.

17 CHAIRMAN:

18 All in favor?

19 ALL SAY AYE

20 CHAIRMAN:

21 Opposed? The motion carries.

22 MS. YOCUM:

23 The last rulemaking is 125-151, which
24 addresses the rules of play for Midi-baccarat and
25 Baccarat. IRRC was our only commentator on this

1 rulemaking.

2 CHAIRMAN:

3 Any questions or comments from the Board?

4 May I have a motion?

5 MR. GINTY:

6 Mr. Chairman, I move that the Board adopt
7 Final-form Regulation 125-151 as described by the OCC
8 and that the regulation be posted in the Board's
9 website.

10 MR. MCCALL:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE

15 CHAIRMAN:

16 Opposed? The motion carries.

17 MS. YOCUM:

18 Thank you.

19 CHAIRMAN:

20 Thank you, Susan. Next item would be
21 petitions. Doug Sherman will present those.

22 ATTORNEY SHERMAN:

23 The Board has four petitions before it
24 for consideration today. Two of these matters
25 relating to the IGT Petition Seeking Approval of a

1 certain software operating system, along with the Chip
2 and a Chair Massage Therapy Appeal of the staff action
3 were heard during the hearings earlier today.

4 The third petition, relating to Valley
5 Forge Convention Center Partners' Petition Seeking
6 Approval of a plan for limiting access to its Category
7 3 facility, was heard by this Board on September 28th
8 during a public meeting. And the final petition, that
9 of Greenwood Gaming's request to conduct a Midi-
10 baccarat tournament, which was not objected to by the
11 Office of Enforcement Counsel (OEC), will be presented
12 by way of documentary hearing and Board decision.

13 As to each of the petitions, the Board
14 has in advance of this proceeding been provided with
15 the petitions and responsive pleadings and any briefs,
16 memorandum or other documentary evidence relevant to
17 the Board's consideration. I'll briefly run through
18 these with a description of each petition and then ask
19 for a motion.

20 The first petition before the Board today
21 is IGT's petition for approval of its sbX server
22 supported gaming software system. This matter was
23 heard, I think, as the second hearing today. The
24 record is now closed and it's appropriate for Board
25 motion.

1 CHAIRMAN:

2 Any questions or comments from the Board?

3 May I have a motion?

4 MR. MCCALL:

5 Mr. Chairman, I move that the Board grant

6 IGT's Petition for approval of software as described

7 by the OCC and direct the Board's Executive Director

8 to issue the appropriate authorization letter

9 consistent with his previous delegation of authority.

10 CHAIRMAN:

11 Second?

12 MR. MOSCATO:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 ATTORNEY SHERMAN:

20 And the next matter before the Board is

21 Chip and a Chair Massage Therapy's Appeal of the

22 Bureau of Licensing decision to not accept an

23 application from the company on the basis that the

24 company's providing services directly to casino

25 patrons places it outside the regulatory definition of

1 a Gaming Service Provider. Chip and a Chair
2 essentially argues that it does not --- that it does
3 meet the Act's requirements to be a licensed Gaming
4 Service Provider.

5 As the Board heard earlier today, Chip
6 and a Chair is a business that offers massage therapy
7 to patrons at casinos while playing in presentation
8 poker. The matter is ready for the Board's
9 consideration, and the issue before the Board is
10 whether the Bureau of Licensing should accept or was
11 correct in not accepting a Gaming Service Provider
12 Application from this company.

13 Granting the relief requested by Chip and
14 a Chair will result in the Bureau of Licensing being
15 directed to accept for processing an application and
16 transmission, then, on for investigation. And it will
17 not actually authorize or license the company.

18 CHAIRMAN:

19 Any questions or comments from the Board?
20 Could I have a motion?

21 MR. MOSCATO:

22 Mr. Chairman, I move that the Board grant
23 the application in part and order that the Bureau of
24 Licensing accept the Gaming Service Provider
25 Application from Chip and a Chair Massage Therapy,

1 LLC. However, should interim authorization be
2 granted, all services must be provided only in poker
3 rooms by Pennsylvania licensed massage therapists.
4 Additionally, all massage therapists must be
5 appropriately licensed and directed by the Bureau of
6 Licensing.

7 CHAIRMAN:

8 Second?

9 MR. SOJKA:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 ALL SAY AYE

14 CHAIRMAN:

15 Opposed?

16 MR. GINTY:

17 I have a comment. I concur in the
18 granting of the petition, but I would limit any
19 interim authority that might be granted to the
20 applicant to --- off the gaming floor. I would prefer
21 to have had the issues of distraction and potential
22 disruption to the gaming process and to other players
23 addressed before we would have granted them authority
24 to utilize the services in the Poker room. Thank you.

25 CHAIRMAN:

1 Anything else? The motion carries?

2 Next.

3 ATTORNEY SHERMAN:

4 The next matter is Greenwood Gaming's
5 Petition for a designation of an area to conduct a
6 Midi-baccarat. Specifically, Greenwood is requesting
7 the permission to conduct a Midi-baccarat tournament
8 on November 11th, 2011 in an area of the licensed
9 facility that is not currently part of the gaming
10 floor.

11 The tournament would be held entirely in
12 a temporary tournament area which was --- is located
13 on the third floor racing area of the grandstand. No
14 live racing is scheduled at Parx on either November
15 10th or 11th. Upon completion of the tournament,
16 Greenwood would return the temporary area to its usual
17 configuration for racing-related use the following
18 day.

19 If the Board is inclined to grant this
20 relief, OEC has requested the approval be subject to
21 six conditions relating to security and tournament
22 oversight, which were outlined in the OEC answer. The
23 OCC would also request that any approval of the
24 petition be conditioned as requested by OEC. The
25 matter is now appropriate to consider a motion.

1 CHAIRMAN:

2 Any questions, comments from the Board?

3 MR. SOJKA:

4 One quick one. I saw the conditions and
5 now I need for you to refresh my memory. Was one of
6 them that there be consultation with the horsemen
7 since they are ---?

8 ATTORNEY COOK:

9 I don't believe that was a condition, Mr.
10 Sojka, but ---.

11 MR. SOJKA:

12 They say they'll be reconfigured in an
13 appropriate way the next day. I just wondered if
14 somebody ran that in front of the horse ---.

15 ATTORNEY COOK:

16 I don't believe ---. I don't know if
17 they did or not, if it's not a condition. However,
18 the track is scheduled for no live racing on the day
19 of the tournament.

20 MR. SOJKA:

21 I'm aware of that. And they have stated
22 that they will reconfigure. I'm just ---. I've
23 stated my concern. It would not be enough for me to
24 not offer a motion. But I'd be happy to offer this
25 motion, Mr. Chairman.

1 CHAIRMAN:

2 We appreciate it.

3 MR. SOJKA:

4 Thank you. I move that the Board grant
5 Greenwood Gaming and Entertainment, Inc.'s Petition
6 for Designation of an Area to Conduct Midi-baccarat
7 Tournament as described by the OCC.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 ALL SAY AYE

15 CHAIRMAN:

16 Opposed? The motion carries.

17 ATTORNEY SHERMAN:

18 Okay. Before moving to the final
19 petition today, the Board, having just decided to
20 grant Greenwood a request to conduct a table games
21 tournament, it would seem to be an appropriate time
22 to, maybe, move beyond the Board entertaining each of
23 these matters for a table games tournament and perhaps
24 consider delegating authority to approve these
25 tournaments to the Executive Director. As members of

1 the Board who were sitting when table games were
2 implemented and may remember, and despite section
3 1321A(b) of the Act allowing the authority to approve
4 table games tournaments to be delegated to the
5 Executive Director, the Board initially considered the
6 matter and decided that to enhance transparency about
7 these tournaments, in order to explore the issues
8 fully, the Board was going to hear the initial several
9 requests for tournaments, so, again, that we all could
10 be on the same page as to what a tournament is, how
11 they're conducted and what the conditions are.

12 We've done that now for about a year
13 since the first tournament was approved. It appears
14 that it would be an appropriate time now to delegate
15 that authority to the Executive Director.

16 And doing so will not circumvent staff
17 review of any of these requests, but it will allow
18 tournaments to be approved more quickly, as there
19 won't be the inherent delay in going through a
20 petition and Board approval and hearing process. As a
21 result, I'd ask for a motion to, from this point
22 forward, delegate the authority to the Executive
23 Director to approve tournaments to be conducted in the
24 normal course.

25 CHAIRMAN:

1 Any questions or comments?

2 MR. FAJT:

3 Yeah, a quick question, Mr. Chairman.
4 Doug, I want to make it clear, though, that we're
5 delegating the authority to Kevin. And we have, I
6 think, no problem with that, but I also want to make
7 clear that if he doesn't feel comfortable with that
8 delegation of authority on a tournament coming down
9 the pike, that he has the authority to bounce that
10 back to us.

11 So this isn't a unilateral, 100 percent
12 one-way street, that he always has the authority to
13 say, I'm not sure what the Board wants to do here.
14 I'd like them to weigh in.

15 ATTORNEY SHERMAN:

16 And that would be correct. Whether upon
17 his own review or that of staff, if there was
18 something that didn't make everybody comfortable or
19 something out of the norm, there would always be an
20 expectation that would come back to the Board.

21 MR. FAJT:

22 And just to make clear, we're very
23 comfortable with Kevin's discretion on this, but in
24 the event that he feels uncomfortable, I want him to
25 know that we would be happy to weigh in. Thank you.

1 CHAIRMAN:

2 May I have a motion?

3 MR. MCCALL:

4 Mr. Chairman, pursuant to Section
5 1321A(b) of the Pennsylvania Race Horse Development
6 and Gaming Act, I move that the Board delegate
7 authority to the Executive Director to approve or deny
8 requests to conduct table game tournaments on or off
9 of the licensed facility's gaming floor, as described
10 by the OCC.

11 CHAIRMAN:

12 Second?

13 MR. MOSCATO:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 ATTORNEY SHERMAN:

21 The last petition before the Board today
22 is Valley Forge's Petition for Approval of Revised
23 Plan Controlling Access to its Gaming Floor. This
24 matter was heard during a public hearing on September
25 28? No, I'm sorry, September 14.

1 During the hearing Valley Forge addressed
2 that registered overnight guests, patrons of one or
3 more of the amenities, and persons with valid
4 memberships as approved by the Board would have access
5 to the gaming floor. They also explained steps that
6 would be taken to give these three types of
7 individuals access to the gaming floor as allowed
8 under the law.

9 Subsequent to that hearing, the Board
10 held quasi-judicial deliberations relating to the
11 matter by telephone call on October 5th, on October
12 12th. And as a result of those deliberations, I
13 believe it would be appropriate for the Board to
14 consider a motion authorizing the issuance of an
15 adjudication in the coming days, approving Valley
16 Forge's petition in part with the following
17 parameters.

18 One, patrons of one of Valley Forge's
19 amenities which spend a fair market value amount of at
20 least \$10 may be issued an access card, entitling them
21 to access the casino for a 24-hour period within 72
22 hours of using the amenity. Two, overnight hotel
23 guests will be entitled to gain access to the gaming
24 floor during their stay and up until 11:59 p.m. on
25 their checkout date.

1 Three, all guests in a hotel room wishing
2 to access the gaming floor will be required to present
3 identification at the time of hotel check-in in order
4 to obtain an access card. Four, convention meeting
5 and banquet guests will not necessarily be required to
6 personally pay non de minimis consideration to be
7 issued a casino access card. However, the sponsor or
8 participants of the event will be required to pay non
9 de minimis fair market value consideration for the
10 event, which equates to an amount of \$10 for each
11 guest, in the aggregate, at the given convention,
12 meeting or banquet.

13 Five, persons in a group will each be
14 entitled to a casino access card, so long as the
15 aggregate and fair market value charge for the group
16 is in excess of \$10 for each person in the group.
17 Six, the dining club and entertainment club
18 memberships are approved as presented.

19 Seven, the health and fitness club
20 membership as presented is denied. Eight,
21 identification will be presented for all persons
22 wishing to access the gaming floor at the time of
23 access or a membership card issuance.

24 Nine, patrons seeking access to the
25 gaming floor shall be randomly asked for

1 identification to confirm their identity matches the
2 information on the access or membership card. Any
3 incidents of unauthorized persons seeking access to
4 the gaming floor shall be immediately reported to the
5 Bureau of Casino Compliance.

6 Ten, when identification is first
7 presented by a patron, the person's name shall be
8 checked against the exclusion lists maintained by the
9 Board. And additionally, it would be appropriate for
10 the Board to grant Valley Forge its motions seeking
11 confidential treatment of certain of its exhibits, as
12 filed on July 15th, 2011 and September 12th, 2011,
13 which were set forth in the motions to maintain
14 confidentiality.

15 I would add that, to be clear, an
16 adjudication spelling out all of these parameters and
17 the Board's rationale and the legal authority for each
18 will be forthcoming, hopefully by relatively short
19 order. And I think the public ---. And that will be
20 posted on the Board's website, made available for the
21 public to see the express parameters. And with that
22 overview, I would ask for a motion consistent with my
23 statements.

24 CHAIRMAN:

25 Any questions or comments from the Board?

1 MR. SOJKA:

2 Yes, one very quick one, and it's pure
3 housekeeping. Point number four, Mr. Sherman, as
4 read, you said that the non de minimis requirement
5 would be for \$10. If the words at least did not
6 appear before that, I suggest you insert them.

7 ATTORNEY SHERMAN:

8 Will do.

9 MR. SOJKA:

10 Thank you.

11 CHAIRMAN:

12 Any other comments?

13 MR. FJAT:

14 Briefly. Mr. Sherman, again, on the
15 crosscheck of the identification card against the
16 Exclusion List, it's a small point, but I think we
17 should say Self-Exclusion and Exclusion List. Thank
18 you.

19 CHAIRMAN:

20 Anyone else on the Board? Mr. Coyne?

21 MR. COYNE:

22 I have none. Thank you.

23 CHAIRMAN:

24 Mr. Meals?

25 MR. MEALS:

1 Nothing. Thank you.

2 CHAIRMAN:

3 Mr. Craig?

4 MR. CRAIG:

5 No, thank you.

6 CHAIRMAN:

7 May I have a motion?

8 MR. MOSCATO:

9 Mr. Chairman, I move that the Board grant
10 Valley Forge Convention Center Partners' Petition in
11 part and as described by the OCC.

12 MR. FAJT:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries. Thank you,
19 Doug.

20 ATTORNEY COOK:

21 Good afternoon. Next on the matter ---
22 or next on the agenda are the matter of Withdrawals
23 and Surrenders. The Board received 14 unopposed
24 Petitions to Withdraw the Applications or Surrender
25 the Credentials of 22 individuals or businesses.

1 The persons or entities subject to these
2 petitions are as follows: AP Construction,
3 Incorporated; Francis Petrongolo; Dario Petrongolo;
4 Robert Petrongolo; Paul Petrongolo; Michael
5 Petrongolo; Amanda Petrongolo; and Dino Petrongolo.
6 And if you didn't figure it out, AP Construction is a
7 family-owned business. John Cole; Roger Deaton;
8 Robert M. Dewey, Jr.; Sir Jeremy Hanley; Anthony Ruys;
9 William B. Turner; Rosalind Dubs; David Hughes; GSUIG,
10 LLC; Kevin Michael Jordan; Stephen Gibbs; Michael
11 Gross; Douglas Huemee; and Robert Wood.

12 The OEC has no objections to any of these
13 Withdrawals as such, were the Board to grant the same,
14 they would be doing so without prejudice.

15 CHAIRMAN:

16 Any questions or comments from the Board?
17 May I have a motion?

18 MR. FAJT:

19 Mr. Chairman, I move that the Board issue
20 Orders to approve the Withdrawals or Surrenders as
21 described by the OCC.

22 MR. GINTY:

23 Second.

24 CHAIRMAN:

25 All in favor?

1 ALL SAY AYE

2 CHAIRMAN:

3 Opposed? The motion carries.

4 ATTORNEY COOK:

5 Next before the Board for consideration
6 are five Reports and Recommendations received from the
7 Office of Hearings and Appeals (OHA) relative to two
8 Non-Gaming Employee Registrations and three Gaming
9 Employee Permits. These Reports and Recommendations,
10 along with the complete evidentiary record, have been
11 provided to the Board in advance of this meeting.

12 And additionally, in each case, the
13 persons implicated in the Reports and Recommendations
14 have been advised that the Board will be taking them
15 up today and that they have the right to come before
16 the Board and briefly address the Board. If any of
17 these persons are present, they should come forward
18 when their name's announced.

19 The first Report and Recommendation
20 pertains to Cyrus Condran. Mr. Condran was issued a
21 Non-Gaming Employee Registration on June 2nd, 2009 to
22 work as a public area cleaner at the Hollywood Casino
23 at Penn National. I believe subsequent to the initial
24 issuance of this registration, Mr. Condran was
25 promoted to a supervisor in the public cleaning area.

1 On October 14th, 2010 the Bureau of
2 Investigations and Enforcement (BIE) was notified by
3 the Pennsylvania State Police that Mr. Condran had
4 been arrested on September 8th, 2010 and charged with
5 one count of Corruption of Minors and one count of
6 Selling Alcohol or Liquor to a Minor. Both of these
7 charges were misdemeanors. Mr. Condran pleaded guilty
8 to both charges on March 30th, 2011 and was sentenced
9 to 22 months of probation.

10 The OEC filed an enforcement action
11 seeking revocation of Mr. Condran's Non-Gaming
12 Registration. Mr. Condran requested a hearing, which
13 was held on June 15, 2011. Both he and the OEC
14 appeared and offered testimony and exhibits.

15 Subsequently, the Hearing Officer issued
16 a Report and Recommendation, recommending that Mr.
17 Condran's Non-Gaming Registration be revoked based
18 upon the nature of the criminal charges with which he
19 was charged, as well as the conviction for same. I
20 note that Mr. Condran is present, and I believe that
21 he probably would like to address the Board.

22 CHAIRMAN:

23 Mr. Condran, before we do anything else,
24 we should have you sworn in. Could you please stand,
25 sir?

1 -----
2 CYRUS CONDRAN, HAVING FIRST BEEN DULY SWORN, TESTIFIED
3 AS FOLLOWS:
4 -----

5 CHAIRMAN:

6 Okay. Mr. Condran, do you understand why
7 you are here?

8 MR. CONDRAN:

9 Yes, sir.

10 CHAIRMAN:

11 And basically, there's a motion to revoke
12 your registration; correct, sir?

13 MR. CONDRAN:

14 Yes, sir.

15 CHAIRMAN:

16 And do you want to address yourself to
17 the Board?

18 MR. CONDRAN:

19 Yes.

20 CHAIRMAN:

21 Go ahead.

22 MR. CONDRAN:

23 Well, I'm not too sure exactly what to
24 say. I put in my appeal. You're trying ---. You
25 want to revoke my license. I understand. Both these

1 misdemeanors have been pleaded guilty. I pled my case
2 a couple different times. I've tried basing it on
3 character. So this was a one-time mistake. I made an
4 error. I am paying for my error through the State.

5 Like I said, I am on probation right now.
6 I do not do ---. Currently I'm paying a certain
7 amount of money every month, making sure that I am
8 meeting with my probation officer every month on time.
9 I've had no problems with that. I've had no problems
10 with payments.

11 One of the main things that came up was
12 about dealing with minors and alcohol. I'm working
13 the housekeeping department. I can honestly say that
14 the last time I saw a minor anywhere in the casino was
15 a couple months ago. It was, I believe, an 18, 19-
16 year-old who was at a wedding party and just happened
17 to be leaving. And then I don't deal with minors at
18 all.

19 I don't have any access to alcohol. I
20 mean all the bars are closing about the time I'm
21 coming in to work. I work the overnight shift. I
22 don't deal with anybody but the adults on the casino
23 floor. And the second, third and fourth floors are
24 closing or are --- have been closed by the time I come
25 in every night.

1 Like I said, I understand that there is a
2 lot of --- there can be a lot of implications being
3 there, but ---. I have no idea what else to say right
4 now. I mean ---.

5 CHAIRMAN:

6 Okay. Any questions or comments from the
7 Board?

8 MR. SOJKA:

9 Just one quick one. The person to whom
10 you gave the alcohol, were you aware at the time that
11 that person was underage, or were you mistaken in her
12 age?

13 MR. CONDRAN:

14 I'd like to say I was mistaken. However,
15 I know ---. I've known that girl since she was 13
16 years old.

17 MR. SOJKA:

18 And she approached you about getting
19 alcohol?

20 MR. CONDRAN:

21 Several ---. On many, several occasions.

22 MR. SOJKA:

23 And at this one point, you exceeded and
24 gave it to her?

25 MR. CONDRAN:

1 Yes, sir.

2 CHAIRMAN:

3 Mr. Fajt?

4 MR. FAJT:

5 Thank you, Mr. Chairman. Mr. Condran,
6 have you had any prior criminal ---? Do you have a
7 prior criminal record for this incident?

8 MR. CONDRAN:

9 Negative. No.

10 MR. FAJT:

11 Never been arrested for speeding on a
12 highway?

13 MR. CONDRAN:

14 Oh, anything like that. I have been
15 arrested before back in 1998.

16 MR. FAJT:

17 Don't you think that constitutes a
18 criminal record?

19 MR. CONDRAN:

20 I thought you ---. When you said that in
21 reference to this, I thought you meant along the same
22 lines, sir.

23 MR. FAJT:

24 No. Please explain your criminal
25 record.

1 MR. CONDRAN:

2 Okay. In 1998 I was arrested on a DUI
3 charge, sir. I pled to that. There was nothing else
4 I could do. I pled to that. I went to ---. I was in
5 the military at the time. I was put on shutdown. I
6 could not leave the barracks. Less than a month after
7 that, I was arrested on public --- I'm sorry, public
8 intoxication charge.

9 After that they sent me to court ordered
10 CCC, which is the equivalent of Alcoholics Anonymous.
11 I went through that, stayed in that with the site for
12 around six months before I was finally able to get
13 out. Since then I have had no problems with alcohol
14 until this incident.

15 I have also been arrested once in El Paso
16 for failure to maintain a driver's license. My
17 license was suspended due to the fact that I received
18 a speeding ticket in Mexico that I was unable to pay.
19 They revoked my license or suspended my license for
20 one year. I was under the assumption that after one
21 year, your license would come back. There would be no
22 problem with it. That happened ---.

23 And then in September of 2001 I was on my
24 way to work. I was pulled over, and that's when they
25 informed me that I was driving without a license

1 still. I just had ---. Those were the three times
2 that I had been arrested before, sir.

3 MR. FJAT:

4 Thank you.

5 CHAIRMAN:

6 Any other member of the Board have a
7 question?

8 ATTORNEY COOK:

9 Mr. Chairman, I note for the record that
10 Billie Jo Matelevich-Hoang from the OEC also came
11 forward, so I don't know if she'd like to address the
12 Board, as well.

13 ATTORNEY MATELEVICH-HOANG:

14 Good afternoon.

15 CHAIRMAN:

16 Ma'am?

17 ATTORNEY MATELEVICH-HOANG:

18 Good afternoon, Chairman Ryan, Members of
19 the Board. I'm Billie Matelevich-Hoang, that's
20 M-A-T-E-L-E-V-I-C-H, hyphen, H-O-A-N-G, on behalf of
21 the OEC. I represented the OEC in this case and ---.
22 Thank you. And we would just like to recommend that
23 we still stand behind our original revocation
24 complaint that we filed.

25 And we believe based on the facts and

1 circumstances of ---. Although, Mr. Condran says it's
2 one incident, it was an incident that began when this
3 victim was 12 years old until he --- she was 16.
4 Based on those facts and circumstances and everything
5 that he admitted at the hearing, we stand behind the
6 original revocation complaint that we filed.

7 CHAIRMAN:

8 Mr. Condran, are you employed at
9 Hollywood now?

10 MR. CONDRAN:

11 Yes, sir, I am.

12 CHAIRMAN:

13 And you've been employed throughout this
14 period following your arrest; is that correct?

15 MR. CONDRAN:

16 Yes, sir.

17 CHAIRMAN:

18 Any other questions or comments from the
19 Board? Mr. Coyne?

20 MR. COYNE:

21 I have none.

22 CHAIRMAN:

23 Mr. Meals?

24 MR. MEALS:

25 I have none. Thank you.

1 CHAIRMAN:

2 And Mr. Craig?

3 MR. CRAIG:

4 Nothing, thank you.

5 CHAIRMAN:

6 Okay. Do I have a motion?

7 MR. GINTY:

8 Yeah. Mr. Chairman, I move that the
9 Board issue an Order to adopt the Report and
10 Recommendation of the OHA regarding the Non-Gaming
11 Employee Registration of Cyrus Condran as described by
12 the OCC.

13 MR. MCCALL:

14 Second.

15 CHAIRMAN:

16 All in favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? Motion carries.

20 ATTORNEY COOK:

21 Next for the Board's consideration is a
22 Report and Recommendation relating to Antoinette
23 Johnson. Ms. Johnson was issued a Non-Gaming Employee
24 Registration on July 27, 2010 and was employed as a
25 Beverage Server at Chester Downs and Marina. On June

1 21st, 2011 the Pennsylvania State Police notified the
2 Bureau's Office of Investigation and Enforcement that
3 Ms. Johnson had been arrested and charged with at
4 least six felony counts and several misdemeanors
5 related to burglary and assault charges.

6 As a result of these charges, the OEC
7 filed a request for Emergency Order of Suspension of
8 Ms. Johnson's Non-Gaming Employee Registration, and
9 that Order was executed by the Executive Director on
10 July 5th, 2011. On July 20th, 2011, the Board
11 referred this matter to the OHA to conduct a full
12 evidentiary hearing on the Emergency Suspension.

13 That hearing was held on August 3rd,
14 2011. Despite receiving proper notice, Ms. Johnson
15 failed to attend the hearing at the OHA, and it was
16 held in her absence.

17 A Report and Recommendation was
18 thereafter issued, recommending that due to the nature
19 of the crimes facing Ms. Johnson and her failure to
20 provide any defense to the revocation proceedings,
21 that the Emergency Order of Suspension remain in
22 place. And it is that Report and Recommendation that
23 is presently before the Board today.

24 CHAIRMAN:

25 Is Antoinette Johnson in the room? Any

1 questions or comments from the Board? Mr. Coyne?

2 MR. COYNE:

3 I have none.

4 CHAIRMAN:

5 Mr. Meals?

6 MR. MEALS:

7 I have none. Thank you.

8 CHAIRMAN:

9 Mr. Craig?

10 MR. CRAIG:

11 No, thank you.

12 CHAIRMAN:

13 May I have a motion?

14 MR. MCCALL:

15 Mr. Chairman, I move that the Board issue
16 an Order to adopt the Report and Recommendation of the
17 OHA regarding the Non-Gaming Employee Registration of
18 Antoinette Johnson, as described by the OCC.

19 CHAIRMAN:

20 Second?

21 MR. MOSCATO:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 ALL SAY AYE

1 CHAIRMAN:

2 Opposed? The motion carries.

3 ATTORNEY COOK:

4 Dorothy Lum is the next matter before the
5 Board today. Ms. Lum submitted a Gaming Permit
6 Application on June 10, 2011 seeking work as a Table
7 Games Dealer at the Parx Casino. On June 23rd, 2011
8 (sic) the OEC issued a Notice of Recommendation of
9 Denial to Ms. Lum based upon information received in
10 her application, indicating that Ms. Lum was
11 terminated by the Borgata Casino in Atlantic City for
12 giving improper benefits to family members, as well as
13 the fact that criminal charges were thereafter filed
14 against her relative to that conduct.

15 I believe I misspoke. I believe her
16 application ---. The, you know, Recommendation
17 occurred in 2010.

18 Ms. Lum requested a hearing after
19 receiving the Recommendation of Denial, and this
20 hearing was held on June 22nd, 2011. During the
21 Hearing both the OEC and Ms. Lum offered testimony and
22 evidence.

23 Ms. Lum disclosed the facts surrounding
24 her termination, as well as disclosing that the New
25 Jersey Casino Control Commission had suspended her

1 license, but that at that time her suspension could be
2 lifted upon her successfully completing pretrial
3 diversion programs, known as ARD in Pennsylvania, that
4 is available to her in New Jersey. She also presented
5 character evidence, including numerous letters of
6 recommendation, into the record.

7 After hearing all of the evidence, the
8 Hearing Officer issued a Report and Recommendation,
9 recommending that Ms. Lum be approved for a Gaming
10 Employee Permit, notwithstanding her suspension and
11 criminal charges in New Jersey. Subsequent to
12 receiving this Report and Recommendation, the OCC has
13 confirmed that Ms. Lum in fact completed the pretrial
14 disciplinary --- pretrial diversion program in New
15 Jersey. The charges against her were dismissed and
16 she's had her gaming license in New Jersey reinstated.

17 Therefore, this matter is ripe for
18 consideration by the Board. And just so there's no
19 mistake, the Report and Recommendation is that she be
20 approved for a Gaming Registration in --- or Gaming
21 Permit in Pennsylvania.

22 CHAIRMAN:

23 Is Dorothy Lum in the courtroom by any
24 chance? Any questions or comments from the Board?
25 May I have a motion?

1 MR. MOSCATO:

2 Mr. Chairman, I move that the Board issue
3 an Order to adopt the Report and Recommendation to the
4 Office of Hearings and Appeals regarding the Gaming
5 Employee Permit of Dorothy Lum as is described by the
6 OCC.

7 MR. SOJKA:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 ATTORNEY COOK:

15 The next Report and Recommendation before
16 the Board today pertains to Justin Potter. On October
17 6th, 2010 Mr. Potter submitted an application for
18 Gaming Employment --- or Gaming Permit to work as a
19 Table Games Dealer.

20 Mr. Potter disclosed in his application
21 that he had a standing 2008 tax obligation with the
22 Internal Revenue Service. It was thereafter
23 discovered during his background investigation that he
24 also was noncompliant with the Pennsylvania Department
25 of Revenue.

1 Due to these delinquent tax obligations,
2 the OEC recommended his application be denied. Mr.
3 Potter, after receiving this recommendation, requested
4 a hearing. The hearing was held August 4th, 2011, but
5 Mr. Potter did not attend, despite his receiving
6 notice. The hearing thereafter occurred in his
7 absence.

8 Based upon the tax issues and his failure
9 to defend against same, the Report and Recommendation
10 was issued. And that which is present before the
11 Board recommends his application be denied.

12 CHAIRMAN:

13 Is Justin Potter in the hearing room?
14 Any questions or comments from the Board?

15 MR. SOJKA:

16 Just want to make certain again on this,
17 that there were in fact numerous attempts; right ---
18 to contact Mr. Potter and some evidence that he
19 received communications, still was non-responsive?

20 ATTORNEY COOK:

21 He received the Notice of Recommendation
22 of Denial from the OEC, received a Notice ---
23 actually, requested a hearing based upon that, got a
24 hearing notice, failed to attend the hearing and
25 received another notice for today's proceeding.

1 MR. SOJKA:

2 Okay.

3 CHAIRMAN:

4 Mr. Coyne?

5 MR. COYNE:

6 I have none.

7 CHAIRMAN:

8 Mr. Meals?

9 MR. MEALS:

10 I have none.

11 CHAIRMAN:

12 Mr. Craig?

13 MR. CRAIG:

14 No, thank you.

15 CHAIRMAN:

16 Do I have a motion?

17 MR. SOJKA:

18 Yes. With all that, Mr. Chairman, I'll
19 move that the Board issue an Order to adopt the Report
20 and Recommendation of the OHA regarding the Gaming
21 Employee Permit of Justin Potter as described by the
22 OCC.

23 CHAIRMAN:

24 Second?

25 MR. MOSCATO:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 ALL SAY AYE

5 CHAIRMAN:

6 Opposed? The motion carries.

7 ATTORNEY COOK:

8 Edison Tran is the last Report and
9 Recommendation before the Board today. On March 7,
10 2011 Mr. Tran submitted an application for Gaming
11 Permit, seeking work as a Table Games Dealer at Parx
12 Casino.

13 The OEC issued a Notice of Recommendation
14 of Denial on April 1st, 2011 based primarily on their
15 belief that Mr. Tran was not fully forthright
16 regarding his employment history. Mr. Tran requested
17 a hearing, which was held on June 16th, 2011. Both he
18 and the OEC attended the hearing and offered testimony
19 and exhibits.

20 At that time, Mr. Tran conceded to the
21 fact that he lied in his application about his
22 employment history. He indicated that in fact he had
23 no prior work experience, but believed he needed to
24 put work experience on his application in order to be
25 hired.

1 At the conclusion of the hearing, the
2 Office of --- or I'm sorry, the Hearing Officer issued
3 a Report and Recommendation, recommending that the
4 application be denied. That Report and Recommendation
5 is presently before the Board.

6 CHAIRMAN:

7 Is Edison Tran in the hearing room? Any
8 questions or comments from the Board? Mr. Coyne?

9 MR. COYNE:

10 I have none.

11 CHAIRMAN:

12 Mr. Meals?

13 MR. MEALS:

14 I have none.

15 CHAIRMAN:

16 Mr. Craig?

17 MR. CRAIG:

18 No, thank you.

19 CHAIRMAN:

20 May I have a motion?

21 MR. MOSCATO:

22 Mr. Chairman, I move that the Board issue
23 an Order to adopt the Report and Recommendations of
24 the OHA regarding the Gaming Employee Permit of Edison
25 Tran as described by the OCC.

1 MR. FAJT:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? The motion carries.

8 ATTORNEY COOK:

9 Next for the Board's consideration is an
10 Emergency Suspension of George Semian, who was issued
11 a Non-Gaming Employer Registration on June 30th, 2011
12 and was employed as a bartender at Mohegan Sun Casino
13 at Pocono Downs. On September 20th, 2011 the Bureau
14 of Casino Compliance became aware that Mr. Semian was
15 arrested and charged with Theft by Failure to Make
16 Required Deposition of Funds Received and Receiving
17 Stolen Property, both categorized as third degree
18 felonies.

19 As a result of these felony charges, the
20 OEC requested Emergency Order of Suspension on Mr.
21 Semian's Non-Gaming Employer Registration. The
22 Executive Director signed the Order of Emergency
23 Suspension on October 5th, 2011. Thereafter, pursuant
24 to the Board's regulations, Mr. Semian requested an
25 informal hearing within 72 hours, and that informal

1 hearing was held yesterday, October 12th, 2011 before
2 the OHA.

3 Upon hearing from Mr. Semian, the Hearing
4 Officer assigned issued an Order maintaining the
5 Emergency Suspension in place, pending further Order
6 of the Board. Board regulations now require that a
7 full evidentiary hearing be held either before the
8 Board or before the OHA relative to the validity of
9 the Emergency Order of Suspension. It would be the
10 OCC's recommendation that this matter be referred back
11 to Hearings and Appeals for the full evidentiary
12 hearing.

13 CHAIRMAN:

14 Is George Semian in the hearing room?
15 Any questions or comments from the Board? May I have
16 a motion?

17 MR. FAJT:

18 Mr. Chairman, I move that the Board issue
19 an Order to extend the emergency suspension of George
20 Semian's Non-Gaming Employee Registration and that the
21 matter be referred to the OHA for a hearing to
22 determine the validity of the Emergency Suspension
23 Order.

24 MR. GINTY:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 ALL SAY AYE

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY SHERMAN:

7 And that concludes all the matters of the
8 OCC report today.

9 CHAIRMAN:

10 Thank you, gentlemen. All right. Moving
11 right along, we have Susan Hensel, our Director of
12 Licensing, next.

13 MS. HENSEL:

14 Thank you, Chairman Ryan and members of
15 the Board. The first matter for your consideration is
16 the renewal of the SugarHouse HSP Gaming, LP's
17 Category Two license. The license renewal hearing for
18 this entity has been held, and the record is now
19 closed.

20 As a result, the license renewal is now
21 ready for your consideration. No issues regarding
22 SugarHouse HSP Gaming, LP have been identified by the
23 Bureau of Licensing that would preclude the renewal of
24 the Category 2 License. I have provided you with a
25 draft Order for this entity and ask that the Board

1 consider the Order to renew the Category 2 License for
2 SugarHouse HSP Gaming, LP.

3 CHAIRMAN:

4 Thank you, Susan. Any questions or
5 comments from Enforcement Counsel?

6 ATTORNEY PITRE:

7 Enforcement Counsel has no objection to
8 the renewal.

9 CHAIRMAN:

10 Any questions or comments from the Board?

11 MR. FAJT:

12 I have one comment and a suggested
13 amendment to the Board Order. I think we heard
14 comments today that caused some of the Board members
15 concern as to the level of diversity in the contracts
16 that were being led by HSP. And I would like to amend
17 the Board Order to require HSP to appear before this
18 Board and then, until we decide otherwise, quarterly
19 at a public hearing to update us on their contracts
20 regarding minority vendors.

21 MR. MOSCATO:

22 Mr. Chairman, this is ---. I agree with
23 Mr. Fajt. Just to be ---. I want to be clear that a
24 Gaming License, Slot Machine License is a privilege,
25 and the privilege is granted after representations are

1 made by companies as to what they can and will do.
2 And as I said earlier this morning I expect --- at
3 least my colleagues expect that those commitments will
4 be met. And so I would join with Mr. Fajt in
5 requiring a quarterly reporting so that we see that
6 actual progress is made.

7 CHAIRMAN:

8 Any other comments? The motion having
9 been made to amend the Board's Order, is there a
10 second?

11 MR. GINTY:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 ALL SAY AYE

16 CHAIRMAN:

17 Opposed? The motion carries.

18 MS. HENSEL:

19 Next for your consideration is the
20 renewal of the slot machine ---.

21 CHAIRMAN:

22 I think you have to look back.

23 MR. GINTY:

24 Now we have to ---.

25 CHAIRMAN:

1 Now we have to ---.

2 MS. HENSEL:

3 I apologize.

4 MR. GINTY:

5 Mr. Chairman, I move, as amended, that
6 the Board approve the renewal of HSP Gaming, LP's
7 Category 2 Slot Machine License, as described by the
8 Bureau of Licensing and subject to the conditions
9 imposed on Bureau of Licensing and Commissioner Fajt's
10 requirement statements.

11 CHAIRMAN:

12 Any questions or comments from ---

13 MR. MCCALL:

14 Second.

15 CHAIRMAN:

16 --- the Board? Mr. Coyne?

17 MR. COYNE:

18 I have none.

19 CHAIRMAN:

20 Mr. Meals?

21 MR. MEALS:

22 I have none.

23 CHAIRMAN:

24 Mr. Craig?

25 MR. CRAIG:

1 No, thank you.

2 CHAIRMAN:

3 May I have a motion?

4 MR. GINTY:

5 So moved.

6 MR. MCCALL:

7 Second.

8 CHAIRMAN:

9 All in favor?

10 ALL SAY AYE

11 CHAIRMAN:

12 Opposed? Motion carries.

13 MS. HENSEL:

14 Okay. Trying this again.

15 CHAIRMAN:

16 Okay.

17 MS. HENSEL:

18 Next for your consideration is the
19 renewal of the Slot Machine Supplier License and the
20 Table Game Supplier License for TDN Money Systems.
21 The BIE has completed its investigation, and the
22 Bureau of Licensing has provided you with renewal
23 background investigation and suitability report for
24 this licensee.

25 No issues were identified by the Bureau

1 of Licensing that would preclude the renewal of these
2 licenses. I have provided you with a draft Order and
3 ask that the Board consider the renewals of TDN Money
4 Systems' Supplier Licenses, both for a Table Games and
5 for a Slot Machine License.

6 CHAIRMAN:

7 Any questions or comments from
8 Enforcement Counsel?

9 ATTORNEY PITRE:

10 Enforcement Counsel has no objection.

11 CHAIRMAN:

12 Any questions or comments from the Board?
13 Mr. Coyne?

14 MR. COYNE:

15 I have none.

16 CHAIRMAN:

17 Mr. Meals?

18 MR. MEALS:

19 I have none.

20 CHAIRMAN:

21 Mr. Craig?

22 MR. CRAIG:

23 No, thank you.

24 CHAIRMAN:

25 May I have a motion?

1 MR. MCCALL:

2 Mr. Chairman, I move that the Board
3 approve the renewal of TDN Money Systems' Slot Machine
4 and Table Games Supplier Licenses, as described by the
5 Bureau of Licensing.

6 CHAIRMAN:

7 Second?

8 MR. MOSCATO:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 MS. HENSEL:

16 Also for your consideration is the
17 approval of the Gaming Related Gaming Service Provider
18 Certification for HopBet, Inc. A gaming related
19 gaming service provider provides a gaming related
20 service that includes a new game or new wager, game
21 variations, side bet or similar innovation relating to
22 a table game that has been approved by the Board.

23 HopBet licenses the international
24 property rights to fire bet, which is the side wager
25 that casinos can offer at their craps tables. This is

1 the first gaming related gaming service provider
2 before you for certification.

3 In addition to providing you with the
4 background investigation and suitability report for
5 this applicant, the Bureau of Licensing has provided
6 you with a draft Order. I ask that the Board consider
7 the Order approving HobBet, Inc.

8 CHAIRMAN:

9 Any questions or comments from
10 Enforcement Counsel?

11 ATTORNEY PITRE:

12 Enforcement Counsel has no objection.

13 CHAIRMAN:

14 Any questions or comments from the Board?
15 Mr. Coyne?

16 MR. COYNE:

17 I have none.

18 CHAIRMAN:

19 Mr. Meals?

20 MR. MEALS:

21 I have none.

22 CHAIRMAN:

23 And Mr. Craig?

24 MR. CRAIG:

25 No, thank you.

1 CHAIRMAN:

2 May I have a motion?

3 MR. MOSCATO:

4 Mr. Chairman, I move that the Board
5 approve the HopBet, Incorporated Gaming Related Gaming
6 Service Provider Certification as described by the
7 Bureau of Licensing.

8 MR. SOJKA:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries.

15 MS. HENSEL:

16 We also have for your consideration the
17 approval of Principal and Key Employee Licenses.
18 Prior to this meeting the Bureau of Licensing provided
19 you with a proposed Order for two Principal and 20 Key
20 Employee Licenses for Category 1, Category 2 and then
21 cash flow licensees. I ask that the Board consider
22 the Order approving these licenses.

23 CHAIRMAN:

24 Any questions or comments from
25 Enforcement Counsel?

1 ATTORNEY PITRE:

2 Enforcement Counsel has no objection.

3 CHAIRMAN:

4 Any questions or comments from the Board?

5 Mr. Coyne?

6 MR. COYNE:

7 I have none.

8 CHAIRMAN:

9 Mr. Meals?

10 MR. MEALS:

11 I have none.

12 CHAIRMAN:

13 Mr. Craig?

14 MR. CRAIG:

15 No, thank you.

16 CHAIRMAN:

17 May I have a motion?

18 MR. SOJKA:

19 Yes. Mr. Chairman, I'll move that the
20 Board approve the issuance of Principal and Key
21 Employee Licenses as described by the Bureau of
22 Licensing.

23 CHAIRMAN:

24 Second?

25 MR. MOSCATO:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 ALL SAY AYE

5 CHAIRMAN:

6 Opposed? The motion carries.

7 MS. HENSEL:

8 Next are Temporary Principal and Key
9 Employee Licenses. Prior to this meeting Bureau of
10 Licensing provided you with an Order regarding the
11 issuance of temporary licenses for three Principals
12 and 27 Key Employees. I ask that the Board consider
13 the Order approving these licenses.

14 CHAIRMAN:

15 Any questions or comments from
16 Enforcement Counsel?

17 ATTORNEY PITRE:

18 The Enforcement Counsel has no objection.

19 CHAIRMAN:

20 Any questions or comments from the Board?
21 Mr. Coyne?

22 MR. COYNE:

23 I have none.

24 CHAIRMAN:

25 Mr. Meals?

1 MR. MEALS:

2 I have none.

3 CHAIRMAN:

4 Mr. Craig?

5 MR. CRAIG:

6 No.

7 CHAIRMAN:

8 May I have a motion?

9 MR. MOSCATO:

10 Mr. Chairman, I move that the Board would
11 approve the issuance of the Temporary Principal and
12 the Key Employee credentials as described by the
13 Bureau of Licensing.

14 MR. FAJT:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 ALL SAY AYE

19 CHAIRMAN:

20 Opposed? The motion carries.

21 MS. HENSEL:

22 Next are Gaming Permits and Non-Gaming
23 Registrations. Prior to this meeting the Bureau of
24 Licensing provided you with a list of 766 individuals
25 whom the Bureau has granted temporary or full

1 occupation permits to, and 152 individuals who the
2 Bureau has granted registrations to under the
3 authority delegated to the Bureau of Licensing. I ask
4 that the Board adopt a motion approving the Order.

5 CHAIRMAN:

6 Any questions or comments from
7 Enforcement Counsel?

8 ATTORNEY PITRE:

9 Enforcement Counsel has no objection.

10 CHAIRMAN:

11 Any questions or comments from the Board?

12 Mr. Coyne?

13 MR. COYNE:

14 I have none.

15 CHAIRMAN:

16 Mr. Meals?

17 MR. MEALS:

18 I have none.

19 CHAIRMAN:

20 Mr. Craig?

21 MR. CRAIG:

22 None.

23 CHAIRMAN:

24 May I have a motion?

25 MR. FAJT:

1 Mr. Chairman, I move that the Board
2 approve the issuance of Gaming Employee Permits and
3 Non-Gaming Employee Registrations as described by the
4 Bureau of Licensing.

5 CHAIRMAN:

6 Do I have a second?

7 MR. GINTY:

8 Second.

9 CHAIRMAN:

10 All in favor?

11 ALL SAY AYE

12 CHAIRMAN:

13 Opposed? The motion carries.

14 MS. HENSEL:

15 In addition we have Recommendations of
16 Denial for eight Gaming Employee, two Non-Gaming
17 Employee and one Gaming Service Provider Qualifier
18 Applications. Prior to this meeting the Bureau of
19 Licensing provided you with Orders addressing these
20 applicants who the BIE has recommended for denial. In
21 each case, the applicant failed to request a hearing
22 within the specific time period. I ask that the Board
23 consider the Orders denying the Gaming and Non-Gaming
24 and Gaming Service Provider qualifier applicants.

25 CHAIRMAN:

1 Any questions or comments from
2 Enforcement Counsel?

3 ATTORNEY PITRE:

4 Enforcement Counsel would request denial
5 in each instance.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 Mr. Coyne?

9 MR. COYNE:

10 I have none.

11 CHAIRMAN:

12 Mr. Meals?

13 MR. MEALS:

14 I have none.

15 CHAIRMAN:

16 Mr. Craig?

17 MR. CRAIG:

18 No, thank you.

19 CHAIRMAN:

20 May I have a motion?

21 MR. GINTY:

22 Mr. Chairman, I move that the Board
23 approve the denial of Gaming Employee Permits and
24 Gaming Service Provider Applications as described by
25 the Bureau of Licensing.

1 MR. MCCALL:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 ALL SAY AYE

6 CHAIRMAN:

7 Opposed? The motion carries.

8 MS. HENSEL:

9 We also have Withdrawal Requests for a
10 Key Employee, Gaming and Non-Gaming Employees. In
11 each case, the license, permit or registration is no
12 longer required due to such circumstances as the
13 employee failing to report to work.

14 For today's meeting I have provided the
15 Board with a list of one Key, 74 Gaming and three Non-
16 Gaming Employee Withdrawals for approval. I ask that
17 the Board consider the Orders approving this list of
18 withdrawals.

19 CHAIRMAN:

20 Any questions or comments from
21 Enforcement Counsel?

22 ATTORNEY PITRE:

23 Enforcement Counsel has no objection.

24 CHAIRMAN:

25 Any questions or comments from the Board?

1 Mr. Coyne?

2 MR. COYNE:

3 I have none.

4 CHAIRMAN:

5 Mr. Meals?

6 MR. MEALS:

7 I have none.

8 CHAIRMAN:

9 Mr. Craig?

10 MR. CRAIG:

11 No, thank you.

12 CHAIRMAN:

13 May I have a motion?

14 MR. MCCALL:

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

18 CHAIRMAN:

19 Second?

20 MR. MOSCATO:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion carries.

2 MS. HENSEL:

3 In addition we have an Order to certify
4 the five Gaming Service Providers that follow: Floor
5 Resources, Inc.; Hampton Technologies, Inc.; IBEX
6 Construction Company, LLC; Ramos and Associates, Inc.;
7 and YESCO, LLC. I ask that the Board consider the
8 Order approving these gaming service providers for
9 certification.

10 CHAIRMAN:

11 Any questions or comments from
12 Enforcement Counsel?

13 ATTORNEY PITRE:

14 Enforcement Counsel has no objection.

15 CHAIRMAN:

16 Any questions or comments from the Board?
17 Mr. Coyne?

18 MR. COYNE:

19 I have none.

20 CHAIRMAN:

21 Mr. Meals?

22 MR. MEALS:

23 I have none.

24 CHAIRMAN:

25 Mr. Craig?

1 MR. CRAIG:

2 No, thank you.

3 CHAIRMAN:

4 May I have a motion?

5 MR. MOSCATO:

6 Mr. Chairman, I move that the Board issue
7 an Order to approve the applications for Gaming
8 Service Provider Certification as described by the
9 Bureau of Licensing.

10 CHAIRMAN:

11 Second?

12 MR. SOJKA:

13 Second.

14 CHAIRMAN:

15 All in favor?

16 ALL SAY AYE

17 CHAIRMAN:

18 Opposed? The motion carries.

19 MS. HENSEL:

20 Next we have an Order regarding Gaming
21 Service Provider Registrations. The Bureau of
22 Licensing provided you with an Order and an attached
23 list of 13 registered gaming service providers. I ask
24 that the Board adopt a motion approving the Order
25 registering these Gaming Service Providers.

1 CHAIRMAN:

2 Any questions or comments from
3 Enforcement Counsel?

4 ATTORNEY PITRE:

5 The Enforcement Counsel has no objection.

6 CHAIRMAN:

7 Any questions or comments from the Board?
8 Mr. Coyne?

9 MR. COYNE:

10 I have none.

11 CHAIRMAN:

12 Mr. Meals?

13 MR. MEALS:

14 I have none.

15 CHAIRMAN:

16 Mr. Craig?

17 MR. CRAIG:

18 No, thank you.

19 CHAIRMAN:

20 May I have a motion?

21 MR. SOJKA:

22 Yes, Mr. Chairman. I'll move that the
23 Board issue an Order to approve the applications for
24 Gaming Service Provider Registration as described by
25 the Bureau of Licensing.

1 CHAIRMAN:

2 Second?

3 MR. MOSCATO:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 ALL SAY AYE

8 CHAIRMAN:

9 Opposed? The motion carries.

10 MS. HENSEL:

11 Finally there are Gaming Service Provider
12 Applications that are being recommended for
13 abandonment. These companies filed applications with
14 the Board but failed to complete them. These gaming
15 service provider applicants are, to the best of our
16 knowledge, out of business.

17 Under our regulations, the Board has the
18 authority to declare an application abandoned if the
19 applicant fails to provide information necessary to
20 cure application deficiencies. I ask that the Board
21 consider the Order declaring the following
22 applications abandoned: American First Aid, d/b/a
23 Cintas First Aid and Safety; MK Installation
24 Management, Inc.; and Mark Bodenhorn. That concludes
25 our ---. Sorry. That's it.

1 CHAIRMAN:

2 Any questions or comments from
3 Enforcement Counsel?

4 ATTORNEY PITRE:

5 The Enforcement Counsel supports the
6 request.

7 CHAIRMAN:

8 Any questions or comments from the Board?
9 Mr. Coyne?

10 MR. COYNE:

11 I have none.

12 CHAIRMAN:

13 Mr. Meals?

14 MR. MEALS:

15 I have none.

16 CHAIRMAN:

17 Mr. Craig?

18 MR. CRAIG:

19 None.

20 CHAIRMAN:

21 May I have a motion?

22 MR. MOSCATO:

23 Mr. Chairman, I move that the Board issue
24 the Orders to approve the abandonment of Gaming
25 Service Provider Applications as described by the

1 Bureau of Licensing.

2 MR. FAJT:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 ALL SAY AYE

7 CHAIRMAN:

8 Opposed? The motion carries.

9 MS. HENSEL:

10 That concludes Bureau of Licensing's
11 presentation.

12 CHAIRMAN:

13 Thank you, Susan. Chief Enforcement
14 Counsel Cyrus Pitre is next. Cyrus?

15 ATTORNEY PITRE:

16 Oh, we have eight matters for the Board's
17 consideration today. The first matter is a Consent
18 Agreement between the OEC and Mohegan Sun. I would
19 ask that the representative of Mohegan Sun please
20 present themselves.

21 CHAIRMAN:

22 Are there any non-attorneys? Could they
23 please rise and be sworn?

24 -----

25 WITNESSES SWORN EN MASSE

1 -----

2 CHAIRMAN:

3 Mr. Pitre, you may begin.

4 MS. HIGGINS:

5 Chairman Ryan, members of the Board, my
6 name is Katie Higgins, H-I-G-G-I-N-S, Assistant
7 Enforcement Counsel for the OEC. We have today for
8 the Board's consideration a Consent Agreement between
9 the OEC and Mohegan Sun. The agreement involves two
10 counts of underage gaming violations.

11 The first count involves a 19-year-old
12 male and a 20-year-old male who were both present on
13 the gaming floor for approximately two hours and
14 played a combined total of approximately 97 hands of
15 blackjack at three different tables. The second count
16 involves a 20-year-old male who was present on the
17 gaming floor for approximately 3 1/2 hours during
18 which time he played a slot machine and approximately
19 134 games of blackjack.

20 As part of this Consent Agreement,
21 Mohegan Sun has agreed to provide reinforcement of all
22 its policies regarding underage gaming to all of its
23 employees, which will minimize the opportunity for
24 similar incidents to occur in the future. In
25 addition, the parties have agreed that within five

1 days of the Board's order, Mohegan Sun shall pay a
2 civil penalty in the amount of \$80,000. The OEC asks
3 that the Board approve this Consent Agreement as
4 presented today.

5 CHAIRMAN:

6 Any comments from Downs Racing?

7 ATTORNEY KOHLER:

8 Good afternoon, Chairman Ryan, members of
9 the Board. I'm Alan Kohler with --- K-O-H-L-E-R, with
10 Eckert Seamans. I have with me today a few
11 representatives from Mohegan Sun, Kawel LauBach, who's
12 the Vice President of Administration, and Dennis
13 Driscoll, who's Director of Security. They are here
14 to answer any questions you may have, and we would
15 join with OEC in requesting that you approve the
16 Consent Agreement.

17 CHAIRMAN:

18 Any questions or comments from the Board?

19 MR. FAJT:

20 Yes.

21 CHAIRMAN:

22 Mr. Fajt?

23 MR. FAJT:

24 Thank you, Mr. Chairman. I had a couple
25 of questions. For the public's edification, what

1 happened in these incidents? How did the underage
2 people get on the gaming floor?

3 MR. LAUBACH:

4 I'll start, and then hand it over to
5 Director of Security.

6 CHAIRMAN:

7 Please spell your name.

8 MR. LAUBACH:

9 Laubach, L-A-U-B-A-C-H. And the spelling
10 for the first name is K-A-W-E-L, too. Commissioners,
11 thank you, and Chairman.

12 You know, I think, probably, the easiest
13 answer to this is just a failure with regard to
14 personnel. You know, the SOPs operating procedures
15 are there. We had failures on our employee part, held
16 them accountable and, unfortunately, you know, we had
17 four plus million people, you know, in our casino
18 where two just slipped through, and we take
19 responsibility for.

20 MR. FAJT:

21 Were they carded when they entered the
22 floor?

23 MR. LAUBACH:

24 They were not carded.

25 MR. FAJT:

1 And what happened to the security guard
2 who didn't card the individuals?

3 MR. LAUBACH:

4 Two different situations. We'll start
5 with count two, which was one individual. It was a
6 failure on multiple parts. The individuals who were
7 responsible --- there were multiple final warnings.
8 There was, unfortunately --- and this is just to
9 preface the fact that we ---. Hopefully, those of you
10 who visit Mohegan Sun find a very friendly culture.
11 However, unfortunately, these circumstances we have a
12 zero tolerance for, and we had terminations involved
13 with it all the way up to shift management.

14 MR. FAJT:

15 Were the dealers terminated?

16 MR. LAUBACH:

17 The dealers were not terminated because
18 of the culmination of circumstances where the
19 individual accessed the floor and then alcohol. There
20 was a bartender and there was an individual, a
21 security officer, who were terminated. However, the
22 culmination of it at that point in time, I think that
23 the --- down the road, with regard to the employee on
24 table games assumed the individual was 21. Assumption
25 wrong; however, discipline was handed out.

1 MR. FAJT:

2 What's your standard operating procedure
3 and how do you instruct your table game dealers as to,
4 you know, when they call on the shift manager? I mean
5 is it somebody looks under the age of 30 or is it
6 somebody looks under the age of 25 or somebody looks
7 under the age of 21?

8 MR. LAUBACH:

9 Luckily, in table games, a majority of
10 our guests are ---. They come with a player
11 identification. If that person isn't a player
12 identified, then if they look below 30, they should be
13 carded.

14 MR. FAJT:

15 So these individuals, they sat at a table
16 and played 90 hands of blackjack, 100-and-some hands
17 of blackjack and the dealer is looking two feet away
18 from them, extended period of time? Nothing happens
19 to the dealer?

20 MR. LAUBACH:

21 Yeah. I think that, you know, in this
22 circumstance, it was early on in table games. I think
23 that, again, we failed, you know, with regard to
24 ensuring that our team members knew the seriousness on
25 the table games side in watching table games. I feel

1 that they're aware now, you know. I'm not aware of
2 any failures from this point forward.

3 MR. FAJT:

4 Katie, what was the date of the
5 incidents?

6 MS. HIGGINS:

7 The first incidents were October 28th,
8 2010, and the second one was January 2nd, 2011.

9 MR. FAJT:

10 Okay. Thank you.

11 CHAIRMAN:

12 Anyone else?

13 MR. SOJKA:

14 Just one quick one. Were those, both of
15 those violations both kind of self-reported?

16 MR. LAUBACH:

17 Yeah. I'm sorry. The second one was
18 not. We actually did not even --- weren't even aware
19 of it until the next day. The State Police, I guess,
20 had a sort of understanding of this individual's
21 family, and so he did an investigation into it after
22 he saw the report with regard to winnings.

23 MR. SOJKA:

24 Now, I need to understand that a little
25 bit better. The person actually came, played, left?

1 MR. LAUBACH:

2 Right.

3 MR. SOJKA:

4 Undetected?

5 MR. LAUBACH:

6 Yeah. There's a myriad of different
7 circumstances within ---. The problem occurred in the
8 fact that he came with a very popular player, his
9 father, and came in with his parents, actually bought
10 alcohol for his parents. He was 20 years old, turned
11 21 in eight days. Not excusing any responsibility
12 here, but he was almost 21. He walked in the door as
13 21, bought alcohol like he was 21, handed it to his
14 parents like he was 21, and we failed on our part to
15 card him.

16 MR. SOJKA:

17 Are you taking any action with the
18 parents?

19 MR. LAUBACH:

20 That's a good question. I know that our
21 CEO, Bob Soper, has spoken with the individual. I'm
22 not sure ---. I can't speak to the conversation, but
23 I think that he is very much aware how much it's
24 costing us to sit in front of you as well.

25 MR. SOJKA:

1 I think that's a very important point,
2 and this Board is not entirely without sympathy for
3 the operators who are frequently challenged by clever
4 individuals who find their way onto the floor. But I
5 find this particularly egregious, that a player who
6 knows the game and you described as a popular player
7 would take it upon himself, clearly, to break the law
8 and break your rules and put you at risk.

9 I think, you know, I'm going to have to
10 sit down and get my head around that. That's a pretty
11 serious issue.

12 MR. GINTY:

13 You know, if I may. This is not the
14 first case where we have had parents or even
15 grandparents facilitating their children access to the
16 floor. I think you have an obligation to notify us of
17 those parents, or at least notify our Enforcement
18 Counsel.

19 And I would hope that the local police
20 would give appropriate consideration to prosecuting
21 the parents, and I would hope that our OEC would give
22 appropriate consideration of putting the parents on
23 our Exclusion List. This is nonsense. I mean it has
24 to stop. I mean you can excuse the kids every now and
25 then, but, you know, not the parents. I mean you got

1 to draw the line somewhere.

2 MR. SOJKA:

3 And we have to draw the line to protect
4 the operators. We license you folks. We're getting
5 to the point where these fines have got to escalate.
6 They have escalated enough that they're touching your
7 bottom lines.

8 And Mr. Chairman, I'm going to suggest in
9 this open meeting that maybe we withhold the
10 culmination of this Consent Agreement until we get
11 further explanation of what went on here, what was
12 done with the parents and what the final disposition
13 was. And then we'll put this matter to rest.

14 CHAIRMAN:

15 Can we take that as a motion?

16 MR. SOJKA:

17 I would so move.

18 MR. FAJT:

19 Can I make ---? Yeah, I'll second it,
20 but I'd just like to make a comment.

21 CHAIRMAN:

22 All right.

23 MR. FAJT:

24 Thank you. I also want to voice my
25 displeasure. And we grapple with this issue

1 internally. You know, we've heard from attorneys here
2 before this Board about, you know, the continual
3 escalation of these fines and how it is impacting you
4 and can we have a little bit of discretion and look at
5 the circumstances surrounding how underage people get
6 on the floor?

7 And I just ---. We had this discussion
8 yesterday in Executive Session. And my comment was,
9 you know, if you see a security guard who's out at a
10 bar some night and runs into, you know, his friends
11 and says, hey, I'm going to be on the game tomorrow at
12 eight o'clock. Stop in. Show me an ID. I'll let you
13 through --- that's serious. And the casino should be
14 spanked and spanked hard for that.

15 On the other hand, you have somebody who
16 has a very good ID, they run it through the scanner,
17 it passes muster and then, given other circumstances,
18 you realize that an underage player's on the floor ---
19 and again, that one's a little bit more understandable
20 from the Board's standpoint. I've heard nothing here
21 today that makes me feel sorry for the casino.

22 You didn't card the guy. He plays 90-
23 some hands and the other ones played 100-and-some
24 hands. These people are sitting three feet away from
25 a dealer. There's a pit boss walking around those

1 tables, and this kid is 20 years old. He looks under
2 30, I'm assuming. That's your rule. Under 30, you
3 look at him. And they sit there and they play for an
4 extended period of time. It's outrageous.

5 And I will say to you, I'm glad we're
6 going to table this. I will seriously push to have
7 the kid and both parents and anybody else involved in
8 this situation placed on our exclusion list. And
9 that's an Exclusion List that runs throughout the
10 Commonwealth. So you're going to lose their business,
11 and so is every other casino in Pennsylvania. That's
12 a message to people who want to bring underage kids on
13 the gaming floor.

14 MR. GINTY:

15 And may I make one last comment? We just
16 took away somebody's license for buying --- serving
17 alcohol to a minor. Doug, I don't know who is
18 appropriate, but you know, from what you said, the
19 parents were --- whether the parents bought it or the
20 kid bought it for the parents, the parents there are
21 responsible. And I would hope --- Doug, I don't know
22 whether it's you or Kevin --- to, you know, check in
23 with the local police authorities and find out what
24 kind of action they're taking with respect to the
25 parents in this regard.

1 CHAIRMAN:

2 Anything else? Do we have --- we're
3 going to table this?

4 ATTORNEY KOHLER:

5 Yes. I just want to update the Board
6 that we have filed the petitions to file --- for the
7 Exclusion List with regard to the children. We're in
8 the process of working on the other petition. We
9 can't discuss, obviously, those details because those
10 matters will be coming before the Board.

11 CHAIRMAN:

12 So the motion is to table and there is a
13 second, and the tabling will be until the questions
14 raised today can be resolved to the satisfaction of
15 those involved. And can we have a vote? All in
16 favor?

17 ALL SAY AYE

18 CHAIRMAN:

19 Opposed? The motion carries.

20 ATTORNEY KOHLER:

21 Chairman Ryan, just one point of
22 clarification. And first of all, I'd like to say we
23 --- that, you know, we're here with tail between our
24 legs as to these particular incidents, but we do feel
25 our performance overall in this area has been good and

1 has been improving and that these were isolated
2 incidents.

3 The only other clarification I would ask
4 is ---. The Consent Agreement's been tabled. You
5 want additional information. We understand that, but
6 there's no ---. How do we go about that, would be my
7 question.

8 But the Consent Agreement is an agreement
9 between OEC and again there's no record in this
10 proceeding. I don't know, as I listen to you, that
11 you want a record developed. But you want additional
12 information, maybe unilaterally from Mohegan, or in
13 what form do you want that addressed?

14 CHAIRMAN:

15 At this point why don't we ask Counsel to
16 follow up with Enforcement Counsel and we'll go from
17 there?

18 ATTORNEY KOHLER:

19 That's fine. Thank you.

20 CHAIRMAN:

21 Okay. Thank you very much, Counsel.

22 Thank you.

23 MR. FAJT:

24 Mr. Chairman, can I have one follow-up
25 question with OEC?

1 CHAIRMAN:

2 Certainly.

3 MR. FAJT:

4 How many infractions has Mohegan Sun had
5 so far?

6 ATTORNEY PITRE:

7 Since their renewal, one; since the
8 beginning, eight.

9 MR. FAJT:

10 I thought I heard yesterday it was 21.

11 ATTORNEY PITRE:

12 Well, if you say 21, Chairman, it may
13 have been twenty-one total incidents, but a lot of
14 those incidents had to do with individuals that had
15 legitimate ID, made it onto the floor but didn't
16 gamble. We fined them a total of ---. We fined them
17 \$47,000 for --- since the renewal. Prior to that, I
18 think it may've had two or three incidents that we
19 fined them for. But we can follow up and give a more
20 detailed record of ---.

21 MR. FAJT:

22 The number discussed yesterday in
23 Executive Session was 21 incidents since they started,
24 and I'd like clarification on that, please.

25 ATTORNEY PITRE:

1 From the very beginning.

2 MR. FAJT:

3 Yes.

4 ATTORNEY PITRE:

5 We'll do that.

6 MR. FAJT:

7 Thank you.

8 CHAIRMAN:

9 Thank you.

10 ATTORNEY PITRE:

11 Next matter we have for the Board's
12 consideration is a Consent Agreement between the OEC
13 and IGT. I'd like the representatives of IGT to come
14 forward. Beth Manifesto will present this matter to
15 the Board on behalf of the OEC.

16 CHAIRMAN:

17 Good afternoon. Enforcement Counsel?

18 ATTORNEY MANIFESTO:

19 Yes. Good afternoon, Chairman Ryan,
20 members of the Board. My name is Beth Manifesto. I
21 am here, obviously, on behalf of the OEC, and I'm
22 present today to request that the Board accept a
23 Consent Agreement drawn up between the OEC and
24 International Gaming Technology, or IGT.

25 A brief factual basis to support this

1 agreement is as follows. On September 9th of 2010,
2 IGT shipped software to Rivers Casino for a software
3 conversion which was not scheduled to take place until
4 March 30th of 2011. The information on the software
5 thumb drive and a shipment notification bore the label
6 of an improved software version, specifically
7 GI014008190003.

8 When the software was actually installed,
9 it was found that the software had been erroneously
10 labeled and actually contained the software version
11 GI014001H90001, a version which had neither been
12 tested, nor approved by the Bureau of Gaming
13 Laboratory Operations. The lab did catch this error
14 prior to the games being released for play to the
15 public.

16 By shipping and selling the slot machine
17 associated software which had not been tested and
18 approved by the lab, a violation of Title 58, Section
19 461a.4 occurred. The OEC and IGT have signed off on a
20 Consent Agreement which would call for a civil penalty
21 in the amount of \$5,000, which would be paid within
22 five days of the Board's adoption of this Consent
23 Agreement. This would be the first instance of a
24 penalty being assessed against IGT.

25 CHAIRMAN:

1 Any comments?

2 ATTORNEY MICHAEL:

3 This is Guy Michael on behalf of IGT,
4 M-I-C-H-A-E-L, as well as Steve Kastner,
5 K-A-S-T-N-E-R, on behalf of the company, and Co-
6 Counsel Dan Bricmont, B-R-I-C-M-O-N-T. We just want
7 to note we appreciate the cooperation of the OEC, Ms.
8 Manifesto in particular, and we have no objection to
9 the renewing of the Stipulation of Facts and the
10 Consent Order.

11 CHAIRMAN:

12 Any questions or comments from the Board?

13 MR. GINTY:

14 I have a question. Michael, is this one
15 of the safeguards that you and Commissioner Sojka had
16 a conversation with sometime ago?

17 MR. CRUZ:

18 Well, it's one of the safeguards that we
19 have in place, one of them being my physical staff
20 that's out there, you know. Not only do we have the
21 electronic safeguard, but we also have our staff that
22 go out and look at these things prior to them being
23 put into place.

24 MR. GINTY:

25 These things really work?

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Coyne?

MR. CRUZ:

Yeah.

MR. SOJKA:

It was very comforting to hear that.

CHAIRMAN:

Okay. Further from the Board? Mr.

MR. COYNE:

I have none.

CHAIRMAN:

Mr. Meals?

MR. MEALS:

I have none.

CHAIRMAN:

Mr. Craig?

MR. CRAIG:

No, thank you.

MR. GINTY:

You need a motion?

CHAIRMAN:

Yes, I ---

MR. GINTY:

Okay.

CHAIRMAN:

--- need a motion.

1 MR. GINTY:

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

5 MR. MCCALL:

6 Second.

7 CHAIRMAN:

8 All in favor?

9 ALL SAY AYE

10 CHAIRMAN:

11 Opposed? The motion carries.

12 ATTORNEY MICHAEL:

13 Thank you very much.

14 CHAIRMAN:

15 Thank you.

16 ATTORNEY PITRE:

17 The next matter we have for the Board's
18 consideration is a motion to consider the revocation
19 of Daniel Boyer's Gaming License. As his lawyer is
20 present, I ask that he come forward. Dustin Miller
21 will present the matter on behalf of OEC.

22 ATTORNEY MILLER:

23 Good afternoon, Chairman Ryan, members of
24 the Board. My name's Dustin Miller, Assistant
25 Enforcement Counsel on behalf of the OEC. Today there

1 are five matters relating to the revocation or
2 suspension of casino employees before the Board today.
3 The records pertinent to these matters have been
4 provided to the Board in advance of this meeting.

5 Upon notification of the complaint filed
6 to revoke or suspend the permit or registration of the
7 individuals named in the complaints, the individuals
8 chose not to respond to the matters set forth in the
9 complaints. In addition, the individuals have been
10 notified that the Board is considering their
11 revocation or suspension today, that they have the
12 right to be present to address the Board. If any of
13 the individuals are present today, they should come
14 forward when their names are announced.

15 The first request for revocation today
16 involves Daniel Boyer. Mr. Boyer had been employed as
17 a Dealer in Parx Casino and permitted as a Gaming
18 Employee. The OEC filed an Enforcement Complaint to
19 revoke Mr. Boyer's Gaming Employee Permit for failing
20 to maintain his suitability to hold a Gaming Employee
21 Permit on July 11th, 2011.

22 The Enforcement Complaint was properly
23 served upon Mr. Boyer to the address listed on his
24 application by both Certified and First Class Mail.
25 Mr. Boyer did not respond to the filing in any way.

1 Due to Mr. Boyer's failure to respond, the averments
2 in the Enforcement Complaint are deemed to be admitted
3 as fact and his right to a hearing has been waived.

4 On September 20th, 2011 the OEC filed a
5 request to enter judgment upon default. This matter
6 is now before the Board to consider the revocation of
7 Mr. Boyer's Gaming Employee Permit.

8 CHAIRMAN:

9 Any questions or comments from the Board?
10 Mr. Coyne?

11 MR. COYNE:

12 I have none.

13 CHAIRMAN:

14 Mr. Meals?

15 MR. MEALS:

16 I have none.

17 CHAIRMAN:

18 Mr. Craig?

19 MR. CRAIG:

20 No, thank you.

21 CHAIRMAN:

22 May I have a motion?

23 MR. MCCALL:

24 Mr. Chairman, I move the Board issue an
25 Order to approve the revocation of Daniel Boyer's

1 Gaming Employee Permit as described by the OEC.

2 CHAIRMAN:

3 Second?

4 MR. MOSCATO:

5 Second.

6 CHAIRMAN:

7 All in favor?

8 ALL SAY AYE

9 CHAIRMAN:

10 Opposed? The motion carries.

11 ATTORNEY HIGGINS:

12 The next matter before the Board today is
13 that of Joseph D'Amico. On July 15, 2011 the OEC
14 filed a complaint for revocation of Mr. D'Amico's
15 Gaming Permit due to his failure to maintain
16 suitability. Mr. D'Amico did not respond to the
17 complaint within 30 days, and therefore, pursuant to
18 Board regulations, all facts alleged in the complaint
19 are deemed admitted.

20 The OEC filed a request for default
21 judgment on September 21st, 2011, and at this time the
22 OEC would ask that the Board revoke Mr. D'Amico's
23 Gaming Permit.

24 CHAIRMAN:

25 Is Joseph D'Amico in the hearing room?

1 Any questions or comments from the Board? Mr. Coyne?

2 MR. COYNE:

3 I have none.

4 CHAIRMAN:

5 Mr. Meals?

6 MR. MEALS:

7 I have none.

8 CHAIRMAN:

9 Mr. Craig?

10 MR. CRAIG:

11 Thank you.

12 CHAIRMAN:

13 May I have a motion?

14 MR. MOSCATO:

15 Mr. Chairman, I move that the Board issue
16 an Order to approve the revocation of Joseph D'Amico's
17 Gaming Employee Permit, as described by the OEC.

18 CHAIRMAN:

19 Second?

20 MR. SOJKA:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion carries.

2 ATTORNEY MILLER:

3 The next matter is a request for
4 suspension today involving Kamau Johnson. Mr. Johnson
5 is employed as a Dealer at Parx Casino and permitted
6 as a Gaming Employee. The OEC filed an Enforcement
7 Complaint suspending Mr. Johnson's Gaming Employee
8 Permit for failing to abide by the terms of his agreed
9 upon Statement of Conditions on July 8th, 2011.

10 The Enforcement Complaint was properly
11 served upon Mr. Johnson to the address listed on his
12 application by both Certified and First Class Mail.
13 Mr. Johnson did not respond to the filing in any way.
14 Due to Mr. Johnson's failure to respond, the averments
15 in the Enforcement Complaint are deemed to be admitted
16 as fact, and his right to a hearing has been waived.

17 On September 20th, 2011 the OEC filed a
18 request to enter judgment upon default. The matter is
19 now before the Board to consider the suspension of Mr.
20 Johnson's Gaming Employee Permit.

21 CHAIRMAN:

22 Kamau Johnson in the hearing room? Any
23 questions or comments from the Board?

24 MR. SOJKA:

25 One question, and that is, do we have

1 adequate evidence that Mr. Johnson ever did receive
2 any of that mail?

3 ATTORNEY MILLER:

4 Yes, he signed for the mail.

5 MR. SOJKA:

6 Signed but didn't respond?

7 ATTORNEY MILLER:

8 Didn't respond.

9 MR. SOJKA:

10 Thank you.

11 CHAIRMAN:

12 Mr. Coyne?

13 MR. COYNE:

14 I have none.

15 CHAIRMAN:

16 Mr. Meals?

17 MR. MEALS:

18 I have none.

19 CHAIRMAN:

20 Mr. Craig?

21 MR. CRAIG:

22 No, thank you.

23 CHAIRMAN:

24 May I have a motion?

25 MR. SOJKA:

1 Yes. Mr. Chairman, I'll move that the
2 Board issue and Order to approve the suspension of
3 Kamau Johnson's Gaming Employee Permit until such time
4 as he complies with the special condition described by
5 the OEC.

6 CHAIRMAN:

7 Second?

8 MR. MOSCATO:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 ALL SAY AYE

13 CHAIRMAN:

14 Opposed? The motion carries. Corey
15 Kimmey next.

16 ATTORNEY SACAVAGE:

17 Good afternoon, Chairman Ryan, members of
18 the Board. My name is Alexandra Sacavage,
19 S-A-C-A-V-A-G-E. I'm Assistant Enforcement Counsel
20 with the OEC.

21 This matter involves the request to
22 revoke Mr. Corey Todd Kimmey's Gaming Employee
23 Application Permit. On June 14, 2011 the OEC filed a
24 complaint for revocation of Mr. Kimmey's Gaming Permit
25 due to his felony charges of attempted kidnapping and

1 attempted rape of a 13-year-old female in Chautauqua
2 County, New York.

3 The Enforcement Complaint was properly
4 served on Mr. Kimmey by both Certified and First Class
5 Mail. Mr. Kimmey did not respond to the complaint
6 within 30 days. Therefore, pursuant to Board
7 regulations, all facts alleged in the complaint are
8 deemed admitted. The OEC filed a request for default
9 judgment on August 8th, 2011. At this time the OEC
10 asks that Mr. Kimmey's Gaming Permit be revoked.

11 CHAIRMAN:

12 Thank you. Any questions or comments
13 from the Board?

14 MR. TRUJILLO:

15 Mr. Chairman, the only question I have
16 is, yeah, if this individual is incarcerated, are
17 there any special provisions made for you to ensure
18 that he gets notice of the action?

19 ATTORNEY SACAVAGE:

20 Yes, there is. The OEC sent Certified
21 and regular mail to the Chautauqua County jail, where
22 we had information the --- Mr. Kimmey was
23 incarcerated. We received a green card signed from a
24 representative of the jail both times.

25 MR. TRUJILLO:

1 All right. Thank you.

2 CHAIRMAN:

3 Mr. Coyne?

4 MR. COYNE:

5 I have none.

6 CHAIRMAN:

7 Mr. Meals?

8 MR. MEALS:

9 No.

10 CHAIRMAN:

11 Mr. Craig?

12 MR. CRAIG:

13 No, thank you.

14 CHAIRMAN:

15 May I have a motion?

16 MR. MOSCATO:

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

20 MR. FAJT:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 ALL SAY AYE

25 CHAIRMAN:

1 Opposed? The motion carries.

2 ATTORNEY MILLER:

3 The next matter is a request for
4 revocation today involving William Stanley. Mr.
5 Stanley had been employed as a Food Court Attendant at
6 Parx Casino and registered as a Non-Gaming Employee.
7 The OEC filed an Enforcement Complaint to revoke Mr.
8 Stanley's Non-Gaming Employee Registration for failing
9 to maintain his suitability to hold a Non-Gaming
10 Employee Registration on July 25th, 2011.

11 The Enforcement Complaint was properly
12 served upon Mr. Stanley to the address listed on his
13 application by both Certified and First Class Mail.
14 Mr. Stanley did not respond to the filing in any way.
15 Due to Mr. Stanley's failure to respond, the averments
16 in the Enforcement Complaint are deemed to be admitted
17 as fact, and his right to a hearing has been waived.

18 On September 20 of 2011 the OEC filed a
19 request to enter judgment upon default. The matter's
20 now before the Board to consider the revocation of Mr.
21 Stanley's Non-Gaming Employee Registration.

22 CHAIRMAN:

23 Any questions or comments from the Board?
24 Mr. Coyne?

25 MR. COYNE:

1 I have none.

2 CHAIRMAN:

3 Mr. Meals?

4 MR. MEALS:

5 I have none.

6 CHAIRMAN:

7 Mr. Craig:

8 MR. CRAIG:

9 No, thank you.

10 CHAIRMAN:

11 May I have a motion?

12 MR. FAJT:

13 Mr. Chairman, I move that the Board issue
14 an Order to approve the revocation of William
15 Stanley's Non-Gaming Employee Registration as
16 described by the Office of Chief --- or by the OEC.

17 MR. GINTY:

18 Second.

19 CHAIRMAN:

20 All in favor?

21 ALL SAY AYE

22 CHAIRMAN:

23 Opposed? The motion carries.

24 ATTORNEY MILLER:

25 Thank you.

1 CHAIRMAN:

2 Do we have one final item?

3 ATTORNEY FENSTERMAKER:

4 Thank you, Chairman Ryan, members of the
5 Board. My name's Cassandra Fenstermaker,
6 F-E-N-S-T-E-R-M-A-K-E-R, Assistant Enforcement
7 Counsel. I have for your consideration today a
8 Petition to Place Jason Van Tran on the Board's
9 Exclusion List. The OEC filed a petition after Mr.
10 Tran was arrested for and charged with passing 15
11 counterfeit \$100 bills at Harrah's blackjack tables.

12 The Enforcement Complaint was sent to Mr.
13 Tran by both Certified and First Class Mail. Regular
14 mail was not returned. The Certified Mail was
15 returned marked unclaimed. Mr. Tran did not respond
16 to the complaint for 30 days. Therefore, pursuant to
17 Board regulations, all facts alleged in the complaint
18 are deemed admitted.

19 The OEC filed a request for default
20 judgment on August 26th, 2011. And at this time the
21 OEC asks that Mr. Tran be placed on the Board's
22 Excluded Persons List.

23 CHAIRMAN:

24 Any questions or comments from the Board?
25 Mr. Coyne?

1 MR. COYNE:

2 I have none.

3 CHAIRMAN:

4 Mr. Meals?

5 MR. MEALS:

6 I have none.

7 CHAIRMAN:

8 And Mr. Craig?

9 MR. CRAIG:

10 None, thank you.

11 CHAIRMAN:

12 May I have a motion?

13 MR. GINTY:

14 Mr. Chairman, I move that the Board issue
15 an Order to approve the addition of Jason Tran to the
16 Gaming Control Board's Exclusion List as described by
17 the OEC.

18 MR. MCCALL:

19 Second.

20 CHAIRMAN:

21 All in favor?

22 ALL SAY AYE

23 CHAIRMAN:

24 Opposed? The motion carries. Thank you
25 very much.

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ATTORNEY FENSTERMAKER:

Thank you.

CHAIRMAN:

I believe that concludes not only all OEC'S matters, but it concludes our normal business. Our next scheduled public meeting will be held on Tuesday, November 22nd at the PUC Keystone Building, Hearing Room Number One. The meeting is scheduled to begin at 10:00 a.m. Any final comments from the Board?

MR. MCCALL:

Move to adjourn.

CHAIRMAN:

Sounds good to me.

MR. MOSCATO:

Second.

CHAIRMAN:

All in favor?

ALL SAY AYE

CHAIRMAN:

Thank you.

* * * * *

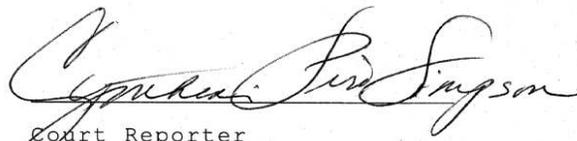
MEETING CONCLUDED AT 2:00 P.M.

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CERTIFICATE

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I hereby certify that the foregoing proceedings, hearing held before Chairman Ryan, was reported by me on 10/13/2011 and that I Cynthia Piro Simpson read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter