

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

MEETING: December 6, 2011, 10:55 a.m.

LOCATION: PUC Keystone Building
Hearing Room #1
Harrisburg, PA 17120

Reporter: Cynthia Piro Simpson

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A P P E A R A N C E S

1
2
3
4
5
6
7
8
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10
11
12
13
14
15
16
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18
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1	I N D E X	
2		
3	OPENING REMARKS	
4	By Chairman Ryan	6
5	PRESENTATION	
6	By Mr. O'Toole	6 - 7
7	By Mr. Bott	8 - 9
8	By Attorney Yocum	9 - 10
9	QUESTIONS BY BOARD MEMBERS	10 - 11
10	PRESENTATION	
11	By Attorney Sherman	11 - 12
12	By Attorney Cook	13 - 19
13	QUESTIONS BY BOARD MEMBERS	19 - 20
14	PRESENTATION	
15	By Attorney Cook	20 - 21
16	QUESTIONS BY BOARD MEMBERS	22
17	PRESENTATION	
18	By Mr. Hannon	23 - 30
19	By Attorney Higgins	30 - 33
20	COMMENTS	
21	By Attorney Kohler	33
22	QUESTIONS BY BOARD MEMBERS	33 - 39
23	PRESENTATION	
24	By Attorney Fenstermaker	40 - 41
25	QUESTIONS BY BOARD MEMBERS	41 - 42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X (cont.)

PRESENTATION

By Attorney Higgins	43
By Attorney Powers	44 - 48
By Attorney Miller	48 - 51
By Attorney Matelevich-Hoang	51 - 52

QUESTIONS BY BOARD MEMBERS	52 - 64
----------------------------	---------

CONCLUDING REMARKS

By Chairman Ryan	64 - 65
------------------	---------

E X H I B I T S

1
2
3
4
5
6
7
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<u>Number</u>	<u>Description</u>	<u>Page Offered</u>	<u>Page Admitted</u>
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NONE OFFERED

P R O C E E D I N G S

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CHAIRMAN:

I'd now like to call our regularly-scheduled meeting to order. By way of announcements, since our last public meeting an executive session was held on Monday, December 5th for purposes of discussing personnel matters, pending litigation and to conduct quasi judicial deliberations relating to matters being considered by the Board today. We'll next hear from Kevin O'Toole, Executive Director, to provide his report.

MR. O'TOOLE:

Good morning, Chairman Ryan and members of the Board. I'm pleased to report that on Friday, December the 2nd, 2011, a Certificate of Occupancy was issued for the new office location for the Office of Hearings and appeals, which, as you know, is located on the second level of Strawberry Square. Approximately nine or ten months ago we began the process to look for a new location for Hearings and Appeals and also to develop the possibility of having a public meeting room that the Board can use on a regular continuing basis. We sought out several bids and solicitations for locations, and we selected

1 Harristown Development Corporation, and the location
2 is Strawberry Square. So, we are pretty much at the
3 end of that process, I'm pleased to report. Director
4 Linda Lloyd of the Office of Hearings and Appeals has
5 moved her staff into the new offices effective
6 yesterday. And just next to those offices will be the
7 area of the public meeting room. This new public
8 meeting room will have all of its finishing touches
9 completed this week so that the Board's next public
10 meeting on December 20th, 2011, will be held at our
11 new location.

12 I would like to express my thanks to
13 Steve Wilson, director of Office Services; to Jim
14 Buck, Director of Information Technology; and to Doug
15 Harbaugh and Richard McGarvey from our Communications
16 Department, for their hard work in seeing this project
17 through. Our appreciation also goes out to Harristown
18 Development Corporation and their team for the
19 outstanding work that they performed in renovating the
20 new location to create our new public meeting room.
21 Thank you, Chairman.

22 CHAIRMAN:

23 Thank you, Kevin. All right. Next we'll
24 be hearing from Joe Bott from our Human Resources
25 Department.

1 MR. BOTT:

2 Good morning, Chairman and Board members.
3 The Office of Human Resources has for you today a
4 motion to hire one individual. Jeff Hoeflich has been
5 selected for hire as a law clerk in the Office of
6 Enforcement Counsel (OEC), as being recommended by our
7 Chief Enforcement Counsel Cyrus Pitre. Mr. Hoeflich
8 has completed the PGCB process and background
9 investigation and drug screening and is being
10 presented for Board approval at this time. Unless
11 there are any other questions, I ask the Board
12 consider a motion to hire Mr. Colfelsh as indicated.

13 CHAIRMAN:

14 Any questions or comments from the Board?
15 Ex-officio members? Do I have a motion?

16 MR. MOSCATO:

17 Mr. Chairman, the Applicant having
18 successfully completed the background check, I move
19 that the Board approve the applicant as proposed by
20 the Human Resources Department.

21 MR. SOJKA:

22 Second.

23 CHAIRMAN:

24 All in favor?

25 AYES RESPOND

1 CHAIRMAN:

2 Opposed? The motion carries. Thank you.
3 Next we will hear from Doug Sherman, Chief Counsel.

4 ATTORNEY SHERMAN:

5 Good morning, Chairman, members of the
6 Board. Our first agenda item relates to a Final-form
7 Regulation, which Assistant Chief Counsel Susan Yocum
8 will present.

9 ATTORNEY YOCUM:

10 Good morning, Chairman, Commissioners. I
11 have one item for your consideration today. It is
12 Final Rulemaking 125-137 on table games equipment.
13 Contained in this rulemaking are the design
14 specifications and inventory requirements for gaming
15 chips, plaques, cards, dice, tiles and other items
16 utilized in licensed facilities. During the public
17 comment period the Board solicited comments from Parx,
18 Harrah's, SugarHouse, Rivers, the United States
19 Playing Card Company, Shuffle Master and the
20 Independent Regulatory Review Commission. We adopted
21 several of those objections, including security issue
22 requirements for lower denomination value chips, amend
23 inventory requirements for chips to every three months
24 instead of monthly, and I believe a requirement that a
25 game tape be printed on each type of cards that are

1 received from the manufacturer. I'll be happy to
2 answer any questions you may have.

3 MR. SOJKA:

4 Just one small simple question. Because
5 there were so many comments during the public comment
6 period and there were changes made as a result, is it
7 a routine matter then once you have the document that
8 you're presenting to us today, that those persons or
9 entities making comments get a chance to look at it
10 again?

11 ATTORNEY YOCUM:

12 Yes. We do submit --- to everyone who
13 submitted comments we submit a Final rulemaking. They
14 also have an opportunity to then come before the
15 Independent Regulatory Review Commission and raise any
16 additional comments that they have at that time.

17 MR. SOJKA:

18 And of course, when these things are
19 removed from the website, they can also ---?

20 ATTORNEY YOCUM:

21 Absolutely.

22 MR. SOJKA:

23 Okay. Thank you.

24 CHAIRMAN:

25 Any other questions? May I have a

1 motion?

2 MR. SOJKA:

3 Yes, you can, Mr. Chairman. I'll move
4 that the Board adopt Final-form Regulation # 125-137,
5 as described by the Office of Chief Counsel (OCC) and
6 that the regulation be posted on the Board's website.

7 CHAIRMAN:

8 Do I have a second?

9 MR. TRUJILLO:

10 Second.

11 CHAIRMAN:

12 All in favor?

13 AYES RESPOND

14 CHAIRMAN:

15 Opposed? The motion carries.

16 ATTORNEY YOCUM:

17 Thank you.

18 CHAIRMAN:

19 Thank you, Susan.

20 ATTORNEY SHERMAN:

21 The Board has just one petition before it
22 today for consideration and that's of Atronic
23 Americas' Petition for Extension of their License
24 Renewal Term. At its meeting the Board was provided
25 with a petition, the OEC response and any other

1 submissions of the parties related to that petition.

2 Atronic currently holds a Manufacturer
3 License which was renewed for a one-year term on
4 October 27th, 2010. The January 2010 amendments to
5 the Gaming Act allowed the renewal period to be for
6 three years. Given the separate nature of some of
7 those matters, the Bureau of Licensing had permitted
8 initially some of the licensees a shorter renewal
9 period. And that, in fact, is what Atronic had
10 elected to do, a one-year period for a \$30,000 fee
11 rather than three years and a \$90,000 fee. Atronics
12 has indicated that it now wants to extend that period
13 for equipment for the full three year license, having
14 obtained a work order for the costs, that's more work
15 in Pennsylvania, so they asked to extend that license
16 for two years for the payment of \$60,000. The OEC has
17 no objection, and it would submit that the matter is
18 appropriate for the Board's consideration and vote.

19 CHAIRMAN:

20 Any questions or comments from the Board?
21 May I have a motion?

22 MR. FAJT:

23 Mr. Chairman, I move that the Board grant
24 Atronic Americas, LLC's Petition, as described by the
25 OCC.

1 MR. GINTY:

2 Second.

3 CHAIRMAN:

4 All in favor?

5 AYES RESPOND

6 CHAIRMAN:

7 Opposed? The motion carries.

8 ATTORNEY SHERMAN:

9 The next, presenting Withdrawals and
10 Reports and Recommendations is Deputy Chief Counsel
11 Steve Cook.

12 CHAIRMAN:

13 Thank you, Doug.

14 ATTORNEY COOK:

15 Good morning, Chairman.

16 CHAIRMAN:

17 Good morning.

18 ATTORNEY COOK:

19 The Board has received four unopposed
20 petitions to withdraw the applications or surrender
21 the credentials of the following individuals: Louis
22 J. Castle, II, Ronald M. Dufficy, Victoria C. Mills
23 and Sheryl Santoro. The OEC has entered each of these
24 request for withdrawal and has no objection. You can
25 even grant without prejudice. If the Board grants

1 that motion, the withdrawal should be without
2 prejudice.

3 CHAIRMAN:

4 Any questions? May I have a motion?

5 MR. MCCALL:

6 Mr. Chairman, I move that the Board issue
7 orders to approve the Withdrawals or Surrenders, as
8 described by the OCC.

9 CHAIRMAN:

10 Do I have a second?

11 MR. MOSCATO:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 Opposed? Motion carries.

18 ATTORNEY COOK:

19 Next before the Board for consideration
20 are three Reports and Recommendations received from
21 the Office of Hearings and Appeals (OHA) relative to
22 two Gaming Employee Permits and one Petition for a
23 Waiver of a Licensing Fee. These Reports and
24 Recommendations, along with the evidentiary record
25 have been provided to the Board in advance of the

1 meeting.

2 Additionally, each of the persons and in
3 one case business was implicated and advised the Board
4 would be taking these matters up today and that they
5 can come forward and briefly address the Board. If
6 any of these people are present, I'd ask that they
7 come forward when their matter is announced.

8 Jeffrey Lam is the first Report and
9 Recommendation before the Board. Mr. Lam submitted
10 his Application for a Gaming Employee Permit on June
11 14th, 2010, seeking work as a Table Games Floor
12 Supervisor at Mount Airy Casino Resort. Actually,
13 it's not a Gaming Employee Permit, it's a New Employee
14 Permit.

15 After passing the initial investigation,
16 Mr. Lam was issued a temporary credential by the Board
17 which allowed him to work at Mount Airy pending the
18 completion of his full background investigation. On
19 November 27th, 2010, Mr. Lam was working as a
20 Boxbperson at one of Mount Airy's craps tables. During
21 his shift one of the patrons playing craps placed a
22 five-dollar token bet, which essentially means that, if
23 the bet won, it would be treated as a tip for the
24 other casino employee working the craps tables, but
25 that would not include Mr. Lam, however, because in

1 his supervisory position he did not share in the tip
2 pool.

3 The patron, when placing the token bet,
4 stated that the assignment of the token bet was at the
5 discretion of the stickperson for the game. Mr. Lam
6 interjected himself and indicated that the winner of
7 the winning bet would be whatever the winning --- roll
8 of the dice, however, would be wherever the token bet
9 was placed therefore guaranteeing a win, placing the
10 winning proceeds into the tip box.

11 As a result of this conduct, Mount Airy
12 terminated Mr. Lam on May 31st, 2011, and filed a
13 request to withdraw Mr. Lam's G2 Permit Application.
14 The OEC responded to the withdrawal, demanding that it
15 be without prejudice. As a result of that demand, a
16 hearing was scheduled and held at the OHA on September
17 1st, 2011. Mount Airy nor Mr. Lam appeared at that
18 hearing despite receiving notice of same.

19 Presently before the Board, therefore, is
20 a Report and Recommendation recommending that Mr.
21 Lam's application be withdrawn, with prejudice, which
22 initially means he will be barred from reapplication
23 in the Commonwealth of Pennsylvania for a Gaming
24 Permit License for five years.

25 CHAIRMAN:

1 Any questions or comments from the Board?

2 May I have a motion?

3 MR. MOSCATO:

4 Mr. Chairman, I move that the Board issue
5 an Order to adopt the Report and Recommendation of the
6 OHA regarding the Gaming Employee Permit of Jeffrey
7 Lam, as described by the OCC.

8 MR. SOJKA:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? Motion carries.

15 ATTORNEY COOK:

16 The second Report and Recommendation
17 pertains to Tony Tran. Mr. Tran was issued a Gaming
18 Employee Permit on April 4th, 2011, and was employed
19 as a part-time, temporary Table Games Dealer at
20 Harrah's Chester Casino & Racetrack, working during
21 poker tournaments.

22 On June 14th, 2011, the Philadelphia
23 Police Department notified the Board's Bureau of
24 Casino Compliance that Mr. Tran had been arrested and
25 charged with four felonies and three misdemeanor

1 offenses. As a result of these charges, the OEC filed
2 a Request for an Emergency Order of Suspension of Mr.
3 Tran's Gaming Employee Permit based upon the felony
4 charges. That Request for an Emergency Order was
5 signed by the Executive Director on June 20th, 2011,
6 and an Emergency Order was thereafter put in place.

7 On June 28th this matter came before the
8 Board and the Board directed that it be sent to the
9 OHA for a full evidentiary hearing. That hearing was
10 held on July 13th, 2011. And despite receiving proper
11 notice, Mr. Tran failed to attend the hearing. The
12 OEC, however --- the hearing proceeded in his absence
13 and OEC presented evidence, indicating that the felony
14 charges still remained against Mr. Tran. As a result,
15 a Report and Recommendation was issued recommending
16 that the Emergency Order of Suspension remain in
17 place.

18 In preparation for this meeting, however,
19 the OCC has determined that Mr. Tran ultimately
20 pleaded guilty to two misdemeanor counts and all the
21 felony charges were dismissed. As a result, pursuant
22 to the Board's regulations, it is no longer
23 appropriate we --- it is no longer appropriate that we
24 have an Emergency Suspension placed against him and
25 the appropriate thing to do, from the OCC's

1 perspective, would be to vote to reject the OHA's
2 Recommendation and lift the Emergency Order of
3 Suspension. Having said that, I will tell you that
4 the OEC seeks to bring enforcement action against Mr.
5 Tran based upon misconduct that still remains.

6 CHAIRMAN:

7 Any questions or comments from the Board?

8 MR. TRUJILLO:

9 Mr. Chairman, just one. So, to the
10 extent that we would reject the Report and
11 Recommendation, that would be without prejudice to any
12 potential enforcement action by OEC?

13 ATTORNEY COOK:

14 This will be limited to the Emergency
15 Suspension.

16 MR. TRUJILLO:

17 Thank you.

18 MR. SOJKA:

19 In that case, I'd be happy, Mr. Chairman,
20 to move that the Board issue an Order to reject the
21 Report and Recommendation of the OHA regarding the
22 Gaming Employee Permit of Tony Tran, as described by
23 the OCC.

24 MR. TRUJILLO:

25 Second.

1 CHAIRMAN:

2 All in favor?

3 AYES RESPOND

4 CHAIRMAN:

5 Opposed? The motion carries.

6 ATTORNEY COOK:

7 The final Report and Recommendation
8 before the Board today pertains to First Light Trading
9 Company, Inc. First Light filed a Petition to Waive
10 the Gaming Service Provider Registration Fee. First
11 Light indicated that, as a result of providing two
12 large one-time purchases to the SugarHouse Casino
13 during that facility's opening, they exceeded the
14 \$100,000 threshold, which required them to obtain a
15 Gaming Service Provider Registration and pay the
16 \$2,000 registration fee. They argue that, at this
17 time, they are expecting their ongoing sales to
18 SugarHouse to be far less than the \$100,000 threshold,
19 specifically in the \$25,000 annual range.

20 The OEC filed an Answer to First Light's
21 Petition, which objected to the waiver of fees. It's
22 OEC's position that First Light was notified and
23 signed the application, indicating that they were
24 obligated to pay the \$2,000 fee and asks that the
25 Board's Regulation require that they pay the full

1 \$2,000 fee, which covers basically certification and
2 registration for a four-year period. Because of OEC's
3 objection, a hearing was scheduled before the OHA.
4 That hearing was held in October 2011, where both
5 parties provided testimony and exhibits. The OEC
6 presented documents showing that First Light received
7 compensation in a one-year period in excess of
8 \$100,000, and First Light admitted to that fact.
9 First Light submitted into the record evidence of
10 SugarHouse Casino, indicating that those purchases ---
11 that approximately \$90,000 in purchases caused to
12 exceed the \$100,000 figure for that one year or, in
13 fact, one-time purchases going forward. The
14 purchases --- their proceeds from sales to SugarHouse
15 would be approximately \$25,000.

16 The Report and Recommendation
17 subsequently issued by the Hearing Officer indicate or
18 recommended that under these circumstances that the
19 Board charged First Light basically one-fourth of the
20 fee, or \$500, of the \$2,000 fee, on the theory that a
21 one-time purchase for one year, under the
22 circumstances, would be equitable, simply charged in
23 one fee. That's the Report and Recommendation present
24 before the Board.

25 CHAIRMAN:

1 Thank you. Questions or comments by the
2 Board?

3 MR. TRUJILLO:

4 Yes, Mr. Chairman. Steve, I think that,
5 A, that's well within our discretion to do; and B,
6 consistent with what we've done in the past.

7 ATTORNEY COOK:

8 You're correct on both counts. In fact,
9 they try as a manufacturer, being treated that way.

10 MR. TRUJILLO:

11 No more questions.

12 CHAIRMAN:

13 May I have a motion?

14 MR. TRUJILLO:

15 Mr. Chairman, I move that the Board issue
16 an Order to adopt the Report and Recommendation of the
17 OHA regarding the Gaming Service Provider Registration
18 of First Light Trading Company, as described by the
19 OCC.

20 MR. FAJT:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 Opposed? Motion carries.

2 ATTORNEY SHERMAN:

3 And that concludes the matters of the
4 OCC.

5 CHAIRMAN:

6 Next on behalf of the Bureau of
7 Licensing, Sean Hannon.

8 MR. HANNON:

9 Good morning, Chairman Ryan, members of
10 the Board.

11 CHAIRMAN:

12 Good morning.

13 MR. HANNON:

14 The first item for the Board's
15 consideration today is the approval of Principal
16 Licenses. Prior to this meeting, the Bureau of
17 Licensing provided you with a proposed order of three
18 Principal Licenses with Category 2 Manufacturer
19 Licensees. I ask that the Board consider the Order
20 approving these licenses.

21 CHAIRMAN:

22 Any questions or comments from the Board?

23 Excuse me. Any comments from Enforcement Counsel?

24 ATTORNEY PITRE:

25 I have no objection.

1 CHAIRMAN:

2 Any questions or comments from the Board?

3 May I have a motion?

4 MR. GINTY:

5 Mr. Chairman, I move that the Board

6 approve the issuance of Principal Licenses, as

7 described by the Bureau of Licensing.

8 MR. MCCALL:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? Motion carries.

15 MR. HANNON:

16 Next for your consideration are Temporary

17 Key Employee Licenses. Prior to this meeting, the

18 Bureau of Licensing provided you with an Order

19 regarding the issuance of Temporary Licenses to 17

20 employees. I ask that the Board consider the Order

21 approving those licenses.

22 CHAIRMAN:

23 Any comments from Enforcement Counsel?

24 ATTORNEY PITRE:

25 Enforcement Counsel has no objection.

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
6 approve the issuance of the Key Employee Credentials,
7 as described by the Bureau of Licensing.

8 CHAIRMAN:

9 Second?

10 MR. MOSCATO:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 AYES RESPOND

15 CHAIRMAN:

16 Opposed? Motion carries.

17 MR. HANNON:

18 Next are Gaming Permits and Non-Gaming
19 Registrations. Prior to this meeting, the Bureau of
20 Licensing provided you with a list of 192 individuals
21 who the Bureau granted Temporary Full Occupation
22 Permits to and 52 individuals who the Bureau granted
23 Registrations to under the authority delegated to the
24 Bureau of Licensing. I ask that the Board adopt the
25 motion before them.

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CHAIRMAN:

Any comments from Enforcement Counsel?

ATTORNEY PITRE:

Enforcement Counsel has no objection.

CHAIRMAN:

Any questions or comments from the Board?

May I have a motion?

MR. MOSCATO:

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

MR. SOJKA:

Second.

CHAIRMAN:

All in favor?

AYES RESPOND

CHAIRMAN:

Opposed? Motion carries.

MR. HANNON:

In addition, we have withdrawal requests of Gaming and Non-Gaming Employees. In each case, a Permit Registration is no longer required due to such circumstances as the employee failing to report to work or the job offer being rescinded. For today's

1 meeting I have provided the Board with a list of 39
2 Gaming and 13 Non-Gaming Employee Withdrawals for
3 Approval. I ask that the Board consider the order
4 approving the list of withdrawals.

5 CHAIRMAN:

6 Any comments from Enforcement Counsel?

7 ATTORNEY PITRE:

8 Enforcement Counsel has no objection.

9 CHAIRMAN:

10 Any question or comment from the Board?

11 May I have a motion?

12 MR. SOJKA:

13 Yes. Mr. Chairman, I move that the Board
14 approve the withdrawals, as described by the Bureau of
15 Licensing.

16 CHAIRMAN:

17 Second?

18 MR. TRUJILLO:

19 Second.

20 CHAIRMAN:

21 All those in favor?

22 AYES RESPOND

23 CHAIRMAN:

24 Opposed? The motion carries.

25 MR. HANNON:

1 In addition, we have an Order certifying
2 the following Gaming Service Providers: Elohim
3 Cleaning Contractors, Incorporated, Massaro
4 Corporation, Nexus Is, Incorporated. I ask that the
5 Board consider the Order approving the Gaming Service
6 Providers' Certification.

7 CHAIRMAN:

8 Any comments from the Enforcement
9 Counsel?

10 ATTORNEY PITRE:

11 Enforcement Counsel has no objection.

12 CHAIRMAN:

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

15 MR. TRUJILLO:

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

20 MR. FAJT:

21 Second.

22 CHAIRMAN:

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN:

1 All opposed? The motion carries.

2 MR. HANNON:

3 Finally, we have an Order regarding the
4 abandonment of the application of Gaming Service
5 Provider GOMS, Incorporated. This company filed an
6 application but failed to complete the application
7 process. We've made several unsuccessful attempts to
8 contact this company. To the best of our knowledge,
9 the company is no longer in business. Under our
10 regulations, the Board has the authority to declare an
11 application abandoned if the applicant fails to
12 provide the information necessary. I ask that the
13 Board consider the Order declaring GOMS, Incorporated
14 application abandoned.

15 CHAIRMAN:

16 Any comment from Enforcement Counsel?

17 ATTORNEY PITRE:

18 Enforcement Counsel has no objection.

19 CHAIRMAN:

20 Any questions or comments from the Board?

21 May I have a motion?

22 MR. FAJT:

23 Mr. Chairman, I move that the board issue
24 an Order to approve the abandonment of the Gaming
25 Service Provider Application, as described by the

1 Bureau of Licensing.

2 MR. GINTY:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN:

8 Opposed? The motion carries.

9 MR. HANNON:

10 This concludes the Bureau of Licensing's
11 presentation.

12 CHAIRMAN:

13 Thank you. I believe Chief Enforcement
14 Counsel Cyrus Pitre is next. Cyrus.

15 ATTORNEY PITRE:

16 Thank you, Mr. Chairman.

17 ATTORNEY PITRE:

18 Thank you, Mr. Chairman. We have nine
19 matters for the Board's consideration this morning.
20 The first is a Consent Agreement between the Office of
21 Enforcement Counsel and Downs Racing, LP. Will the
22 representative from Downs Racing come forward?

23 CHAIRMAN:

24 I note for the record that this smatter
25 was first before the Board at our October 13th

1 meeting. But the Board had questions about the
2 underlying facts. Since that time, OEC and Downs have
3 submitted some stipulated facts to address some of
4 these questions. Although the Board has already heard
5 this matter before, perhaps the OEC can provide a
6 brief synopsis of this agreement?

7 ATTORNEY HIGGINS:

8 Chairman Ryan, members of the Board, my
9 name is Katie Higgins, H-I-G-G-I-N-S, Assistant
10 Enforcement Counsel. This Consent Agreement involves
11 two counts of underage gaming violations. The first
12 count involves a 19-year-old male and a 20-year-old
13 male being present on the gaming floor on October
14 28th, 2010 for approximately two hours, completing a
15 combined total of approximately 97 hands of Blackjack
16 at three different tables. The underage individuals
17 were discovered when one of them exited the floor and
18 attempted to reenter and was then asked for
19 identification by the Mohegan Sun security officer.
20 The Bureau of Casino Compliance and the Pennsylvania
21 State Police were immediately notified by Mohegan Sun
22 regarding this incident. The Pennsylvania State
23 Police cited both individuals with underage gaming, to
24 which they pled guilty. Additionally, OEC filed a
25 petition to place both individuals on the Board's

1 Exclusion List.

2 The second count involved a 20-year-old
3 male who entered the gaming floor on January 2nd,
4 2011, while accompanied by his mother and father. The
5 20-year-old was present on the gaming floor for
6 approximately three-and-a-half hours, during which
7 time he played the slot machine and approximately 134
8 hands of Blackjack. Additionally, the underage
9 individual was served alcohol by Mohegan Sun
10 employees. It was not until the next day, January
11 3rd, that the State Police initiated an investigation
12 and discovered that the underage individual was
13 present at the casino. The State Police charged the
14 individual with underage gaming and underage drinking.
15 The 20-year-old was found not guilty of the underage
16 drinking charge but pled guilty to the underage gaming
17 charge. Additionally, the OEC has filed a petition to
18 place this underage individual on the Board's
19 Exclusion List.

20 Mohegan Sun and the OEC entered into a
21 Consent Agreement on five previous occasions regarding
22 a total of 20 incidents of underage gaming and
23 underage individuals being present on the gaming
24 floor.

25 As part of the Consent Agreement, Mohegan

1 Sun has agreed to provide reinforcement of all
2 policies regarding underage gaming to all of its
3 employees, which will minimize the opportunity for
4 similar incidents to occur in the future. Mohegan Sun
5 will also amend its Compulsive and Problem Gambling
6 Plan to require all table games personnel to obtain a
7 valid ID of all patrons playing table games who appear
8 to be under the age of 30. In addition, the parties
9 have agreed that provided in the Board's Order Mohegan
10 Sun will pay a civil penalty of around \$80,000. The
11 OEC asks that the Board approve the Consent Agreement
12 as presented today.

13 CHAIRMAN:

14 Any comments from Downs Racing?

15 ATTORNEY KOHLER:

16 Good morning, Chairman Ryan, members of
17 the Board. I have with me today Bob Soper, who is
18 President of Downs Racing, and Mike Bean, who is the
19 Assistant General Manager. We agree with OEC's
20 presentation. And if you have any questions, I'm sure
21 we can get an answer for you.

22 CHAIRMAN:

23 Any questions or comments from the Board?
24 Go ahead.

25 MR. FAJT:

1 Thank you. A few questions. I guess the
2 first one is to Enforcement Counsel. Did anything ---
3 I understand --- the 20-year-old is the one I'm going
4 to ask questions about. He came and was accompanied
5 by his parents; is that correct?

6 ATTORNEY PITRE:

7 That's correct.

8 MR. FAJT:

9 And were his parents sitting at the table
10 for the hundred-plus hands of blackjack that he was
11 playing, or do we know that answer?

12 ATTORNEY PITRE:

13 I know that answer, Commissioner Fajt,
14 because we know that we're in the process of filing a
15 petition against the parents. I'm reluctant to answer
16 to that because that matter may be coming before the
17 Board in the near future.

18 MR. FAJT:

19 Thank you. My second question goes to
20 Downs Racing. The table games --- I understand your
21 new policy is that table games dealers are required to
22 ID anyone under the age --- who appears to be under
23 the age of 30. Am I correct in assuming that?

24 MR. BEAN:

25 Yes.

1 MR. FAJT:

2 So, I want to be very specific, if
3 somebody comes and sits at a table, whether it's
4 roulette or Blackjack or whatever other table game is
5 taking place, if that person appears to be under the
6 age of 30, you are now required --- not, you know,
7 maybe yes, maybe no, you're now requiring your table
8 games dealers to ID that person; is that correct?

9 MR. BEAN:

10 Commissioner, just let me clarify. There
11 are so many tables games dealers, whoever it may
12 happen to be ---.

13 MR. FAJT:

14 I'm sorry. I can't hear you.

15 MR. BEAN:

16 It's table games personnel, broadly so,
17 versus if the dealer is, you know, in operation with
18 four other people, and a person appears to be under
19 the age of 30, appears, but all supervisors will deal
20 with IDing that person so as to not interrupt the
21 other people who are in that location at that moment.
22 So, it's not the specific dealer. It's the table
23 games personnel, so the operations are ---.

24 MR. FAJT:

25 So it will depend on circumstances so the

1 way that we're trying to draft the compulsive gambling
2 plan and pass it OEC is that table games personnel
3 will check it; is that correct?

4 MR. SOPER:

5 To answer your question, anyone that goes
6 to play a table game, Blackjack or whatever the case
7 may be, will be carded if they --- the policy is if
8 they look 30 years or younger. That will be the
9 policy. And after 20 years, you know, there's
10 different games and so forth. All table games
11 personnel are trained to make sure that, you know, the
12 policy is executed.

13 MR. FAJT:

14 Okay. And one last question. What was
15 your policy prior to this infraction as to what table
16 games personnel had to do with people that appeared to
17 be under the age of 21 or 25?

18 MR. SOPER:

19 There was no specific language related to
20 that situation. Clearly, to be on the gaming floor,
21 to, you know, enter a gaming hit and approach a game,
22 if you look 30 or younger, you should get carded by a
23 security officer at the entrance to the gaming
24 floor. It's another line of protection as it relates
25 to table games.

1 MR. FAJT:

2 Thank you. Thank you, Mr. Chairman.

3 CHAIRMAN:

4 Mr. Ginty?

5 MR. GINTY:

6 Notwithstanding any action that
7 Enforcement Counsel may or may not take with respect
8 to the parents that were involved with the 20-year-
9 old, what action have you taken with respect to those
10 parents?

11 MR. SOPER:

12 You know, we've let the police deal
13 directly with the person who violated a crime here
14 because he was an adult. You know, just generally
15 we're just dealing with, you know, kids. An adult
16 perpetrator, we made sure that situation is dealt
17 with. We haven't done anything specific to the
18 parents.

19 MR. GINTY:

20 But you do reserve the right to place
21 people on your own Exclusion List?

22 MR. SOPER:

23 We do have --- we have done that.
24 Generally we've done that in incidences where there's
25 perhaps someone who saw an altercation or something of

1 that nature. But we do have a policy in place that
2 allows us to exclude individuals from our property.

3 MR. GINTY:

4 But you haven't done it in this case?

5 MR. SOPER:

6 That's correct.

7 MR. GINTY:

8 Why?

9 MR. SOPER:

10 Again, because, in this instance, we felt
11 it was appropriate, because the perpetrator was an
12 adult, to deal with the perpetrator like we do in
13 other circumstances.

14 CHAIRMAN:

15 Anyone else? Gary?

16 MR. SOJKA:

17 Yes. This is for you. At the time of
18 the adoption of table games, my memory suggests to me
19 that a great deal was said across the board about
20 having an additional line of security in the person of
21 dealers, stickmen and other people working table games
22 to guard against underage gaming. Was Mohegan a
23 participant in any of that discussion? Did you hear
24 any of that stuff? Did we somehow miss you folks?

25 MR. SOPER:

1 Good question, Commissioner. I don't
2 recall. I don't want to misstate anything in regards
3 to what we did or didn't say. I do know this. While
4 we do have a written policy in place regarding table
5 games personnel that we have now, I do know that if
6 there's someone who's underage, especially one who
7 plays with a card which requires an ID, then, you
8 know, I'll often call surveillance or call security to
9 ensure that the individual is ID'd. So, we have a
10 formal policy. We had formal training. We have
11 experienced dealers. Some of them had experience.
12 Obviously, experienced supervisors who have dealt with
13 these situations. Now we've formalized both a written
14 policy and training.

15 MR. SOJKA:

16 That clarifies it because I would assume
17 you had at least an informal policy in place
18 subsequent to all the discussions we had about that.
19 Thank you.

20 ATTORNEY KOHLER:

21 I think because it goes to the compulsive
22 gambling plan, which is binding as result of statement
23 of conditions that it's now --- it's a binding
24 requirement that you be prosecuted for it.

25 CHAIRMAN:

1 Mr. Coyne? Mr. Craig? All right. Thank
2 you, gentlemen. May I have a motion?

3 MR. GINTY:

4 Mr. Chairman, I move that the Board issue
5 an Order to approve the Consent Agreement between the
6 Office of Enforcement Counsel and Downs Racing, LP, as
7 described by the Office of Enforcement.

8 MR. MCCALL:

9 Second.

10 CHAIRMAN:

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN:

14 Opposed? Motion carries.

15 ATTORNEY PITRE:

16 The next matter for the Board's
17 consideration is a motion to consider Revocation of
18 Fredrick Wood's Gaming employee Permit. Cassandra
19 Fenstermaker will present for the OEC. If Mr. Wood is
20 present, I ask that he come forward.

21 CHAIRMAN:

22 Good morning, Cassandra.

23 ATTORNEY FENSTERMAKER:

24 Good morning, Chairman, members of the
25 Board. My name is Cassandra Fenstermaker,

1 F-E-N-S-T-E-R-M-A-K-E-R. On August 9th, 2011, the OEC
2 filed a complaint or revocation against Fredrick Wood,
3 a former Blackjack dealer at Harrah's Chester. Mr.
4 Wood is alleged to have misplayed 140 hands of
5 Blackjack, resulting in a loss to Harrah's of \$4,128.
6 The Enforcement Complaint was served on Mr. Wood by
7 first-class mail. The certified mail was returned
8 unclaimed. Mr. Wood did not respond to the complaint
9 within 30 days. Therefore, pursuant to Board
10 allegations, all facts alleged in the complaint are
11 deemed admitted. The OEC filed a request for default
12 judgment on October 3rd, 2011. At this time the OEC
13 asks that Mr. Wood's Gaming Permit be revoked.

14 CHAIRMAN:

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

17 MR. SOJKA:

18 I'm always kind of interested in the
19 outcomes beyond the probes given. In this case, was
20 the accused person --- did that person make
21 restitution of the lost money?

22 ATTORNEY FENSTERMAKER:

23 No. Originally he was charged with 208
24 misdemeanors. They have been upgraded to Felony Two.
25 And there is a bench warrant out for his arrest.

1 MR. SOJKA:

2 Okay. So, there's been a legal follow
3 up, and so there is no restitution?

4 ATTORNEY FENSTERMAKER:

5 Not that I'm aware.

6 MR. SOJKA:

7 Thank you.

8 CHAIRMAN:

9 Anything else? May I have a motion?

10 MR. MOSCATO:

11 Mr. Chairman, I Move that the Board issue
12 an Order to approve the revocation of Fredrick Wood's
13 Gaming Employee Permit, as described by the OEC.

14 MR. SOJKA:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN:

20 Opposed? Motion carries.

21 ATTORNEY FENSTERMAKER:

22 Thank you.

23 CHAIRMAN:

24 Thank you, Cassandra.

25 ATTORNEY PITRE:

1 The next matter for the Board's
2 consideration is a motion to consider the revocation
3 of Jeffrey Robinson's Gaming Employee Permit. If Mr.
4 Robinson is present, I ask that he come forward.
5 Kathleen Higgins will present the matter on behalf of
6 the OEC.

7 ATTORNEY HIGGINS:

8 On July 27th, 2011, the OEC filed a
9 Complaint for Revocation of Mr. Robinson's Gaming
10 Permit due to his failure to maintain suitability.
11 Mr. Robinson did not respond to the complaint within
12 30 days, and therefore, pursuant to Board regulations,
13 all facts alleged in the complaint are deemed
14 admitted. The OEC filed a request for default
15 judgment on September 23rd, 2011. At this time, OEC
16 would ask that the Board revoke Mr. Robinson's Gaming
17 Permit.

18 CHAIRMAN:

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

21 MR. SOJKA:

22 Yes, Mr. Chairman. I move that the Board
23 issue an Order to approve the revocation of Jeffrey
24 Robinson's Gaming Employee Permit, as described by the
25 OEC.

1 CHAIRMAN:

2 Second?

3 MR. TRUJILLO:

4 Second.

5 CHAIRMAN:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN:

9 All opposed? The motion carries. Thank
10 you.

11 ATTORNEY PITRE:

12 The next matter for the Board's
13 consideration is revocation of Blake Antonucci's
14 Gaming Employee Permit. Melissa Powers from the OEC
15 will present the matter. If Ms. Antonucci is present,
16 I ask that she come forward.

17 ATTORNEY POWERS:

18 Good morning, Chairman Ryan and members
19 of the Board. It's Melissa Powers, P-O-W-E-R-S. On
20 August 11th, 2011, the OEC filed a Complaint for
21 Revocation against Blake Antonucci for failure to
22 maintain the suitability requirements of the Act after
23 she was terminated for theft from the Meadows
24 Racetrack and Casino. Ms. Antonucci did not respond
25 to the complaint within 30 days. Therefore, her right

1 to a hearing has been waived and the facts alleged in
2 the complaint are deemed to be admitted.

3 On October 17th, 2011, the OEC filed a
4 request for default judgment against Ms. Antonucci.
5 At this time, OEC asks that the Board revoke the
6 Gaming Employee Permit of Blake Antonucci.

7 CHAIRMAN:

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

10 MR. TRUJILLO:

11 Mr. Chairman, I move that the Board issue
12 an Order approving the revocation of Blake Antonucci's
13 Gaming Employee Permit, as described by the OEC.

14 MR. FAJT:

15 Second.

16 CHAIRMAN:

17 All in favor?

18 AYES RESPOND

19 CHAIRMAN:

20 Opposed? Motion carries.

21 ATTORNEY POWERS:

22 The next item that I have for you today
23 is that of Charles Baker. On August 26th, 2011, the
24 OEC filed a petition to place Charles Baker on the
25 Board's Involuntary Exclusion List. The petition was

1 served on Mr. Baker on August 3rd, 2011. In the
2 petition OEC alleged that Mr. Baker colluded with
3 Meadows patron Kevin Pendleton on approximately 152
4 occasions between May 30th and June 11th, 2011, in
5 order to steal approximately \$6,000 from the Meadows.
6 Relative to this activity, the Pennsylvania State
7 Police filed criminal charges against Mr. Baker on
8 August 18th, 2011. He's been charged with theft by
9 deception, criminal conspiracy and a violation of
10 Section 1518 of the Gaming Act. Mr. Baker did not
11 respond to OEC's petition within 30 days. Therefore,
12 his right to a hearing has been waived and the facts
13 alleged in the petition are deemed to be admitted. On
14 August 26th, 2011, OEC filed a request for default
15 judgment. And at this time OEC would ask that the
16 Board place Charles Baker on the Board's Involuntary
17 Exclusion List.

18 CHAIRMAN:

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

21 MR. FAJT:

22 Mr. Chairman, I move that the Board issue
23 an Order to approve the addition of Charles Baker to
24 the PGCB Exclusion List, as described by the OEC.

25 MR. GINTY:

1 Second.

2 CHAIRMAN:

3 All in favor?

4 AYES RESPOND

5 CHAIRMAN:

6 All opposed? Motion carries.

7 ATTORNEY POWERS:

8 The next matter I have for you is that of
9 Kevin Pendleton. On August 26th the OEC filed a
10 petition to place Mr. Pendleton on the Board's
11 Involuntary Exclusion List. The petition was served
12 on Mr. Pendleton on September 1st, 2011. Again, the
13 petition alleges that Mr. Pendleton colluded with
14 Meadows Table Games Dealer Charles Baker on
15 approximately 152 occasions between May 30th and June
16 11th of 2011 in order to steal approximately \$6,000
17 from the Meadows. The Pennsylvania State Police filed
18 criminal charges against Mr. Pendleton on August 18th.
19 He was also charged with theft by deception, criminal
20 conspiracy and a violation of Section 1518 of the
21 Gaming Act. Mr. Pendleton did not respond to OEC's
22 petition within 30 days. Therefore, his right to a
23 hearing has been waived and the facts alleged in the
24 petition are deemed to be admitted. On October 26th,
25 2011, OEC filed a request for default judgment against

1 Mr. Pendleton and at this time asks that the Board
2 place Kevin Pendleton on the Board's Involuntary
3 Exclusion List.

4 CHAIRMAN:

5 Any questions or comments from the Board?
6 May I have a motion?

7 MR. GINTY:

8 Mr. Chairman, I move that the Board issue
9 an Order to approve the admission of Kevin Pendleton
10 to the PGCB Exclusion List, as described by the OEC.

11 MR. MCCALL:

12 Second.

13 CHAIRMAN:

14 All in favor?

15 AYES RESPOND

16 CHAIRMAN:

17 All opposed? The motion passes. Thank
18 you.

19 ATTORNEY PITRE:

20 The next matter for the Board's
21 consideration is a motion to consider a Board Order to
22 add Frances Casey to the PGCB's Exclusion List.
23 Dustin Miller will present the matter for the OEC. If
24 Ms. Casey is present, I ask that she come forward.

25 ATTORNEY MILLER:

1 Good morning, Chairman Ryan and members
2 of the Board. Dustin Miller, on behalf of the OEC.
3 The OEC filed a petition to place Ms. Casey on the
4 Exclusion List for leaving her kids in her vehicle
5 while she went into Parx Casino and played the slot
6 machines on July 16th, 2011. A petition was filed on
7 August 5th, 2011, and the petition was properly served
8 upon Ms. Casey to the address listed on the criminal
9 complaint filed against her by both certified and
10 first-class mail. Ms. Casey did not respond to the
11 filing in any way. Due to Ms. Casey's failure to
12 respond, the averments in the petition are deemed to
13 be admitted as fact and her right to a hearing has
14 been waived. On October 15, 2011, the OEC filed a
15 request to enter judgment upon default. The matter is
16 now before the Board to consider placement of Frances
17 Casey on the Board's Excluded Persons List.

18 CHAIRMAN:

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

21 MR. MCCALL:

22 Mr. Chairman, I move the Board issue an
23 Order to approve the addition of Frances Casey to the
24 PGCB Exclusion List, as described by the OEC.

25 CHAIRMAN:

1 Second?

2 MR. MOSCATO:

3 Second.

4 CHAIRMAN:

5 All in favor?

6 AYES RESPOND

7 CHAIRMAN:

8 Opposed? Motion carries.

9 ATTORNEY MILLER:

10 The next matter is a request for
11 placement on the Board's Excluded Persons List today
12 involving Michael Roytman. The OEC filed a petition
13 to place Mr. Roytman on the Exclusion List for leaving
14 his daughter in his vehicle while he went into Parx
15 Casino and played slot machines on July 30th, 2011. A
16 petition was filed on August 5th, 2011. The petition
17 was properly served upon Mr. Roytman to the address
18 listed on the criminal complaint filed against him by
19 both certified and first-class mail. Mr. Roytman did
20 not respond to the document in any way. Due to Mr.
21 Roytman's failure to respond, the averments in the
22 petition are deemed to be admitted as fact, and his
23 right to a hearing has been waived. On October 18th,
24 2011, the OEC filed a request to enter judgment upon
25 default. The matter is now before the Board to

1 consider the placement of Michael Roytman on the
2 Board's Excluded Persons List.

3 CHAIRMAN:

4 Any questions or comments from the Board?
5 May I have a motion?

6 MR. MOSCATO:

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

10 MR. SOJKA:

11 Second.

12 CHAIRMAN:

13 All in favor?

14 AYES RESPOND

15 CHAIRMAN:

16 Opposed? Motion carries. Thank you.

17 ATTORNEY PITRE:

18 The next matter, the motion to consider
19 the Board Order to add Hai Than Vo to the PGCB's
20 Exclusion List. Billie Jo Matelevich-Hoang will
21 present the matter for OEC.

22 ATTORNEY MATELEVICH-HOANG:

23 Good morning, Chairman Ryan, members of
24 the Board. I'm Billie Matelevich-Hoang, on behalf of
25 the OEC. And that's B-I-L-L-I-E, M-A-T-E-L-E-V-I-C-H,

1 hyphen, H-O-A-N-G. This matter involves the request
2 to place Mr. Vo on the Board's Excluded Persons List.
3 On August 2nd, 2011, the OEC filed a petition to place
4 Mr. Vo on the Board's Excluded Persons List due to his
5 underage gaming at Hollywood Casino. The Enforcement
6 Complaint was properly served upon Mr. Vo by first-
7 class and certified mail. Mr. Vo did not respond to
8 the complaint within 30 days. Therefore, pursuant to
9 Board regulations, all facts alleged in the complaint
10 are deemed admitted. The OEC filed a request for
11 default judgment on September 26th, 2011. And at this
12 time, the OEC asks that Mr. Vo be added to the Board's
13 Excluded Persons List.

14 CHAIRMAN:

15 Any comment or question from the Board?

16 MR. SOJKA:

17 I have a few, if I may. First of all,
18 I'm always a little confused here. Are you referring
19 to this person as Mr. Vo or Mr. Hai?

20 ATTORNEY MATELEVICH-HOANG:

21 Mr. Vo is his last name.

22 MR. SOJKA:

23 That is his last name?

24 ATTORNEY MATELEVICH-HOANG:

25 Correct.

1 MR. SOJKA:

2 In this case --- and again, I'm working
3 only from memory, I would like you to correct me if
4 I'm wrong, but I believe this is not the first time
5 that we have taken an underage person found on the
6 gaming floor and put them on our Exclusion List.

7 ATTORNEY MATELEVICH-HOANG:

8 This is correct. After Hollywood Casino
9 has a Consent Agreement --- we reached a Consent
10 Agreement and the Board approved it on July 20th. And
11 that Consent Agreement was the result of this underage
12 individual who played 84 hands of Blackjack. He was
13 on the floor for two hours and 36 minutes, and he
14 played at two slot machines. And at that time, the
15 Board, Hollywood, OEC, was looking at other avenues to
16 address the issue of underage gaming. And we thought
17 this might be a very good solution, placing this
18 individual on our Excluded Persons List.

19 MR. SOJKA:

20 So this person is essentially a
21 groundbreaker for us?

22 ATTORNEY MATELEVICH-HOANG:

23 This is correct.

24 MR. SOJKA:

25 Just to make sure, I have a couple of

1 things. What, again, was Mr. Vo's age at the time he
2 was apprehended doing this?

3 ATTORNEY MATELEVICH-HOANG:

4 Mr. Vo was 20, and he was less than 30
5 days away from his 21st birthday.

6 MR. SOJKA:

7 Less than 30 days?

8 ATTORNEY MATELEVICH-HOANG:

9 Correct.

10 MR. SOJKA:

11 Do you have any other accoutrement, like
12 a Player's Card or anything of that sort?

13 ATTORNEY MATELEVICH-HOANG:

14 He did not.

15 MR. SOJKA:

16 Did he have identification with him to
17 show that he was underage or had false identification?

18 ATTORNEY MATELEVICH-HOANG:

19 There was originally some discrepancy.
20 Hollywood Casino argued that there was a fake ID.
21 However, the State Police, when they did bring him in
22 and question him and searched him, did not find any
23 fake ID. When we watched surveillance, it was very
24 clear that he presented ID, which was only found on
25 his person, that indicated that he was 20 and he was

1 under the age of 21.

2 MR. SOJKA:

3 Did he do anything beyond going on the
4 gaming floor under the age of 21, such as have drug
5 paraphernalia or did he resist arrest or was he
6 disorderly or anything of that sort?

7 ATTORNEY MATELEVICH-HOANG:

8 No, he was not.

9 MR. SOJKA:

10 So this is a single situation, he's
11 underage and he's being asked to be put on the
12 Exclusion List. Could you repeat one more time how
13 long he's to be on the Exclusion List?

14 ATTORNEY MATELEVICH-HOANG:

15 He is on the Exclusion List until --- the
16 Excluded Persons List is for five years, and then they
17 can petition to come off. They can actually petition,
18 though, any time before that five-year period. But
19 they can only petition one time before that five-year
20 period.

21 MR. SOJKA:

22 Would Enforcement Counsel --- and I think
23 I can ask this question, have objection if this Board
24 chose to manipulate the length of time that a person
25 is on the Exclusion List?

1 ATTORNEY PITRE:

2 No. That's why we're bringing this to
3 the Board, so the Board can set some type of
4 precedence so that, moving forward, we'll have
5 something to work with in situations of this nature.

6 MR. SOJKA:

7 Thank you. That's all my questions.

8 CHAIRMAN:

9 Mr. Ginty?

10 MR. GINTY:

11 If we were to choose a less period of
12 time and the person to be excluded is, say, 18 years
13 old, would we have to draft an Order to start the
14 period from age 21 or ---?

15 ATTORNEY PITRE:

16 That's a good question. That's a good
17 question.

18 MR. GINTY:

19 But not necessarily relevant.

20 ATTORNEY PITRE:

21 I mean, Billie Jo just said the Board can
22 always grant time served. I mean, if they're 18, I
23 assume that the Board is looking at having them on the
24 Exclusion List for at least three years. The
25 important thing is that those individuals will have to

1 petition the Board to be removed from the Exclusion
2 List. So, that will also give the Board a chance, you
3 know, for those individuals coming before the Board to
4 ask to be removed and to show that they are
5 remorseful.

6 ATTORNEY MATELEVICH-HOANG:

7 In this case we were hoping that he would
8 have at least requested a hearing, but he didn't. We
9 have not heard from him. Hollywood has not heard from
10 him since that incident. I mean, he did --- he pled
11 guilty to the fine of trespass on September 20th,
12 which is a summary offense, and he paid a fine of
13 \$164.

14 MR. GINTY:

15 I will suggest that exclusion for some
16 period of time would be more a punishment to these
17 individuals than some fine they might pay. The
18 Exclusion List maybe statewide and so forth. Just an
19 idea.

20 ATTORNEY PITRE:

21 We'll talk to Mr. Harbach about it.

22 CHAIRMAN:

23 Ma'am, did you indicate that the only ID
24 he had on him was ID that was legitimate?

25 ATTORNEY MATELEVICH-HOANG:

1 That is correct. Yes.

2 CHAIRMAN:

3 Any other comments or questions from the
4 Board?

5 MR. SOJKA:

6 Mr. Chairman, I'm going to offer a
7 motion, and I'm going to try to word it --- I think
8 it's correct then that after a second, we could have
9 discussion of that motion. So, let me just try
10 something; okay? Mr. Chairman, I will move that the
11 Board issue an Order to approve the addition of Hai
12 Than Vo to the PGCB Exclusion List for a period of no
13 less than one year. After one year, Mr. Vo may
14 petition for removal from the Exclusion List.

15 CHAIRMAN:

16 Any second?

17 MR. TRUJILLO:

18 Before I second it, as stated, and this
19 is a point of clarification, if we were to exclude him
20 for a period of no less than one year, he would still,
21 in effect, be excluded for the five years, am I not
22 correct, if he does not request removal from the
23 Exclusion List?

24 ATTORNEY PITRE:

25 The one-year ban will allow him to

1 petition the Board after that one-year band is served
2 for removal. So, as long as he doesn't --- if he
3 doesn't file a petition to be removed, he will sit
4 there.

5 MR. TRUJILLO:

6 He will remain in excluded state until
7 the petition for removal after one year; correct?

8 MR. GINTY:

9 And this wouldn't allow him to apply
10 until at least that year is up, according to that.

11 MR. TRUJILLO:

12 I'll second.

13 CHAIRMAN:

14 Could you give it to me again?

15 MR. SOJKA:

16 Reread the motion?

17 ATTORNEY PITRE:

18 Please.

19 MR. SOJKA:

20 Mr. Chairman, I move that the Board issue
21 an Order to approve the addition of Hai Than Vo to the
22 PGCB Exclusion List for a period of no less than one
23 year. After one year, Mr. Vo may petition for removal
24 from the Exclusion List.

25 CHAIRMAN:

1 Thank you. And again, it's our
2 understanding that if he does not petition --- come
3 before the Board and petition, then he would continue
4 on for whatever period of time he qualifies, five
5 years?

6 MR. SOJKA:

7 That's the intent.

8 CHAIRMAN:

9 Questions?

10 ATTORNEY PITRE:

11 Yes. For the Exclusion List, the way it
12 works is unless someone petitions for removal, they
13 don't ever come off. They're there forever and a day.

14 CHAIRMAN:

15 Any questions?

16 MR. MCCALL:

17 But in essence, this motion --- I don't
18 want to say it's meaningless, but right now it's five
19 years, and he has the ability to petition within six
20 months if he would like. Does he have to wait a full
21 year or can he technically wait six months and
22 petition?

23 MR. SOJKA:

24 No. We stopped that. I don't think so.

25 ATTORNEY PITRE:

1 You can stop it in this instance and in
2 any other instance. He can petition prior to the five
3 years, and obviously ---.

4 MR. MCCALL:

5 At any time. Within two months after you
6 put me on the Exclusion List --- within two months of
7 being on the Exclusion List, I can petition and ask to
8 be removed from the Exclusion List?

9 ATTORNEY PITRE:

10 That's correct.

11 MR. SOJKA:

12 You could. But in this case, we inserted
13 the wording that he's on the list for no less than one
14 year, meaning he can't petition ---.

15 MR. MCCALL:

16 I understand that. But what I'm saying
17 is, under our current regulations, if we impose a ---
18 put him on the Exclusion List for that five years, I
19 can come in and say within one month I want to
20 petition for removal off that Exclusion List; is that
21 correct?

22 MR. SOJKA:

23 That's correct. I think that the
24 exclusion provision foresees that it's adults that are
25 being excluded. So, that's why we have the period,

1 and so that's why a minimum of one year prior to
2 eligibility to ask --- to seek to be removed is ---.

3 MR. MCCALL:

4 And I presume that this gentleman is an
5 adult right now?

6 ATTORNEY PITRE:

7 Yes, he is. And the five-year ban, they
8 can only petition the Board once prior to that five-
9 year period being up. After the five-year period is
10 up, then they may petition the Board again to be
11 removed.

12 MR. SOJKA:

13 Again, I think what we're trying to do
14 here is strike some kind of balance because this is a
15 new situation for us. And I think it involved some
16 give and some take in this. We've suggested that we
17 reduce the five-year ban that you propose, but I think
18 we're also trying to make it very clear that we're
19 taking away his ability to appeal that until at least
20 12 months pass.

21 ATTORNEY PITRE:

22 That's correct.

23 MR. SOJKA:

24 Okay. And so we're trying to find a
25 balance.

1 MR. GINTY:

2 And I think this is the key of what we're
3 trying to get at. We would exclude the person for no
4 less than three years and provide --- could not
5 petition to come back for three years.

6 MR. TRUJILLO:

7 Although if he's 18, he's already
8 excluded. Right. I think who knows what the
9 situation will be, but he's already excluded until
10 he's 21.

11 MR. GINTY:

12 We'll have to figure that out.

13 ATTORNEY PITRE:

14 We can talk about that.

15 CHAIRMAN:

16 Any other questions about the amendment
17 to the motion? Do we all understand?

18 MR. SOJKA:

19 Actually, the motion is not amended.
20 It's just presented that way.

21 CHAIRMAN:

22 Okay. I'll buy that.

23 MR. SOJKA:

24 We've amended their recommendation, but
25 it's an unamended motion.

1 CHAIRMAN:

2 Okay. Is there a second?

3 MR. TRUJILLO:

4 Second, yes.

5 CHAIRMAN:

6 All in favor?

7 AYES RESPOND

8 CHAIRMAN:

9 Opposed? The motion passes.

10 ATTORNEY PITRE:

11 Thank you.

12 CHAIRMAN:

13 Thank you. That concludes our normal
14 business. Our next scheduled public meeting will be
15 held on Tuesday, December 20th. I'm happy to announce
16 that the December 20th meeting and all future meetings
17 will be held at our relocated OHA, which is in the
18 Strawberry Square Complex, on the second floor,
19 adjacent to the food court. The meeting is scheduled
20 to begin at 10:00 a.m. Public comment will also be
21 accepted at the conclusion of the December 20th
22 meeting. If anyone wishes to provide public comment,
23 please contact Doreen Appel at 346-8321 to register.
24 Any final comments from the Board? May I have a
25 motion to adjourn?

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MR. TRUJILLO:

So moved.

MR. FAJT:

Second.

CHAIRMAN:

All in favor?

AYES RESPOND

CHAIRMAN:

Meeting is adjourned. Thank you all.

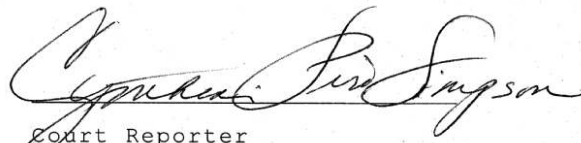
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MEETING CONCLUDED AT 12:00 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before Chairman Ryan, was reported by me on 12/06/2011 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