

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: MEMBERS OF THE BOARD:

David M. Barasch, Chairman

Richard G. Jewell

Obra S. Kernodle, IV

Sean Logan (via teleconference)

Kathy M. Manderino

Merritt C. Reitzel

Dante Santoni, Jr.

EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE:

Jennifer Langan, Designee, Pennsylvania
Treasury

Sue Leighton, Representative, Department of
Revenue

Mike Smith, Designee, Department of
Agriculture

Reporter: Rhonda K. Thorpe

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HEARING: Wednesday, September 12, 2018

10:04 a.m.

LOCATION: Pennsylvania Gaming Control Board

Strawberry Square

2nd Floor

Harrisburg, PA 17101

A P P E A R A N C E S

PA GAMING CONTROL BOARD EXECUTIVE STAFF WHO APPEARED
BEFORE THE BOARD:

Kevin O'Toole, Executive Director - Employee Service Awards and Qualified Gaming Entity Interactive Gaming Process (Joe Bott assisted with Employee Service Awards)

Claire Yantis, Administrative Director - New Hires and PGCB Classification and Compensation Structure,

R. Douglas Sherman, Chief Counsel - Petitions

Steve Cook, Deputy Chief Counsel - Report and Recommendations

Susan Hensel, Director, Bureau of Licensing - Licensing Matters

Cyrus Pitre, Chief Enforcement Counsel - Enforcement Actions

Office of Enforcement Counsel - Also presenting:

James Armstrong, John Crohe, Benjamin Ferrell,

Ashley Gabrielle, Tamara Haken, Sarah Kolesar, Beth

Manifesto, Dustin Miller, Michael Roland and David

Tepper

A P P E A R A N C E S (cont.)

ALSO PRESENT WERE:

Christopher Soriano, Esquire, Duane Morris, LLP,
Counsel for Downs Racing, LP

Anthony Carlucci, President and General Manager,
Mohegan Sun Pocono

Michael Epps, Vice President of Legal and
Compliance, Mohegan Sun Pocono

Mr. Thomas Connolly, Registered Speaker for
Public Comment

PUBLIC HEARING ATTENDANCE:

SugarHouse HSP Gaming, LP - Petition for an

Interactive Gaming Certificate:

Laura McAllister-Cox, Vice President of Regulatory
Compliance and Legal Counsel, Rush Street Gaming,
LLC

Cheryl Duhon, General Manager, SugarHouse

Richard Schwartz, President, Rush Street Interactive

Mountainview Thoroughbred Racing Association, LLC

(MTRA) - Petition for an Interactive Gaming

Certificate:

Adrian R. King, Jr. Esquire, representing Penn
National Gaming

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A P P E A R A N C E S (cont.)

Mountainview Thoroughbred Racing Association, LLC
(MTRA) - Petition for an Interactive Gaming
Certificate:

Alex Hvizda, Director of Compliance, MTRA
John Worthington, Vice President of iGaming
Operations, MTRA

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CHAIRMAN: Good morning, everyone.

I'm David Barasch, Chairman of the Pennsylvania Gaming Control Board. As always, I ask people to turn their electronic devices on silent and whatnot. Greatly appreciated.

With us today are Michael Smith, representing Russ Redding, Secretary of Agriculture. Jen Langan representing Joe Torsella, the State Treasurer and Sue Layton representing Revenue Secretary Dan Hassell.

Thank you all for coming and being here. Commissioner Logan is on the phone, who will be participating from the Pittsburgh area. Good morning, Sean.

Are you there?

MR. LOGAN: Good morning, Chairman.
Yes.

CHAIRMAN: Okay.

Good. Thank you. Quorum of the Board being present, I call these proceedings to order. First order the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN: Before we begin our formal

1 proceedings today, we have several presentations and
2 service awards for Gaming Control Board employees.

3 Kevin.

4 MR. O'TOOLE: Good morning, Chairman.
5 Good morning, members of the Board. With the
6 assistance of Joe Bott, from our Office of Human
7 Resources we are continuing the tradition this morning
8 to recognize employees who have obtained that very
9 significant milestone of ten years of employment with
10 the Pennsylvania Gaming Control Board.

11 Needless to say, we - we appreciate
12 and - and depend upon employees with - with competence
13 in their job and - and with loyalty.

14 And - and we have a very high
15 percentage of employees. We're only a 12-year agency.
16 We were formed in late 2005. And it's - it's really
17 rewarding to be able to present, periodically, some of
18 our best employees who have really contributed
19 significantly to our success. So, without further ado
20 I'd like our two honorees to stand up. Thank you.

21 So, our first honoree is Christopher
22 Mendola. Chris was hired on June 2nd, 2008, as a
23 Casino Compliance Representative within the Bureau of
24 Casino Compliance. Chris is assigned as the CCR to
25 Mount Airy Casino facility.

1 Chris does an outstanding job of
2 accomplishing the many duties of Casino Compliance
3 Representative. Chris, thank you very much.
4 Congratulations. We appreciate your work.

5 So, our next honoree is Geraldine
6 Long. Gerry was hired on July 21st, 2008 as a
7 Forensic Accountant within a Financial Investigation
8 Unit of the Bureau of Investigations and Enforcement
9 (BIE).

10 Gerry continues to support BIE as a
11 Forensic Accountant. She does an excellent job of
12 analyzing and reporting on very complex financial
13 transactions.

14 Gerry, congratulations and thank you
15 very much for your service. Thank you.

16 CHAIRMAN: By way of announcements,
17 the Board held an executive session yesterday,
18 Tuesday, September 11th, to discuss personnel matters
19 and to conduct quasi-judicial deliberations relating
20 to matters that are going to be considered today.
21 First order of business is a public hearing involving
22 SugarHouse HSP Gaming.

23 We have two public hearings to address
24 the Petitions for Interactive Gaming Certificates.
25 (WHEREUPON, PUBLIC HEARINGS WERE HELD.)

1 CHAIRMAN: Next we have consideration
2 of a motion to approve the minutes and transcripts of
3 the June 27th and July 18th meetings.

4 May I have a motion?

5 MS. REITZEL: Mr. Chairman, I move
6 that the Board approve the June 27th, 2018 and
7 July 18, 2018 meeting and the minutes and transcript.

8 MR. SANTONI: Second.

9 CHAIRMAN: All in favor?

10 AYES RESPOND

11 CHAIRMAN: All opposed? The motion's
12 adopted. Next Kevin O'Toole, Executive Director.

13 ATTORNEY O'TOOLE: Good morning,
14 everyone, once again. At the public meeting of
15 August 15th, I represented that I would present a
16 document today that would define the process by which
17 the Board would proceed to select how qualified gaming
18 entities can apply for available Interactive Gaming
19 Certificates.

20 I would also like to repeat at this
21 time where we stand on Interactive Gaming
22 Certificates.

23 CHAIRMAN: Please.

24 ATTORNEY O'TOOLE: From a total of 39
25 available Interactive Gaming Certificates, which could

1 be issued, our Slot Machine Licensees have selected
2 and reserved 32 of those certificates. We - we heard
3 this morning from two of our Slot Machine Licensees,
4 each of which have reserved certificates for all three
5 types of activity. With those 32 certificates
6 reserved, we do have 7 certificates that remain
7 available.

8 Those 7 certificates consist of three
9 peer-to-peer Poker-type games, two non-peer-to-peer
10 slot-like games and two non-peer-to-peer table games.
11 The seven Interactive Gaming Certificates that remain
12 available may now be awarded to qualified gaming
13 entities or QGEs.

14 A QGE is defined in the Expanded
15 Gaming Act as a gaming entity licensed in any
16 jurisdiction which has satisfied the requirements set
17 forth in the Act and any other criteria established by
18 the Board, including financial and character
19 suitability requirements.

20 Prior to today's meeting, the Board
21 has been provided with a document titled Interactive
22 Gaming Qualified Gaming Entity Licensing Process.
23 This document provides a detailed summary of the
24 process to be utilized by the Board for accepting
25 applications and then selecting, in a random public

1 drawing, as many qualified gaming entity applicants as
2 are necessary to award the seven remaining Interactive
3 Gaming Certificates.

4 To summarize the process, there are
5 four significant points or steps that I would like to
6 make this morning.

7 First, interested entities must submit
8 a petition with the Board's Office of Hearings and
9 Appeals (OHA) during a specific period of time. That
10 period of time begins on October 15, 2018 and ends on
11 October 31st, 2018.

12 The information that is required to be
13 submitted with that petition is described in the
14 process document.

15 Secondly, Board staff, after the
16 submissions are made, will review those submissions
17 and determine which petitions satisfy the criteria to
18 be included in the group of qualifying gaming entities
19 that are eligible to be chosen to participate in the
20 selection process.

21 The Board will publish on its website
22 a list of all entities which have petitioned for
23 consideration and have been deemed qualified by our
24 review and will be eligible to be awarded an
25 Interactive Gaming Certificate.

1 Third, once all eligible qualified
2 gaming entities has been identified, the Board will
3 conduct a blind random drawing on a date and a time to
4 be announced from which all petitioners will be
5 eligible to be selected.

6 And in that random drawing, when the
7 first certificate is - the first qualifying gaming
8 entity is selected, the type and the number of
9 certificates sought by that selected qualifying gaming
10 entity will - will be eligible to be awarded to - to
11 that qualifying gaming entity.

12 That process - that selection process
13 will be repeated until there are no certificates
14 remaining.

15 Finally, upon being selected in the
16 blind random drawing, the qualifying gaming entity
17 will be required, within 60 days, to submit completed
18 applications for licensure. And to undergo the
19 requisite background investigation to determine
20 suitability for licensure by the Board.

21 This process is described in further
22 detail in the document titled Interactive Qualified
23 Gaming Entity Licensing Process. If approved by the
24 Board, this document will be posted to our website
25 today.

1 At this time I request that the Board
2 consider a motion to approve the licensing process
3 document.

4 CHAIRMAN: Thank you, Kevin. Are
5 there any questions or comments from the Board on this
6 matter?

7 Hearing none, may I have a motion?

8 MS. MANDERINO: Mr. Chairman, I move
9 the Board approve the qualified gaming entity
10 interactive gaming process for publication on the
11 Board's website, as proposed by the Executive
12 Director.

13 MR. JEWELL: Second.

14 CHAIRMAN: All in favor?

15 AYES RESPOND

16 CHAIRMAN: All opposed? The motion's
17 adopted.

18 ATTORNEY O'TOOLE: Thank you.

19 CHAIRMAN: Thank you, Kevin.

20 Next up is Claire Yantis, Director of
21 Administration.

22 You're pinch hitting for Danette
23 today, I believe?

24 MS. YANTIS: I am.

25 CHAIRMAN: Okay.

1 MS. YANTIS: Good morning. The Office
2 of Human Resources has two motions for your
3 consideration today.

4 The first motion before you is
5 relative to the hiring of two individuals. First Ms.
6 Katherine Johnson has been selected as a Casino
7 Compliance Representative, stationed at the Meadows
8 Casino. And Mr. Matthew Ferro has been selected as a
9 Casino Compliance Representative stationed at Lady
10 Luck Casino.

11 Both Ms. Johnson and Mr. Ferro have
12 completed the PGCB interview process, background
13 investigation and drug screening and are recommended
14 for hire by Acting Director of Casino Compliance John
15 Sentell.

16 Unless you have any questions, I ask
17 that the Board consider a motion to hire Ms. Johnson
18 and Mr. Ferro as indicated.

19 CHAIRMAN: Questions or comments from
20 the Board?

21 Hearing none, may I have a motion?

22 MR. SANTONI: Mr. Chairman, I move
23 that the Board approve the applicants for hire as
24 proposed by the Administrative Director.

25 MR. JEWELL: Second.

1 CHAIRMAN: All in favor?

2 AYES RESPOND

3 CHAIRMAN: All opposed? Motion's
4 adopted.

5 MS. YANTIS: The second motion seeks
6 to adopt amendments to the PGCB classification and
7 compensation structure.

8 As you're aware, the current PGCB
9 classification and compensation structure was
10 originally adopted by the Board in January of 2011,
11 based on a comparison of data across public sector
12 markets. The last increase to the ranges occurred in
13 2017, in order to stay consistent with pay ranges in
14 other Commonwealth agencies.

15 Effective July 1st, 2018, the
16 Commonwealth's standard pay schedule, which is the
17 primary comparator for our pay ranges, was adjusted
18 resulting in PGCB pay ranges being below pay ranges
19 for comparable positions in other administrative
20 agencies.

21 Based on the Office of Human
22 Resources' analysis of this comparative benchmark
23 data, we have adjusted the executive and nonunion
24 management pay ranges by 2.5 percent, with an
25 effective date of July 1st, 2018.

1 This results in the PGCB pay ranges
2 remaining competitive with and comparable to the
3 Commonwealth's standard pay schedule.

4 I would be happy to answer any
5 question regarding the changes to the compensation
6 structure.

7 CHAIRMAN: Any questions or comments
8 from the Board?

9 Hearing none, may I have a motion?

10 MS. REITZEL: Mr. Chairman, I move
11 that the Board approve the amendments to the PGCB
12 classification and compensation structure as proposed
13 by the Administrative Director.

14 MS. MANDERINO: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed? Motion's
18 adopted.

19 MS. YANTIS: Thank you.

20 CHAIRMAN: Thank you, Claire. Chief
21 Counsel, Doug Sherman.

22 ATTORNEY SHERMAN: Good morning,
23 Chairman, members of the Board. Today we have four
24 petitions before you for consideration.

25 Two of the petitions were heard

1 earlier today during the public meeting. The
2 remaining petitions will be decided based upon the
3 record by agreement of the parties. In each of the
4 matters, the Board has, in advance of this meeting,
5 been provided with all documents filed of record.

6 The first two matters are Petitions
7 Seeking Approval of Interactive Gaming Certificates.
8 Should the Board approve the petitions, I want to make
9 it clear that the Board will not be authorizing the
10 Licensee to commence the operation of interactive
11 gaming at this time.

12 Rather, in each case the OEC has
13 outlined a number of conditions the casinos and their
14 operators will need to fulfill prior to being given
15 the actual authorization to commence operations.

16 With that I - the first Interactive
17 Gaming Petition is that of SugarHouse HSP Gaming, LP's
18 Petition Seeking the Issuance of an Interactive Gaming
19 Certificate and making a request for confidential
20 treatment of certain documents filed of record.

21 That matter was heard by the Board and
22 is ready for the Board's consideration at this time.

23 CHAIRMAN: Any questions or comments
24 from the Board?

25 May I have a motion?

1 MR. JEWELL: Mr. Chairman, I move that
2 the Board approve SugarHouse HSP Gaming, LP's Petition
3 for an Interactive Gaming Certificate and request for
4 confidentiality, as described by the OCC, and with the
5 conditions requested by the OEC.

6 MR. KERNODLE: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: Opposed? The motion's
10 adopted.

11 ATTORNEY SHERMAN: The next petition
12 for issuance of an Interactive Gaming Certificate is
13 that of Mountainview Thoroughbred Racing Association.
14 Along with a request that certain documents of record
15 be treated as confidential.

16 Again, the Board heard from
17 Mountainview a short time ago and that matter is
18 appropriate for the Board's consideration of a motion.

19 CHAIRMAN: Questions or comments?
20 Hearing none, may I have a motion?

21 MR. KERNODLE: Mr. Chairman, I move
22 that the Board approve Mountainview Thoroughbred
23 Racing Association, LLC's Petition for Interactive
24 Gaming Certificate, confidentiality motion as
25 described by the OCC, with the conditions required by

1 the OEC.

2 MS. MANDERINO: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed? The motion's
6 adopted.

7 ATTORNEY SHERMAN: Next before the
8 Board for consideration is Mountainview Thoroughbred
9 Racing Association's Petition Seeking an Extension of
10 Time to File its Category 4 Slot Machine License
11 application for its Category 4 location, which is
12 generally in the Lancaster, Berks County area.

13 This matter can be decided on the
14 documents of record, as it is not contested.

15 By background, on April 4th of this
16 year Mountainview won its second Category 4 Slot
17 Machine License auction, with a winning bid of
18 \$7,500,003, which was paid on April 6th of 2018.

19 Pursuant to the Act, absent Board
20 approval giving a one-time, two-month extension,
21 Mountainview's application would be due by October
22 6th.

23 Mountainview has asked the Board for
24 the two month extension as authorized in the Act as -
25 for the purported reason it's been working on

1 identifying a specific location to place the facility
2 and has been evaluating multiple locations.

3 The OEC has no objection to the
4 request. And if granted, the application for this
5 Category 4 facility would be due December 6th, 2018.
6 The matter is now ready for the Board's consideration.

7 CHAIRMAN: Questions or comments from
8 the Board? May I have a motion?

9 MS. MANDERINO: Mr. Chairman, I move
10 the Board approve Mountainview Thoroughbred Racing
11 Association, LLC's Petition for Extension of Time to
12 File a Category 4 application as described by the OCC.

13 MS. REITZEL: Second.

14 CHAIRMAN: All in favor?

15 AYES RESPOND

16 CHAIRMAN: All opposed?

17 The motion's adopted.

18 ATTORNEY SHERMAN: And the final
19 petition before the Board is that of Matthew Hansell.
20 It's his request for consideration of the Board's
21 previous denial of his Gaming Employee Occupation
22 Permit Renewal Application. By way of background, in
23 November of 2017, Mr. Hansell submitted a Renewal
24 Application with regard to his employment at
25 SugarHouse Casino as a Player Services Agent.

1 In March of 2018 the OEC recommended
2 the denial of that Renewal Application, based upon his
3 noncompliance with certain tax issues, both on the
4 federal and state level.

5 Mr. Hansell did not respond to the
6 recommendation of denial. And the Board issued an
7 Order on June 27th of this year denying his Renewal
8 Application. After receiving the Order, Mr. Hansell
9 filed the request for reconsideration.

10 Mr. Hansell appeared at the Board's
11 August 15th meeting. And at that time was still
12 noncompliant with IRS and Department of Revenue
13 requirements.

14 However, during the course of the
15 meeting, Mr. Hansell contacted the Department of
16 Revenue. And it was confirmed by Board staff that his
17 issues with that agency were resolved and he is now
18 compliant with the Department of Revenue.

19 The matter was tabled at that time,
20 however, because there was still an outstanding issue
21 as to his compliance with IRS requirements. Mr.
22 Hansell has now provided the Board with documentation
23 showing that he has filed the required 2015 IRS tax
24 forms.

25 But notwithstanding that fact, there's

1 still a relatively minor issue remaining concerning a
2 potential overpayment of a tax credit to Mr. Hansell.

3 We have verified that Mr. Hansell's
4 working with the IRS to come into compliance with that
5 matter. So, it looks as though it's headed in the
6 right direction. And that's the matter that's now
7 before you for reconsideration.

8 CHAIRMAN: Just to clarify, revenue
9 has him in compliance at the moment?

10 ---

11 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

12 ---

13 CHAIRMAN: Thank you. May I have a
14 motion?

15 MS. REITZEL: Mr. Chairman, I move
16 that the Board approve Matthew Hansell's Petition for
17 Reconsideration regarding the denial of his Gaming
18 Employee Occupation Permit application, as described
19 by the OCC. And that he be issued a Gaming Employee
20 Occupation permit.

21 I further move that Mr. Hansell must
22 provide documentation to the Bureau of Licensing and
23 OEC showing full compliance with Internal Revenue
24 Service within six months.

25 MR. SANTONI: Second.

1 CHAIRMAN: All in favor?

2 AYES RESPOND

3 CHAIRMAN: All opposed? The motion's
4 adopted.

5 ATTORNEY SHERMAN: Next presenting
6 Reports and Recommendations is Deputy Chief Counsel
7 Steve Cook.

8 ATTORNEY COOK: Good morning. Next
9 before the Board for consideration are five Reports
10 and Recommendations received from the OHA. These
11 Reports and Recommendations, along with the complete
12 evidentiary record have been provided to the Board in
13 advance of today's meeting.

14 Additionally, in each case the person
15 that is the subject of the Report and Recommendation
16 was notified that the Board would be taking their
17 matter up today. And that they had the right to come
18 and briefly address the Board before a decision was
19 made on each Report and Recommendation.

20 And if any of these persons are
21 present and wish to address the Board, I'd ask them to
22 come forward when their matter is called. The first
23 Report and Recommendation before the Board pertains to
24 Shayne Boseman.

25 In January of 2018, Mr. Boseman

1 applied for a Gaming Employee Occupation Permit
2 seeking work as a Security Officer at the SugarHouse
3 Casino.

4 Upon review of Mr. Boseman's
5 application, it was discovered that he failed to
6 disclose that he had student loans from the United
7 States Department of Education that were in
8 collections.

9 Mr. Boseman was contacted about the
10 nondisclosure and given several opportunities to
11 provide the Board with information as well as to amend
12 his application.

13 However, he failed to do so and on
14 March 5th, 2018 the OEC issued a notice recommending
15 the denial of his application. Mr. Boseman thereafter
16 requested a hearing on the issue.

17 A hearing was scheduled for June 7th,
18 2018. However, he failed to attend. As a result, the
19 only evidence put into the record was that by the OEC,
20 which I just described.

21 This led to a recommendation of the
22 Hearing Officer that Mr. Boseman's application be
23 denied.

24 CHAIRMAN: Questions or comments from
25 the Board?

1 Hearing none, may I have a motion?

2 MR. JEWELL: Mr. Chairman, I move that
3 the Board adopt the Report and Recommendation issued
4 by the OHA regarding the denial of Shayne Boseman's
5 Gaming Employee Occupation Permit application as
6 described by the OCC.

7 MR. KERNODLE: Second.

8 CHAIRMAN: All in favor?

9 AYES RESPOND

10 CHAIRMAN: All opposed? The motion's
11 adopted.

12 ATTORNEY COOK: The next Report and
13 Recommendation before the Board pertains to Ilan
14 Cohen's request to be removed from the Board's
15 Involuntary Self - I'm sorry, Involuntary Exclusion
16 List.

17 On February 25th, 2015, the Board
18 placed Mr. Cohen on the Exclusion List after he was
19 caught capping wagers while gaming at Sands Casino.
20 Upon being confronted, Mr. Boseman - Mr. Cohen, excuse
21 me, made full restitution to Sands.

22 He was criminally charged and
23 permanently evicted from Sands at that point in time.

24 In March of 2018, approximately three
25 years later, Mr. Cohen sent a request to the Board

1 expressing remorse for his actions and seeking removal
2 from the list. The OEC filed an Answer objecting to
3 Mr. Cohen's request. As a result of OEC's objection,
4 a hearing was scheduled for June 21st, 2018. Both OEC
5 and Mr. Cohen attended that hearing.

6 Mr. Cohen appeared and testified on
7 his own behalf, stating that he had completed an ARD
8 program relative to the criminal charges, and that he
9 would like - he realized his mistake and he'd like to
10 get back - be able to go back to the casino for
11 entertainment purposes with his wife.

12 After hearing that testimony of both
13 Mr. Cohen and OEC, the Hearing Officer issued a Report
14 and Recommendation recommending that Mr. Cohen remain
15 on the list. And that the Board's regulations require
16 that a person that is placed on the Board's Exclusion
17 List wait at least five years until requesting removal
18 from the list, absent extraordinary circumstances.
19 And in this case it's only been three years.

20 CHAIRMAN: Questions or comments from
21 the Board?

22 Motion?

23 MR. KERNODLE: Mr. Chairman, I move
24 that the Board adopts the Report and Recommendation
25 issued by the Office of Hearing and Appeals regarding

1 Ilan Cohen's Petition for Removal from the PGCB
2 Involuntary Exclusion List described by the OCC.

3 MS. MANDERINO: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed? The motion's
7 adopted.

8 ATTORNEY COOK: The next matter
9 pertains to a request for removal from the
10 Self-Exclusion List.

11 In March of 2018 an individual with
12 the initials L.L.B. filed a Petition for Removal
13 from the Board's Self-Exclusion List. The OEC filed
14 an Answer objecting to the Petition.

15 A hearing in the matter was held on
16 June 14th, 2018. Both Enforcement Counsel and L.L.B.
17 appeared at the hearing, offering - each offering
18 testimony and documentary evidence.

19 Pursuant to the Findings of Fact and
20 the Report and Recommendation issued, on June 30th,
21 2013 L.L.B. entered the Hollywood Casino and met with
22 a Casino Compliance Representative regarding the
23 Self-Exclusion List.

24 The CCR testified that he conducted
25 the mandatory interview with L.L.B. and completed all

1 the required paperwork and procedures. The CCR
2 further testified that L.L.B. did not appear to be
3 under the influence of alcohol or drugs, nor coerced
4 into placing herself on the list.

5 L.L.B. at that time signed an
6 acknowledgment form selecting lifetime
7 self-exclusion.

8 L.L.B. at the hearing testified that
9 she and her daughter had visited the Hollywood Casino
10 frequently, that she started to go through a lot of
11 money during these visits and it became concerning to
12 her.

13 Therefore, in June of 2013, while at
14 the casino, accompanied by her daughter, she
15 voluntarily placed herself of the lifetime
16 Self-Exclusion List.

17 She testified, however, that she has
18 also been diagnosed and dealing with depression for
19 and bipolar disorder for approximately 20 to 30 years.
20 And for approximately 18 months prior to her placement
21 on the Self-Exclusion List, she was prescribed Abilify
22 to help with her depression.

23 She put into the record documentary
24 evidence supporting both her placement - taking of
25 that drug, as well as evidence that the - a side

1 effect of the drug, Abilify, can cause compulsive
2 behavior, including compulsive gambling.

3 She indicated that she had stopped
4 taking the medicine sometime in January or February of
5 2013, which was four months prior to placing herself
6 on the list, however.

7 She basically, at the end of the day
8 testified, however, that she felt the compulsive
9 behavior stem from her use of Abilify, which she no
10 longer takes.

11 The Report and Recommendation issued
12 by the Hearing Officer, subsequent to hearing all the
13 testimony, found that while taking Abilify may have
14 caused L.L.B.'s compulsive behavior, it really did not
15 affect her conscious decision to place herself on the
16 lifetime Self-Exclusion List.

17 And as a result the recommendation of
18 the Hearing Officer is that she remain on the list.

19 CHAIRMAN: Questions or comments from
20 the Board? Hearing none, may I have a motion?

21 MS. MANDERINO: Mr. Chairman, I move
22 the Board reject the Report and Recommendation issued
23 by the Office of Hearing and Appeals regarding
24 L.L.B.'s Petition for Removal from the Voluntary
25 Self-Exclusion List, and that L.L.B. be removed from

1 the PGCB Voluntary Exclusion List.

2 I further move that the record in this
3 proceeding be maintained under seal.

4 MS. REITZEL: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed? The motion's
8 adopted.

9 ATTORNEY COOK: Seth Roark's matter is
10 the next Report and Recommendation before the Board
11 today.

12 Mr. Roark was issued a Non-Gaming
13 Employee Registration to be employed as a Beverage
14 Server at the Rivers Casino.

15 On May 7th, 2018 the OEC filed a
16 request for an Emergency Suspension of Mr. Roark's
17 Non-Gaming Employee Registration, after receiving
18 notice that he had been charged with carrying a
19 firearm without a license, terroristic threats and
20 disorderly conduct.

21 Specifically while working at
22 the Rivers Casino on May 6th, 2018, he stated that he
23 was going to commit a hate crime against certain
24 individuals because they were paying with separate
25 credit cards.

1 A supervisor at Rivers Casino and the
2 Pennsylvania State Police were notified of Mr. Roark's
3 remarks and he was taken for questioning to the State
4 Police Office.

5 He admitted to making the threatening
6 statements, but said he was joking. Upon being
7 questioned as to whether he had any weapons on him or
8 in his vehicle, he admitted to having a knife on his
9 person and a handgun in his car.

10 Upon a search of the vehicle, an
11 additional firearm was also found. Subsequent to his
12 arrest for having these weapons, additional knives
13 were also found on his person.

14 As a result of these facts, the
15 Board's Executive Director issued an Emergency
16 Suspension of Mr. Roark's Non-Gaming Employee
17 Registration, as requested by the OEC.

18 A hearing in this matter was held on
19 June 20th, 2018. The OEC appeared at the hearing,
20 offering testimony and documentary evidence.

21 Mr. Roark also participated pro se,
22 but did not testify or cross examine any witnesses.

23 After hearing the evidence presented
24 the Report and Recommendation issued by the Hearing
25 Officer recommends the suspension remain in place.

1 And that's the recommendation before the Board.

2 CHAIRMAN: Questions or comments from
3 the Board?

4 Hearing none, may I have a motion?

5 MS. REITZEL: Mr. Chairman, I move
6 that the Board adopt the Report and Recommendation
7 issued by the OHA regarding the suspension of Seth
8 Roark's Non-Gaming Employee Registration, as described
9 by the OCC.

10 MR. SANTONI: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed? The motion's
14 adopted.

15 ATTORNEY COOK: The final Report and
16 Recommendation before the Board today pertains to
17 Tyrone Smith.

18 Mr. Smith was issued a Gaming Employee
19 Occupation Permit in March of 2017, and was employed
20 as a Security Officer at SugarHouse Casino.

21 On June 15th, 2018 the OEC filed a
22 request for an Emergency Suspension after receiving
23 notice that Mr. Smith had been charged with numerous
24 criminal offenses stemming from an alleged attempted
25 sexual assault of a minor.

1 As a result of these allegations, on
2 June 15th the Board's Executive Director issued an
3 Order suspending Mr. Smith's Gaming Employee
4 Occupation Permit.

5 Under Board regulations, a hearing was
6 held on July 10, 2019. The OEC attended the hearing,
7 putting in evidence of the criminal charges. Mr.
8 Smith, however, did not attend or participate.

9 As a result the evidence - based on
10 the evidence presented, the Hearing Officer
11 recommended the suspension remain in place.

12 CHAIRMAN: Questions or comments from
13 the Board?

14 May I have a motion?

15 MR. SANTONI: Mr. Chairman, I move
16 that the Board adopt the Report and Recommendation
17 issued by the OHA regarding the suspension of Tyrone
18 Smith's Gaming Employee Occupation Permit as described
19 by the OCC.

20 MR. JEWELL: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed? The motion's
24 adopted.

25 ATTORNEY COOK: That concludes the

1 matter of the OCC.

2 CHAIRMAN: Thank you very much.
3 Bureau of Licensing, Sue Hensel.

4 MS. HENSEL: Thank you, Chairman
5 Barasch and members of the Board. Before the Board
6 today will be licensure related to the change of
7 control of slot machine licensee, 1 table game
8 manufacturer renewal application, 3 video gaming
9 terminal operator Applicants, 8 video gaming terminal
10 establishment Applicants and 822 Principal Key Gaming
11 and Non-Gaming Employee Applicants. In addition there
12 will be the consideration of one Gaming Service
13 Provider Applicant and two Gaming Service Provider
14 qualifier Applicants.

15 The first matter for your
16 consideration are licenses associated with the change
17 of control of Valley Forge Convention Center Partners,
18 LP. Under the change of control Boyd Gaming
19 Corporation is acquiring Valley Forge Casino
20 Resort. On April 4th, 2018 the Board preliminarily
21 approved the change of control subject to certain
22 conditions, including the licensure of Boyd Gaming
23 Corporation and its principals. Boyd Gaming
24 Corporation filed applications for all required
25 individuals and entities associated with the

1 transaction.

2 The BIE has completed its
3 investigation of the Applicants and the Bureau of
4 Licensing has provided you with the background
5 investigation and suitability report. I have provided
6 you with a draft order and ask that, pursuant to the
7 requirements of the change of control approval, the
8 Board consider licensure of Boyd Gaming Corporation
9 and its principals.

10 ATTORNEY PITRE: Enforcement Counsel
11 has no objection.

12 CHAIRMAN: Questions or comments from
13 the Board? Hearing none, may I have a motion?

14 MR. JEWELL: Mr. Chairman, I move that
15 the Board approve per licensure parties relating to
16 the change of control of Category 3 Slot Machine
17 Licensee Valley Forge Convention Center Partners, LP
18 to Boyd Gaming Corporation as described by the Bureau
19 of Licensing. And finally approve the change of
20 control and with the conditions requested by the
21 Bureau of Licensing and OEC.

22 MR. KERNODLE: Second.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? The motion's

1 adopted.

2 MS. HENSEL: Next for your
3 consideration is the renewal of TotalUp, Inc.'s
4 Manufacturer License. TotalUp, Inc. is a Canadian
5 company that produces player activated games including
6 a sic bo shaker. TotalUp has asked the Board grant it
7 a reduced licensing fee for its Table Game
8 Manufacturer License. The renewal fee for a
9 manufacturer is \$150,000 for a five year license.

10 Under the Gaming Act the Board may
11 modify the fee for a table game manufacturer if it
12 determines that the fee will unreasonably limit table
13 game devices or associated equipment. Consistent with
14 this provision of the Act, the Bureau of Licensing has
15 adopted a reduced licensing fee policy, which has been
16 presented to the Board. TotalUp has requested a
17 reduced fee of \$15,000, which is consistent with the
18 Bureau's policy. The Bureau of Licensing recommends
19 that the Board grant the reduced fee.

20 ATTORNEY PITRE: Enforcement Counsel
21 has no objection.

22 CHAIRMAN: Questions or comments from
23 the Board? May I have a motion?

24 MR. KERNODLE: Mr. Chairman, I move
25 the Board grant the renewal of TotalUp, Inc. Table

1 Gaming Manufacturing License as described by the
2 Bureau of Licensing.

3 MS. MANDERINO: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed? The motion's
7 adopted.

8 MS. HENSEL: Next for your
9 consideration are Conditional Video Gaming Terminal
10 Operator Licenses. A VGT operator owns, services or
11 maintains VGT's for placement and operation at
12 truck stop establishments. The VGT operator
13 applicants are Commonwealth Gaming, LLC, Shah VGT
14 Services, Inc. and Venture Gaming LLC.

15 Under the Gaming Act the Board may
16 issue a conditional VGT operator license provided
17 certain criteria are met including that the applicant
18 has never been convicted of a felony, is current on
19 state taxes, has submitted a completed application,
20 has not had a similar license denied or revoked and
21 has not been convicted of a gaming law violation. A
22 preliminary review of these applicants indicates they
23 meet these criteria. I ask that the Board consider a
24 motion to approve the Conditional VGT Operator
25 Licenses.

1 ATTORNEY PITRE: Enforcement Counsel
2 has no objection.

3 CHAIRMAN: Questions - this - this is
4 the first of these that we've considered.

5 Right?

6 MS. HENSEL: we have considered - we
7 have licensed to this point one terminal operator.

8 CHAIRMAN: Okay.

9 Other questions or comments from the
10 Board? May I have a motion?

11 MS. MANDERINO: Mr. Chairman, I move
12 the Board grant the Video Gaming Terminal Operator
13 Conditional Licenses as described by the Bureau of
14 Licensing.

15 MS. REITZEL: Second.

16 CHAIRMAN: All in favor?

17 AYES RESPOND

18 CHAIRMAN: All opposed? The motion's
19 adopted.

20 MS. HENSEL: Also for your
21 consideration are conditional VGT establishment
22 licenses for truck stops seeking to place VGTs in
23 their establishments.

24 The Applicants are AMR Trading
25 Corporation doing business as Bethel Food Shop,

1 Gettysburg Travel Plaza, LLC doing business as
2 Gettysburg Travel Plaza, Keystone Restaurant and Truck
3 Stop, Inc. doing business as Keystone Restaurant and
4 Truck Stop, Sandhoo's, Inc. doing business as Danville
5 Mobil, Sandhoo's, Inc. doing business as Lawrenceville
6 Exxon, Sandhoo's, Inc. doing business as Liberty
7 Exxon, United Refining Company of Pennsylvania doing
8 business as Kwik Fill number 226 and United Refining
9 Company of Pennsylvania doing business as Kwik Fill
10 number 228.

11 Under the Gaming Act the Board may
12 issue a conditional establishment license provided
13 certain criteria are met including that the applicant
14 has never been convicted of a felony, is current on
15 state taxes, has submitted a completed application and
16 has not been convicted of a gambling law violation. A
17 preliminary review of these applicants indicate that
18 they meet this criteria. I ask that the Board
19 consider a motion to approve the conditional VGT
20 establishment licenses.

21 ATTORNEY PITRE: Enforcement Counsel
22 has no objection.

23 CHAIRMAN: And again, is this the
24 first of these?

25 MS. HENSEL: This is not the first.

1 We have had these before us.

2 CHAIRMAN: Okay.

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

5 MS. REITZEL: Mr. Chairman, I move
6 that the Board grant the Video Gaming Terminal
7 Establishment Conditional Licenses as described by the
8 Bureau of Licensing.

9 MR. SANTONI: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed? The motion's
13 adopted.

14 MS. HENSEL: Next is the approval of
15 principal and key licenses and gaming service provider
16 qualifications. Prior to this meeting the Bureau of
17 Licensing provided you with a proposed order for four
18 principal and three Key Employee Licenses as well as
19 two Gaming Service Provider qualifications. I ask
20 that the Board consider the orders approving these
21 licenses and qualifications.

22 ATTORNEY PITRE: Enforcement Counsel
23 has no objection.

24 CHAIRMAN: Questions or comments from
25 the Board? May I have a motion?

1 MR. SANTONI: Mr. Chairman, I move
2 that the Board grant the Principal and Key Employee
3 Licenses and gaming service provider qualifications as
4 described by the Bureau of Licensing.

5 MR. JEWELL: Second.

6 CHAIRMAN: All in favor?

7 AYES RESPOND

8 CHAIRMAN: All opposed? The motion's
9 adopted.

10 MS. HENSEL: There are also temporary
11 Principal and Key Employee Licenses. Prior to this
12 meeting the Bureau of Licensing provided you with an
13 order regarding the issuance of temporary licenses for
14 1 Principal and 6 Key Employees. I ask that the Board
15 consider the order approving these licenses.

16 ATTORNEY PITRE: Enforcement Counsel
17 has no objection.

18 CHAIRMAN: Questions or comments from
19 the Board? May I have a motion?

20 MR. JEWELL: Mr. Chairman, I move that
21 the Board grant the Temporary Principal and Key
22 Employee credentials as described by the Bureau of
23 Licensing.

24 MR. KERNODLE: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed? The motion's
3 adopted.

4 MS. HENSEL: Also, there are gaming
5 permits and non-gaming registrations. Prior to this
6 meeting the Bureau of Licensing provided you with a
7 list of 570 individuals to whom the Bureau has granted
8 temporary or full occupation permits, and 221
9 individuals to whom the Bureau has granted
10 registrations under the authority delegated to the
11 Bureau of Licensing. I ask that the Board consider a
12 motion approving the order.

13 ATTORNEY PITRE: Enforcement Counsel
14 has no objection.

15 CHAIRMAN: Questions or comments from
16 the Board? May I have a motion?

17 MR. KERNODLE: Mr. Chairman, I move
18 that the Board grants the Gaming Employee Occupational
19 Permits and Non-Gaming Employees Registration
20 described by the Bureau of Licensing.

21 MS. MANDERINO: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? The motion's
25 adopted.

1 MS. HENSEL: In addition there is a
2 recommendation of denial for three Gaming and one
3 Non-Gaming Employee Applicants. In each case the
4 applicants were notified that he or she was being
5 recommended for denial and failed to request a hearing
6 within the specified time frame. The Bureau of
7 Licensing has provided you with orders addressing the
8 applicants who the OEC has recommended for denial. I
9 ask that the Board consider a motion approving the
10 denials.

11 ATTORNEY PITRE: Enforcement Counsel
12 continues to request denial in each instance.

13 CHAIRMAN: Questions or comments from
14 the Board? May I have a motion?

15 MS. MANDERINO: Mr. Chairman, I move
16 the Board deny the Gaming and Non-Gaming Employee
17 Applications as described by the Bureau of Licensing.

18 MS. REITZEL: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed? The motion's
22 adopted.

23 MS. HENSEL: Next are withdrawal
24 requests for gaming and non-gaming employees. In each
25 case the license, permit or registration is no longer

1 required. For today's meeting I've provided the Board
2 with a list of one key, eight gaming and one
3 non-gaming employee withdrawals for approval. I ask
4 that the Board consider the orders approving the list
5 of withdrawals.

6 ATTORNEY PITRE: Enforcement Counsel
7 has no objection.

8 CHAIRMAN: Questions or comments from
9 the Board? May I have a motion?

10 MS. REITZEL: Mr. Chairman, I - I move
11 that the Board grant the withdrawal of key gaming and
12 non-gaming employee applications as described by the
13 Bureau of Licensing.

14 MR. SANTONI: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed? The motion's
18 adopted.

19 MS. HENSEL: Finally, for your
20 consideration is a gaming service provider
21 registration for Empire Unistar Management, Inc. The
22 Bureau of Licensing provided you with an order
23 regarding this company and I ask that the Board
24 consider registering Empire Unistar Manager -
25 Management, Inc. as a Gaming Service Provider.

1 ATTORNEY PITRE: Enforcement Counsel
2 has no objection.

3 CHAIRMAN: Questions or comments from
4 the Board? May I have a motion?

5 MR. SANTONI: Mr. Chairman, I move
6 that the Board grant Empire Unistar Management, Inc.'s
7 application for Gaming Service Provider Registration
8 as described by the Bureau of Licensing.

9 MR. JEWELL: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed? The motion's
13 adopted.

14 MS. HENSEL: That concludes the
15 matters of the Bureau of Licensing.

16 CHAIRMAN: Thank you, Sue. OEC?

17 ATTORNEY PITRE: The OEC will present
18 17 matters today for the Board's consideration
19 consisting of 1 Consent Agreement, 5 revocations, 3
20 suspensions and 8 involuntary exclusions. The first
21 matter on the agenda is a Consent Agreement between
22 the OEC and Downs Racing, LP doing business as Mohegan
23 Sun Pocono. The Consent Agreement will be presented
24 by Assistant Enforcement Counsel John Crohe.

25 Representatives from Mohegan Sun are

1 present and at this time I would request that those
2 individuals introduce themselves for the record and
3 that anyone not here as an attorney please stand and
4 be sworn.

5 ATTORNEY SORIANO: Good morning, Mr.
6 Chairman, members of the Board. Christopher Soriano,
7 S-O-R-I-A-N-O, Duane Morris, LLP, Counsel for Downs
8 Racing.

9 MR. CARLUCCI: Good morning, Mr.
10 Chairman, members of the Board. Anthony Carlucci,
11 C-A-R-L-U-C-C-I, general manager of Mohegan Sun
12 Pocono.

13 ATTORNEY EPPS: Good afternoon -
14 morning, Chairman and members of the Board. Michael
15 Epps, E-P-P-S, Vice President of legal and compliance
16 Mohegan Sun Pocono.

17 CHAIRMAN: I guess both of you need to
18 stand and be sworn, I believe.

19 ---

20 WITNESSES SWORN EN MASSE:

21 ---

22 CHAIRMAN: Thank you.

23 ATTORNEY CROHE: Good morning,
24 Chairman, members of the Board. John Crohe,
25 C-R-O-H-E, for the OEC. The next matter for the

1 Board's consideration is this Consent Agreement
2 reached between Mohegan Sun Pocono and the OEC
3 regarding two instances of overserving alcoholic
4 beverages to patrons. First on September 11th, 2017 a
5 patron was served 12 alcoholic drinks in less than six
6 hours while gaming at Spanish 21 tables at Mohegan
7 Sun. After being served an alcoholic drink at 10:08
8 p.m. the guest was discovered by Mohegan Sun EVS staff
9 being - being combative and vomiting in the Mohegan
10 Sun restroom. Mohegan Sun security helped the guest
11 into a wheelchair and took her to her hotel room.

12 Next on October 28th, 2017 a patron
13 was served 20 alcoholic drinks over the course of
14 approximately 11 hours while on the gaming floor at
15 Mohegan Sun as he gamed at various slot machines. The
16 patron also received a drink from another patron for a
17 total of 21 alcoholic drinks. At one point the patron
18 fell to the floor while attempting to sit in a chair
19 at the Breakers Bar and was helped up by other
20 patrons.

21 Subsequently the patron fell asleep at
22 a slot machine and was awakened by another patron
23 before being served his final drink by Mohegan Sun
24 personnel. The patron was again found asleep at a
25 slot machine at 1:52 a.m. by a slot attendant.

1 Alcohol service was then cut off and the patron was
2 escorted to his hotel room by Mohegan Sun security.

3 The OEC and Mohegan Sun respectfully
4 request that this Board approve the Consent Agreement
5 and stipulations of settlement that Mohegan Sun pay a
6 civil penalty of \$50,000 as well as a \$2,500
7 administrative fee for costs incurred by the Board
8 staff in connection with investigations into this
9 matter.

10 CHAIRMAN: Questions or - questions
11 from Downs, please? Comments?

12 ATTORNEY SORIANO: May I make some
13 comments, Mr. Chairman. I'll begin and certainly Mr.
14 Carlucci and Mr. Epps will follow up. Mr. Chairman
15 and members of the Board, Downs Racing takes very
16 seriously the matters that are set forth in this
17 Consent Agreement, understands its obligations to
18 comply with all liquor laws and with principals of
19 responsible service of alcohol. Downs Racing accepts
20 the findings as set forth by the OEC and agrees to the
21 stipulated fine in the amount of \$50,000.

22 We recognize that as with gaming the
23 ability to offer alcoholic beverages in a casino is a
24 privilege, not a right and it's one that needs to be
25 exercised in conjunction with all applicable laws and

1 principles. We're not here today to offer excuses or
2 to minimize the conduct that's set forth in the
3 Consent Agreement for which we accept full
4 responsibility. Instead we hope to briefly provide
5 the Board with some background and some additional
6 background and specifically some policy changes and
7 disciplinary actions that have taken place as a result
8 of these incidents with the hope of avoiding similar
9 incidents in the future.

10 I'll speak globally about a few
11 changes and then address the specific incidents and
12 I'll keep my presentation brief. Globally a number of
13 changes have been made with respect to the service of
14 alcohol at the property. First we've limited the
15 beverage options that are now available on the casino
16 floor. Drinks containing more than two types of
17 liquor are no longer offered by servers on the casino
18 floor.

19 So, for example, something like a Long
20 Island iced tea that has a number of different types
21 of liquor was previously offered on the casino floor.
22 That drink - those drinks with more than two types of
23 liquor are no longer offered on the casino floor
24 because those drinks have a tendency to result in
25 intoxication more quickly. We reinforced with the

1 staff the need to be vigilant with respect to
2 situations where a patron could potentially be
3 overserved.

4 We're in the process of conducting
5 Pennsylvania Responsible Alcohol Management Training
6 known by the Liquor Control Board as RAMP training,
7 for all beverage servers, table games management
8 personnel, valet personnel and dealers. Essentially
9 anyone on the casino floor who has patron access will
10 be RAMP trained regarding additional principles of
11 responsible alcohol management. Moreover, the casino
12 is now tracking any patron who's been cut off from
13 alcohol consumption.

14 If a patron - and this is recorded and
15 maintained by security. If a patron is cut off twice
16 in the course of their attendance at the property, so
17 if a patron is found to be have been required an
18 intervention on a second occasion they'll be given a
19 warning. And if it happens again we're going to be
20 banning that patron from the property for a minimum of
21 30 days.

22 Subject to further review it could be
23 a longer ban of the patron from the property if the
24 patron is coming on the property and overconsuming
25 alcohol. One challenge in alcohol enforcement is when

1 a patron goes to multiple beverage servers and
2 multiple outlets over a period of time because it can
3 be a little harder in those circumstances to track
4 consumption. Because of that Mr. Carlucci and his
5 team have taken steps at - these steps that I've
6 mentioned to increase vigilance and to make sure that
7 everyone is aware of and trained in how to respond to
8 - identify a patron who has been overserved and
9 appropriate responses thereto.

10 With respect to the first instance
11 that's in the Consent Agreement, the September 11th,
12 2017 incident, the two beverage servers who were
13 involved in serving the patron were both given record
14 of discussion, write ups, as discipline for - for
15 employing improper procedures regarding free alcohol.
16 In addition both servers were required to re-review
17 and resign the property's alcohol service house
18 policies.

19 We used this instance as a learning
20 experience to review and enhance policy that applies
21 when a patron needs to be assisted to their room as
22 the OEC mentioned. In this circumstance security
23 assisted the patron to their room. Mr. Carlucci and
24 his team took a look at that policy to make clear who
25 on the staff should assist a patron to a room, when a

1 patron needs assistance to a room and also under what
2 circumstances medical assistance should potentially be
3 consulted for a patron who needs assistance to their
4 room in - in an attempt to, again, learn from this
5 experience and enhance procedures overall.

6 With respect to the second instance
7 noted in the Consent Agreement, the October 28th, 2017
8 patron, we note that Downs Racing beverage supervisor
9 is the person who ultimately cut the patron off when
10 the patron was found at the slot machine. That
11 beverage supervisor notified security, security
12 escorted the patron off the gaming floor to his room.

13 At the same time notification was made
14 to the front desk of the hotel that if the patron were
15 to order alcohol from the patron's room that that
16 request should be rejected.

17 CHAIRMAN: Can I ask a question?

18 ATTORNEY SORIANO: Yes, certainly, Mr.
19 Chairman.

20 CHAIRMAN: Is there a mini bar in
21 these hotel rooms?

22 MR. CARLUCCI: I'm sorry. I
23 couldn't -.

24 CHAIRMAN: Are there mini bars inside
25 the hotel rooms?

1 MR. CARLUCCI: No, no.

2 CHAIRMAN: Thank you.

3 ATTORNEY SORIANO: May I, Mr.

4 Chairman?

5 CHAIRMAN: Please.

6 ATTORNEY SORIANO: Thank you.

7 Security also self-reported this incident to the
8 Board's onsite Compliance Representative. The four
9 beverage servers who were found to have served the
10 patron while visibly intoxicated were each given final
11 written notices with respect to violation of the
12 alcohol policy. And each of the four were required to
13 re-review and resign the - the property's alcohol
14 service policies.

15 Again, Mr. Chairman and members of the
16 Board, we do not dispute the findings and this is an
17 unacceptable situation that occurred. We've - we
18 accept the fine and the penalty and hope that these
19 procedures that have been implemented as a learning
20 experience from these two instances will result in
21 this incident not happening again. I would defer to
22 Mr. Carlucci or Mr. Epps if they have anything to add,
23 and of course, we welcome questions from the Board.

24 MR. CARLUCCI: Yes, Mr. Chairman and
25 members of the Board. One thing I do want to add

1 that's already been done is that we have - our
2 surveillance department is also trained at RAMP and we
3 did that immediately after this happened because of
4 the issue with people that consume that much alcohol
5 roaming to different areas. So, it's imperative that
6 they're watching these people as well. Mr. Chairman,
7 to your question as far as is there mini - mini bars
8 in the hotel rooms.

9 There's not, however, unfortunately
10 we're dealing sometimes with a disease and many times
11 when you start slowing somebody down they'll go to
12 their room to consume. Because unfortunately, you
13 know, many times what we noticed in - that's why we
14 have our security checking is repeat offenders doing
15 this stuff. You know, they're - they're - they drink
16 to obsess, you know, and they're going to find a way
17 to get it.

18 And our job is, obviously, to look for
19 it and to protect, you know, the person themselves and
20 - and them. So, with that said, we put our
21 surveillance department through it because we have
22 different multiple outlets, multiple things to look
23 for as far as like, you know, walking, different
24 things, how many drinks they're having.

25 So, surveillance is trained in those

1 and in addition to that we also are putting all our
2 valet parkers through alcohol training for that extra
3 precaution because unfortunately whether they drink it
4 on property or just come off, okay, the worst thing
5 that we want to do is hand somebody a set of keys and
6 let them drive off. Now, we can't hold them from
7 doing that. We obviously will get them home and
8 discourage them from doing that, however, you know,
9 it's - we can't just say we're not going to give you
10 your keys.

11 But we have a system in place where if
12 somebody intoxicated, you know, we strongly suggest
13 that they don't, but however if they do we're working
14 very closely with Plains Township. And because we
15 have a long drive we would call them right away and we
16 let the person know that, and we've had one or two
17 instances before they actually got off property Plains
18 Township was there to pull them over.

19 Ninety-nine (99) percent of the time
20 though people realize, well, I don't want to get
21 pulled over, I don't want to do that. So, we take
22 this very serious. It's unfortunate. I was shocked
23 that we were serving Long Island iced teas on the
24 floor, somewhat embarrassing.

25 Okay.

1 That's been stopped and some of that
2 is just to increase the amount of awareness that we
3 have on alcohol training. So, our goal is to - like I
4 said, everybody that works on casino floor, everybody
5 in valet, we've already had all table games management
6 put through it and surveillance. And we're going to
7 attack this obviously with vigor, so -.

8 CHAIRMAN: Let me ask a question.

9 MR. CARLUCCI: Please. Sure.

10 CHAIRMAN: I'm sure it's probably in
11 the minds of some of my fellow Board members. If you
12 could be a little bit more precise. So, somebody is
13 at a slot machine or whatever they're doing and they
14 get eight or ten beers or whatever the heck they're
15 doing, and then recognizing that they might get cut
16 off they leave the floor and they go over to the bar.
17 And they order stuff at the bar.

18 I don't know what's supposed to be
19 done, but how are you tracking that or even under your
20 revisions? How can you keep track of what a bartender
21 is serving in a bar someplace else on the property
22 versus what's being given to the patron when they're
23 on the floor?

24 MR. CARLUCCI: It's - honestly that's
25 why I had surveillance trained in it because the

1 people that drink in - in that excess they move. They
2 move to different locations and that's why to me it
3 was imperative to have - to have surveillance trained
4 in that. It's also imperative to start tracking the
5 people that are multiple offenders. With that said is
6 that's where it gets back to serving somebody.
7 Unfortunately people build up such a resistance where
8 there's people that can have, you know, I don't know,
9 eight drinks and they look fine. It's still over the
10 limit.

11 Right?

12 And there's people that'll have one
13 they - they appear - well, we follow them. Training
14 is that it doesn't matter whether you had one drink or
15 ten drinks, if you're slurring your words, if you're -
16 you know, seem to be a little wobbly we won't serve
17 you. We're also instructing our tenants to do the
18 same.

19 CHAIRMAN: What I'm trying to
20 understand is it's just very practical kind of
21 question. You have thousands of people wandering
22 around on your - hundreds of people wandering around
23 on your facility at any point in time, many of whom
24 are being served alcohol. I know you have good
25 surveillance, but you don't have enough people to be

1 watching the movements and the drink consumption of
2 every single person wandering around the floor.

3 So, I understand the idea of
4 surveillance paying attention, but somebody -
5 something has to tip off the surveillance department
6 if they're going to say, I want to keep track of you.
7 And so help me understand that a little bit.

8 MR. CARLUCCI: Well, I mean, it's - I
9 guess that's what I'm trying to say. We're tracking
10 the people that are multiple offenders. A first time
11 person coming in I don't know how I could do that in
12 all honesty.

13 CHAIRMAN: Okay.

14 MR. CARLUCCI: I mean, we'll do our
15 best, but I really don't know. What I do know is that
16 people that have a tendency to drink to the excess
17 seem to be multiple offenders. The one - the one
18 person involved was unfortunately a - people - you
19 know, employees get to know these people and feel
20 sorry for them and the person started drinking more
21 and more. Shame on us.

22 Right?

23 Again, but you can't be like that.
24 Even though the person's staying in a hotel the
25 person's being overserved, the person has an issue and

1 it's our job to take responsibility.

2 CHAIRMAN: But like, for example,
3 somebody doesn't have a prior history and gets served
4 six or eight drinks while they're sitting at a slot
5 machine. Is there some sort of system that - that
6 alerts security even if the person is a prior offender
7 that, gee, there's a guy that's had six or eight
8 drinks over there in the last hour and a half or
9 whatever? So, that somebody would then start tracking
10 them? I'm trying to understand what your capabilities
11 are.

12 ATTORNEY EPPS: One of the issues is -
13 is vigilance that was the term that was mentioned
14 several times. One of the policies that we have in
15 place is that a cocktail server should only serve a
16 patron twice in an hour and we're trying to monitor
17 that. The problem with it, and you hit the nail on
18 the head, is in almost any situation if their waitress
19 says, I can't serve you again, you had a couple, that
20 person might move to complete other side of the floor
21 where the waitress -

22 CHAIRMAN: Find another cocktail
23 waitress.

24 ATTORNEY EPPS: - doesn't know that
25 he's had two. And so he - what we call lawyer term

1 maybe is forearm shop. So, he may walk here, he'll
2 get a copy, he'll go to the other side of the floor,
3 he'll see another waitress. She doesn't know him,
4 he'll have a couple, then he may go to one of our
5 tenant establishments who's not under the same
6 requirement or - a requirement we advise them, but
7 they don't have necessarily maybe the same system and
8 they certainly haven't seen him, and maybe he has a
9 couple.

10 So, over the course of time this
11 person can consume quite a bit of alcohol. And then
12 you have added issue of the person returning to their
13 room maybe, so - and - and you don't know what happens
14 there. So, that - the key is we have to continue to
15 be vigilant and make sure that our staff at least is
16 adhering to the rules of certainly no more - no more
17 than two within the hour.

18 And we certainly can't serve them a
19 drink while they have one in their hand, so if - if
20 the guy has a beer and then says, hey, give me a shot.
21 I'm sorry, no. But we have to be stern with that and
22 tell our staff that they have to abide by those things
23 because a lot of times you have a cocktail waitress
24 and they're in a tip -

25 CHAIRMAN: Job.

1 ATTORNEY EPPS: - job, so you want to
2 be kind to the patrons because it's kind of part of
3 the industry. But we have to hold a firm line on
4 those type of things and as Mr. Carlucci also
5 indicated, one of the other difficulties with this is
6 the term is visibly intoxicated and a lot of it is a
7 perception and an image job and folks are moving fast.

8 So, you have to be, as I use the term
9 again, vigilant about monitoring these folks. And
10 sometimes it may be a person who isn't intoxicated,
11 but if they appear that way we have to be willing to
12 say, I'm sorry, no. So, we're reinforcing that with
13 our food and beverage staff and also our - our - as he
14 indicated, our table games and our floor personnel
15 because we just have to try to do the best that we can
16 to keep an eye on this thing. Because it is a
17 difficult challenge because it's not easy to pick up
18 every time.

19 CHAIRMAN: Yeah, I understand. There
20 may be some other - any other questions up here?

21 MR. JEWELL: I have a follow-up
22 question and really something that Mr. Epps said.
23 When they get back to their room who knows what
24 happens, so I want to go to the protocol that was
25 followed here. And I speak as a longtime former

1 college President and has a certain amount of
2 experience with alcohol and with situations that can
3 occur.

4 If you bring someone back to their
5 room as you did here in a wheelchair, put them in the
6 room, door is closed. There's at least three things
7 that can happen. There can be a fall. They can
8 aspirate, swallow it back down and choke to death or
9 they can aspirate, swallow it back down, it gets into
10 the lungs, can create serious infections including
11 sepsis, which all leads to death. Those first -
12 latter two can lead to death.

13 So, my question is, how are you
14 providing - I thought I heard from counsel some
15 indication that there was going to be medical follow
16 up or what have you. Because once you have that -
17 that patron on the premises even though they've moved
18 to the residency part of the premises there's still a
19 foreseeability of a big problem and there's still in
20 my judgement a responsibility for making sure that -
21 that they're okay.

22 In a college setting we would have an
23 RA or an RD, resident assistance RD really sit with
24 the student or be with a student. If the student is
25 in very bad shape, you know, they go to the emergency

1 room. We would monitor that. So, you really have to
2 - you have to take care of this problem from its
3 beginning, the inception, its occurrence and the end
4 result to ensure the safety of - of your patron. So,
5 I'm interested in the reaction to that.

6 ATTORNEY EPPS: That - that speaks to
7 the other policy change that was mentioned in the - in
8 the opening colloquy is what we've done is change the
9 policy with respect to escorting people to their room.
10 If - if there's a situation where we're not
11 comfortable that that person should remain in a room
12 we will refuse to allow them to return to their room
13 alone until they've been cleared by medical personnel.

14 So, we've kind of instituted a policy
15 where there has to be some medical assistance and some
16 review because we need to be certain that that person
17 is in a position to take care of themselves. So, when
18 we recognize -.

19 MR. JEWELL: Who's making that
20 judgment on premises? That's a -

21 ATTORNEY EPPS: The security.

22 MR. JEWELL: - medical judgment.

23 ATTORNEY EPPS: It'll be - it would be
24 security, those personnel that are onsite handling the
25 situation.

1 MR. JEWELL: And since this incident
2 has - has happened when it happened in the time that's
3 elapsed have you had - under the new protocol have you
4 done that?

5 ATTORNEY EPPS: We've not incurred
6 that situation again since then.

7 MR. JEWELL: I'm surprised - I take
8 your word for it. I'm surprised it hasn't happened
9 again.

10 CHAIRMAN: Other questions or comments
11 up here? May I have a motion?

12 MR. JEWELL: Me? Sorry. Mr.
13 Chairman, I move that the Board approve the Consent
14 Agreement between the OEC and Downs Racing, LP as
15 described by the OEC.

16 MR. KERNODLE: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed? The motion's
20 adopted. Thanks for coming.

21 ATTORNEY SORIANO: Thank you, Mr.
22 Chairman, Commissioners.

23 ATTORNEY PITRE: The next matter on
24 the agenda consist of enforcement actions in which the
25 OEC filed complaints seeking the revocation of four

1 Non-Gaming Employee Registrations and one Gaming
2 Employee Occupation Permit and the suspension of two
3 Non-Gaming Employee Registrations and one Gaming
4 Employee Occupation Permit, which were issued by the
5 Board. Each complaint has been filed with the Board's
6 OHA and properly served upon the person named in each
7 complaint. The person named in each complaint failed
8 to respond within 30 days as required by Board
9 regulation. As a result the OEC filed a request for
10 default judgment and properly served the same upon
11 each named person. Therefore the facts in each
12 complaint are deemed admitted. All filed documents
13 have been provided to the Board and the matters are
14 presently ripe for the Board's consideration. In each
15 instance we'll provide a brief summary of the facts
16 and request the appropriate Board action.

17 ATTORNEY MILLER: Good morning.
18 Dustin Miller on behalf of the OEC. Next on the
19 agenda for the Board's consideration is a complaint to
20 revoke Richard Diaz's Non-Gaming Non-Gaming Employee
21 Registration for engaging in unsuitable behavior by
22 not ringing up all sales and taking money that
23 belonged to SugarHouse Casino while employed there as
24 a server bartender. Mr. Diaz was terminated from
25 SugarHouse. He is not presently employed in

1 Pennsylvania's gaming industry. Accordingly the OEC
2 requests that the Board revoke Mr. Diaz's Non-Gaming
3 Employee Registration.

4 CHAIRMAN: Questions or comments from
5 the Board? Hearing none, may I have a motion?

6 MS. REITZEL: Mr. Chairman, I move
7 that the Board approve the revocation of Richard
8 Diaz's Non-Gaming Employee Registration as described
9 by the OEC.

10 MR. SANTONI: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed? Motion's
14 adopted.

15 ATTORNEY KOLESAR: Once again, Sarah
16 Kolesar, K-O-L-E-S-A-R, with the OEC. The next matter
17 on the agenda for the Board's consideration is the
18 revocation of the Gaming Employee Occupation Permit
19 issued to Milan Upreti for stealing over \$2,000 in
20 chips while employed as a table games dealer at
21 Presque Isle Downs Casino. As a result Mr. Upreti was
22 terminated from his position with Presque Isle Downs
23 and criminally charged by the Pennsylvania State
24 Police. At this time the OEC requests that the Board
25 revoke the Gaming Employee Occupation Permit issued to

1 Milan Upreti.

2 CHAIRMAN: Questions or comments from
3 the Board? May I have a motion?

4 MR. SANTONI: Mr. Chairman, I move
5 that the Board approve the revocation of Milan
6 Upreti's Gaming Employee Occupation Permit as
7 described by the OEC.

8 MR. JEWELL: Second.

9 CHAIRMAN: All in favor?

10 AYES RESPOND

11 CHAIRMAN: All opposed? The motion's
12 adopted.

13 ATTORNEY KOLESAR: The next matter on
14 the agenda for the Board's consideration is the
15 revocation of the Non-Gaming Registration issued to
16 Sherry Allen. While on duty as a housekeeper at
17 Presque Isle Downs Ms. Allen played a patron's credits
18 that were left unattended on a slot machine and
19 attempted to steal the patron's \$100 voucher. Ms.
20 Allen was terminated as a result of this incident. At
21 this time the OEC requests that the Board revoke the
22 Non-Gaming Registration issued to Sherry Allen.

23 CHAIRMAN: Questions or comments from
24 the Board? May I have a motion?

25 MR. JEWELL: Mr. Chairman, I move that

1 the Board approve the revocation of Sherry Allen's
2 Non-Gaming Employee Registration as described by the
3 OEC.

4 MR. KERNODLE: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed? The motion's
8 adopted.

9 ATTORNEY HAKEN: Good morning,
10 Chairman, members of the Board. Tamara Haken,
11 H-A-K-E-N, with the OEC. The next matter on the
12 agenda for the Board's consideration is the suspension
13 of the Non-Gaming Employee Registration issued to Chad
14 Dale. Mr. Dale was charged with one felony and two
15 misdemeanor drug-related violations. The charges
16 remain pending. OEC requests that the Non-Gaming
17 Employee Registration issued to Chad Dale be
18 suspended.

19 CHAIRMAN: Questions or comments from
20 the Board? May I have a motion?

21 MR. KERNODLE: Mr. Chairman, I move
22 that the Board approve the suspension of Chad Dale's
23 Non-Gaming Employee Registration described by the OEC.

24 MS. MANDERINO: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed? The motion's
3 adopted.

4 ATTORNEY ROLAND: Good morning, Mr.
5 Chairman, members of the Board. Michael Roland,
6 R-O-L-A-N-D, with the OEC. The next matter is a
7 request to suspend the Non-Gaming Employee
8 Registration issued to Joshua Weeks for playing table
9 games at Sands during a period of time in which he was
10 employed by Sands. Mr. Weeks is not presently
11 employed in the Pennsylvania gaming industry. At this
12 time OEC requests that the Non-Gaming Registration
13 issued to Joshua Weeks be suspended.

14 CHAIRMAN: Questions or comments from
15 the Board? May I have a motion?

16 MS. MANDERINO: Mr. Chairman, I move
17 the Board approve the suspension of Joshua Weeks
18 Non-Gaming Employee Registration as described by the
19 OEC.

20 MS. REITZEL: Second

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed? The motion's
24 adopted.

25 ATTORNEY TEPPER: Once again David

1 Tepper on behalf of the OEC. Next on the agenda is a
2 request to suspend Michael Gregory's Gaming Employee
3 Occupation Permit. Mr. Gregory was charged with
4 aggravated assault, simple assault and recklessly
5 endangering another person after he was involved in a
6 fight.

7 The charges are currently pending and
8 at this time the OEC requests that the Board suspend
9 the Gaming Employee Occupation Permit of Michael
10 Gregory.

11 CHAIRMAN: Questions or comments from
12 the Board?

13 May I have a motion?

14 MS. REITZEL: Mr. Chairman, I move
15 that the Board approve the suspension of Michael
16 Gregory's Gaming Employee Occupation Permit as
17 described by the OEC.

18 MR. SANTONI: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed?

22 The motion's adopted.

23 ATTORNEY CROHE: John Crohe, again for
24 the OEC. The next Board - the next matter for the
25 Board's consideration is the revocation of the

1 Non-Gaming - Non-Gaming Employee Registration held by
2 Derek Dorman. Mr. Dorman pleaded guilty to felony hit
3 and run in South Carolina after striking an individual
4 with his vehicle and failing to stop at the scene of
5 the accident.

6 The OEC now requests that the Board
7 revoke the Non-Gaming Employee Registration held by
8 Derek Dorman.

9 CHAIRMAN: Questions or comments from
10 the Board?

11 May I have a motion?

12 MR. SANTONI: Mr. Chairman, I move
13 that the Board approve the revocation of Derek
14 Dorman's Non-Gaming Employee Registration as described
15 by the OEC.

16 MR. JEWELL: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed? The motion's
20 adopted.

21 ATTORNEY FERRELL: Good morning,
22 Chairman, members of the Board. Benjamin Ferrell,
23 F-E-R-R-E-L-L, Assistant Enforcement Counsel for the
24 OEC. The next matter for your consideration is the
25 revocation of the Non-Gaming Employee Registration

1 issued to James Martynick. Mr. Martynick stole a
2 total of \$900 from various cash registers while on his
3 shift as a Bartender in Harrah's Philadelphia Casino
4 and Racetrack.

5 The Pennsylvania State Police arrested
6 Mr. Martynick and his felony criminal charges remain
7 pending. At this time OEC requests the Board issue an
8 order revoking the Non-Gaming Employee Registration
9 issued to James Martynick.

10 CHAIRMAN: Questions or comments from
11 the Board?

12 Hearing none, may I have a motion?

13 MR. JEWELL: Mr. Chairman, I move that
14 the Board approve the revocation of James Martynick's
15 Non-Gaming Employee Registration as described by the
16 OEC.

17 MR. KERNODLE: Second.

18 CHAIRMAN: All in favor?

19 AYES RESPOND

20 CHAIRMAN: All opposed? The motion's
21 adopted.

22 ATTORNEY PITRE: The remaining matters
23 on the agenda consist of enforcement actions in which
24 the OEC filed petitions seeking the involuntary
25 exclusion of individuals whose presence in a licensed

1 facility are inimical to the interest of the
2 Commonwealth and/or licensed gaming therein. In each
3 instance the Petition for Exclusion has been filed
4 with the Board's OHA and properly served upon the
5 individual named in the petition.

6 The individual named in the petition
7 failed to respond within 30 days as required by Board
8 regulation. As a result, the OEC filed a request for
9 default judgment in each instance and properly served
10 the same upon each named individual.

11 Therefore, all facts in each petition
12 are deemed admitted. All filed documents have been
13 provided to the Board and the matters are presently
14 ripe for the Board's consideration.

15 In each instance if the Board orders
16 the proposed exclusion, each individual's photo,
17 personal identifiers and a summary of the inimical
18 conduct will be placed on the Board's public website.

19 ATTORNEY MILLER: Dustin Miller, once
20 again, on behalf of the OEC. The next two matters on
21 the agenda for the Board's consideration are request
22 to place Shawn Ellis and Juanita Davis on the
23 exclusion list.

24 With the Board's permission, these two
25 request for judgments by default will be addressed

1 together, since they were involved in the same set of
2 facts.

3 Juanita Davis and Shawn Ellis left a
4 four-year-old child unattended in a vehicle in the
5 SugarHouse parking lot as they engaged in gaming
6 activities at the casino. The child was discovered by
7 a SugarHouse employee, who contacted security and
8 Pennsylvania State Police.

9 Ms. Davis and Mr. Ellis were arrested
10 by Pennsylvania State Police and evicted from
11 SugarHouse Casino.

12 Accordingly, the OEC requests that the
13 Board place Shawn Ellis on the Board's Involuntary
14 Exclusion List.

15 CHAIRMAN: Questions or comments from
16 the Board?

17 Hearing none, may -?

18 MR. LOGAN: Mr. Chairman?

19 CHAIRMAN: Oh, Sean, yes.

20 MR. LOGAN: Sorry. I just have one.
21 What's the duration of the time on the list?

22 ATTORNEY PITRE: Five years, at
23 minimum.

24 CHAIRMAN: Did you hear that, Shawn,
25 five years?

1 MR. LOGAN: I did. Do we have the
2 ability to go higher?

3 ATTORNEY PITRE: They would have to
4 petition to be removed from the list. So, if - at the
5 time when they petition, if the Board chooses not to
6 remove them, they will remain on the list until the
7 Board so desires.

8 MR. LOGAN: Gotcha. Thank you.

9 CHAIRMAN: Okay.

10 Other questions? If - if not, may I
11 have a motion?

12 MR. KERNODLE: Chairman, I move that
13 the Board approve the addition of Shawn Ellis to the
14 PGCB Involuntary Exclusion List described by the OEC.

15 MS. MANDERINO: Second.

16 CHAIRMAN: All in favor?

17 AYES RESPOND

18 CHAIRMAN: All opposed? The motion's
19 adopted.

20 ATTORNEY MILLER: The OEC next
21 requests that the Board place Juanita Davis on the
22 Board's Involuntary Exclusion List.

23 CHAIRMAN: Questions or comments from
24 the Board? Hearing none, may I have a motion?

25 MS. MANDERINO: Mr. Chairman, I move

1 the Board approve the addition of Juanita Davis to the
2 PGCB Involuntary Exclusion List as described by the
3 OEC.

4 MS. REITZEL: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed? The motion's
8 adopted.

9 ATTORNEY FERRELL: The next matter for
10 your consideration is a petition for the placement of
11 Marcel Johnson-Garfield on the Board's Involuntary
12 Exclusion List.

13 Mr. Johnson-Garfield cheated while
14 playing Spanish 21 at Harrah's Philadelphia, while
15 playing - by placing wagers and removing wagers after
16 the close of the wagering period.

17 Pennsylvania State Police arrested and
18 charged Mr. Johnson-Garfield and he subsequently
19 pleaded guilty to one count of disorderly conduct.

20 Mr. Johnson-Garfield was ordered to
21 have no direct or indirect contact with Harrah's
22 Philadelphia. At this time OEC requests the Board
23 issue an order placing Marcel Johnson-Garfield on the
24 Involuntary Exclusion List.

25 CHAIRMAN: Questions or comments from

1 the Board?

2 May I have a motion?

3 MS. REITZEL: Mr. Chairman, I move
4 that the Board approve the addition of Marcel Johnson-
5 Garfield to the PGCB Involuntary Exclusion List, as
6 described by the OEC.

7 MR. SANTONI: Second.

8 CHAIRMAN: All in favor?

9 AYES RESPOND

10 CHAIRMAN: All opposed? The motion's
11 adopted.

12 ATTORNEY FERRELL: The next matter for
13 your consideration is the petition for the placement
14 of Mustafa Midgett on the Board's Involuntary
15 Exclusion List.

16 Mr. Midgett cheated while playing
17 Roulette at Harrah's Philadelphia, by placing wagers
18 after the close of the wagering period. He was also
19 in possession of a controlled substance while on the
20 gaming floor and had an outstanding warrant.

21 Pennsylvania State Police arrested Mr.
22 Midgett and his criminal charges remain pending.

23 Harrah's Philadelphia permanently
24 evicted Mr. Midgett from its facility.

25 At this time OEC requests the Board

1 issued an order placing Mustafa Midgett on the
2 Involuntary Exclusion List.

3 CHAIRMAN: Questions or comments from
4 the Board?

5 Hearing none, may I have a motion?

6 MR. SANTONI: Mr. Chairman, I move
7 that the Board approve the addition of Mustafa Midgett
8 to the PGCB Involuntary Exclusion List, as described
9 by the OEC.

10 MR. JEWELL: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed? The motion's
14 adopted.

15 ATTORNEY MILLER: Dustin Miller, once
16 again on behalf of the OEC. Next on the agenda for
17 the Board's consideration is the request to place
18 Barbara Bailey-Dawson on the Exclusion List.

19 After receiving a beverage from a Parx
20 Casino beverage server, Ms. Bailey-Dawson placed a
21 plastic bag containing methamphetamine in the beverage
22 server's tip cup.

23 Ms. Bailey-Dawson was criminally
24 charged by Pennsylvania State Police, pled guilty and
25 sentenced to probation in the matter.

1 Accordingly, the OEC requests that the
2 Board place Barbara Bailey-Dawson on the Board's
3 Involuntary Exclusion List.

4 CHAIRMAN: Questions or comments from
5 the Board? May I have a motion?

6 MR. JEWELL: Mr. Chairman, I move that
7 the Board approve the addition of Barbara A.
8 Bailey-Dawson to the PGCB Involuntary Exclusion List
9 as described by the OEC.

10 MR. KERNODLE: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed? The motion's
14 adopted.

15 ATTORNEY GABRIELLE: Good morning, Mr.
16 Chairman and members of the Board. Ashley Gabrielle,
17 G-A-B-R-I-E-L-L-E, with the OEC.

18 The next matter on the agenda for the
19 Board's consideration is a petition for the exclusion
20 of Kendall Rossi. Mr. Rossi and his accomplice, Jesus
21 Basone, who was previously placed on the state
22 Exclusion List, were caught committing thefts from
23 vehicles located in the Parx Casino parking lot.

24 Mr. Rossi was arrested and pled guilty
25 to conspiracy to commit theft from a motor vehicle.

1 He has been permanently evicted from Parx. At this
2 time the OEC requests that the Board exclude Kendall
3 Rossi.

4 CHAIRMAN: Questions or comments from
5 the Board? May I have a motion?

6 MR. KERNODLE: Mr. Chairman, I move
7 that the Board approve the addition of Kendall Rossi
8 to the PGCB Involuntary Exclusion List as described by
9 the OEC.

10 MS. MANDERINO: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed? The motion's
14 adopted.

15 ATTORNEY MILLER: Next on the agenda
16 for the Board's consideration is a request to place
17 Gary Banner on the Exclusion List. While at Rivers
18 Casino, Mr. Banner punched a female patron in the
19 face, causing injury.

20 Mr. Banner was criminally charged by
21 Pennsylvania State Police for his actions.

22 At this time the OEC requests place
23 Gary Banner on the Board's Involuntary Exclusion List.

24 CHAIRMAN: Questions or comments from
25 the Board?

1 May I have a motion?

2 MS. MANDERINO: Mr. Chairman, I move
3 the Board approve the addition of Gary Banner to the
4 PGCB Involuntary Exclusion List, as described by the
5 OEC.

6 MS. REITZEL: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: All opposed? The motion's
10 adopted.

11 ATTORNEY MILLER: The final matter on
12 the Board's agenda today is a request by OEC to place
13 Bryan Feitknecht on the Board's Exclusion List.

14 Mr. Feitknecht stole a computer tower
15 from a workstation at Rivers Casino. Mr. Feitknecht
16 was criminally charged by Pennsylvania State Police,
17 convicted and sentenced to probation.

18 Based upon the foregoing, OEC requests
19 that Bryan Feitknecht be placed on the Board's
20 Exclusion List.

21 CHAIRMAN: Questions or comments from
22 the Board?

23 May I have a motion?

24 MS. REITZEL: Mr. Chairman, I move
25 that the Board approve the addition of Bryan

1 Feitknecht to the PGCB Involuntary Exclusion List, as
2 described by the OEC.

3 MR. SANTONI: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed? The motion's
7 adopted.

8 ATTORNEY PITRE: Thank you. That
9 concludes our business.

10 CHAIRMAN: Thank you. Next we have
11 our public comment period. And I understand that we
12 may have one person registered to speak today, a Mr.
13 Thomas Connolly.

14 Is he present? If so, Mr. Connolly,
15 the floor is yours.

16 MR. CONNOLLY: My name is Thomas
17 Connolly, C-O-N-N-O-L-L-Y. I reside at 345 North
18 Harrisburg Street in Overland, Pennsylvania, Swatara
19 Township. I am currently the President of the Board
20 of Commissioners in Swatara Township.

21 MR. LOGAN: Mr. Chairman, I can't hear
22 him.

23 CHAIRMAN: Okay.

24 Let's see what we can do about that.
25 Hold on a minute. Maybe sit down at the desk for a

1 second. Maybe that'll work.

2 MR. CONNOLLY: Start over?

3 CHAIRMAN: Yes, please.

4 MR. CONNOLLY: My name is Thomas
5 Connolly, C-O-N-N-O-L-L-Y.

6 CHAIRMAN: Can you hear that,
7 Commissioner Logan?

8 MR. LOGAN: I can. Thanks.

9 CHAIRMAN: Okay.

10 MR. CONNOLLY: I reside at 345 North
11 Harrisburg Street in Overland, Pennsylvania, Swatara
12 Township. I'm currently the President of the Board of
13 Commissioners in Swatara Township, Dauphin County.

14 I appreciate the opportunity to be
15 able to come speak today. I realize you guys are
16 busy, had a long meeting and I'll be limited to three
17 minutes.

18 But there's no shortage of information
19 that I would be able to provide you, including news
20 stories, videos, documentation, and you know, quite an
21 extensive list of topic, which I want to talk about,
22 which is the disbursement of Gaming funds in Dauphin
23 County.

24 I'm in a unique situation. I'm in a
25 county with - a municipality with 25,000 people,

1 roughly ten percent of Dauphin County's population.
2 We're a noncontiguous county.

3 We realize that we don't get, you
4 know, the bigger share of the disbursement of the
5 Gaming funds, but this year we saw our percentage cut
6 by 95 percent. Since - since the program started, we
7 were in a range of \$178,000 to \$300,000.

8 The only thing that changed this year,
9 uniquely, is that I am now the President of the Board
10 of Commissioners in a township where every other
11 elected official is in the opposite political party.

12 I feel that there was retribution. I
13 have some evidence of that. We were seeking Gaming
14 funds for a police dog, a totally nonpolitical issue.
15 We haven't had K-9 officers for 12 years.

16 Fortunately it didn't deter us and now
17 we have two. But as a result of my approval by the
18 Board, I - I was tipped off that there was going to be
19 retribution, and that we were not going to get the
20 dog. It's the lowest amount of money that we've ever
21 asked for.

22 It's a highly political issue. The
23 person who disburses the funds, which was disputed by
24 the Dauphin County Board of Commissioners is Michael
25 G. Musser, a former resident of Swatara Township.

1 In fact, he financed the campaign
2 against me and other people. And one of our current
3 Commissioners lives in the home that he has used to -
4 to run his community network, Better Government PA
5 lobbying groups.

6 So, after being unsuccessful of
7 defeating me in an election, and then further being
8 insulted by the fact that the party that he is
9 involved with elected me to be President of the Board
10 of Commissioners, we have to go before this person to
11 get Gaming funds. And I understand, you know, there's
12 politics in everything, but there shouldn't be
13 politics in public safety. And I heard some issues
14 today that - that really shocked me.

15 Knowing that there's a casino in my
16 area, knowing that somebody could potentially have 21
17 drinks and there's no hotel there. That person could
18 go on the road and, you know, there's all kinds of
19 issues. And there's things I heard today that really
20 shocked me.

21 But when - when I complained at the
22 county level, they told me that this Michael Musser
23 was not on the Board, that they were political
24 appointees, the decision-makers were, but he oversees
25 the Board.

1 And just - just as a test case
2 scenario, two weeks ago I went before the Gaming Board
3 pre-application process for my township to seek Gaming
4 funds for a park.

5 And I asked who should we talk to if
6 we have any questions about this. I expected to hear
7 County Commissioners, maybe someone on the Gaming
8 Board. I was given a business card from the attorney
9 from Eckert Seaman.

10 The business card was Michael G.
11 Musser's. They didn't know who I was or why I was
12 there, but I have on videotape that was - was recorded
13 at a previous meeting where the - the Dauphin County
14 President Board of Commissioner, Jeff Hayes, said
15 Michael Musser's not involved in this. Yet when I
16 show up months later, I'm given his card and told that
17 I could call -.

18 CHAIRMAN: Just to clarify this.
19 Where were - where did you show up this pre - what -
20 what -?

21 MR. CONNOLLY: When you apply for a
22 Gaming Grant, you have a pre-application meeting and
23 it was actually in a county office, seventh floor,
24 Memorial Building across from the Dauphin County
25 Courthouse.

1 So, you're supposed to be meeting with
2 more or less a neutral party to get you into the
3 process, and talks about your project and gives you
4 dates and timelines.

5 CHAIRMAN: I see.

6 MR. CONNOLLY: So, - so, I was given
7 the business card from the person who the county
8 officials said has nothing to do with it. And then I
9 was instructed if I had any concerns, I could call
10 that person. Even though it was the Memorial Day
11 weekend, I could call Friday, Saturday, Sunday, Monday
12 up until Tuesday.

13 And the - the reason this happens, and
14 I'm sure, you've seen this, is that that's the
15 decision-maker in this process.

16 And he then gets additional contact
17 with every single person who has ever applied - now
18 we're in the process where I think we're approaching
19 \$150 million to \$200 million. He's a consultant to
20 the Board. He's paid by the Board.

21 My officers arrested his father years
22 ago. This is the first time we asked for a - for - I
23 don't want to get too deep into it, but it was a sex
24 crime against children. And this is the first time
25 that we've asked for a police grant.

1 There was concerns, sad to say, within
2 my police department of how would this be received.
3 We asked for \$85,000, the lowest request we ever asked
4 for, and we got \$13,000.

5 And it came back through the grapevine
6 that rather than give us the dog, they would give us
7 dog food. Well, we purchased a dog. I can go through
8 a history of this, including political - people who
9 went outside the process who got grants for totally
10 unrelated things.

11 But if I can't get into this process
12 because I am a Democrat in an area where a Republican
13 was supposed to be in my seat - and I have - I have
14 supporters who are in the other party - something is
15 wrong.

16 And I heard today about enforcement,
17 which I'm glad -. I mean, you - you basically are the
18 fortress around this entire Gaming process to protect
19 the citizens of Pennsylvania and you have an
20 incredible crack in your façade of how money is
21 disbursed. And I know, you know, -.

22 CHAIRMAN: If I could stop you there,
23 because it's supposed to be three minutes. We've
24 given you quite a bit more than that.

25 But just so we're clear. You seem to

1 be very up to speed. You understand that
2 jurisdictionally we have no control over the
3 disbursement of those local grants. You understand
4 that that goes - that's not within our jurisdiction.

5 MR. CONNOLLY: I - I do understand
6 that, -

7 CHAIRMAN: Okay.

8 MR. CONNOLLY: - but I wanted to put
9 this out here -

10 CHAIRMAN: Oh, I understand.

11 MR. CONNOLLY: - today, so that you
12 can't say you didn't know. Because I'm not - I'm not
13 letting up. I'm in a position where I have to protect
14 my community, my -

15 CHAIRMAN: No, I think you should, -

16 MR. CONNOLLY: - my residents, -

17 CHAIRMAN: - I think you should.

18 MR. CONNOLLY: - the integrity of the
19 process. And I just wanted to put it out here and
20 we'll see where it goes.

21 But there's no one in this room who
22 can say they didn't hear this and they don't know.
23 And I appreciate your time and I wasn't keeping track
24 of the three minutes. You could have cut me off.

25 CHAIRMAN: That's -.

1 MR. CONNOLLY: Thank you very much.

2 MS. MANDERINO: Thank you for coming.

3 CHAIRMAN: Anybody have any other
4 questions for him at this point?

5 Thank you for coming.

6 MR. CONNOLLY: Appreciate it. Thank
7 you.

8 CHAIRMAN: Sure.

9 Okay.

10 That concludes today's meeting. Our
11 next scheduled public meeting will be held on
12 Wednesday, October 3rd at 10:00 a.m. in this room.

13 May I have a motion to adjourn?

14 MR. SANTONI: Mr. Chairman, I move we
15 adjourn.

16 MR. JEWELL: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed? The motion's
20 adopted. The meeting's adjourned. Thank you all.

21 MR. LOGAN: Thank you.

22 * * * * *

23 MEETING CONCLUDED AT 11:58 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,
a meeting held before Chairman Barasch, was reported
by me on 9/12/18 and that I, Rhonda K. Thorpe, read
this transcript, and that I attest that this
transcript is a true and accurate record of the
proceeding.

Dated the 5th day of October, 2018


Court Reporter
Rhonda K. Thorpe