

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

Sean Logan (via phone)

Kathy M. Manderino

Richard G. Jewell

Dante Santoni, Jr.

Merritt C. Reitzel

Obra S. Kernodle, IV

EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE:

Jennifer Langan, Designee, Department of
Treasury

Christin Heidingsfelder, Designee,
Department of Revenue

Fred Strathmeyer, Designee,
Department of Agriculture

HEARING: Wednesday, February 6, 2019, 10:04 a.m.

Reporter: Lindsey Deann Richardson

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1 LOCATION: Pennsylvania Gaming Control Board
2 Strawberry Square
3 2nd Floor
4 Harrisburg, PA 17101

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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

SEAN HANNON, Enterprise Licensing Manager, Bureau of
Licensing

DANETTE BIXLER-GEORGE, Director of Human Resources

OFFICE OF CHIEF COUNSEL - ALSO PRESENTING:

R. DOUGLAS SHERMAN, ESQUIRE, Chief Counsel

STEVE COOK, ESQUIRE, Deputy Chief Counsel

CHAD ZIMMERMANN, Assistant Chief Counsel

PA Gaming Control Board

P.O. Box 69060

Harrisburg, PA 17106-9060

Counsel for the Pennsylvania Gaming Control Board

OFFICE OF ENFORCEMENT COUNSEL - ALSO PRESENTING:

CYRUS PITRE, ESQUIRE

Chief Enforcement Counsel

DUSTIN MILLER, ESQUIRE

Senior Enforcement Counsel

ASHLEY GABRIELLE, ESQUIRE

Assistant Enforcement Counsel

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

OFFICE OF ENFORCEMENT COUNSEL - ALSO PRESENTING:

BENJAMIN FERRELL, ESQUIRE

Assistant Enforcement Counsel

DAVID TEPPER, ESQUIRE

Assistant Enforcement Counsel

SARAH KOLESAR, ESQUIRE

Assistant Enforcement Counsel

THOMAS MONAGHAN, ESQUIRE

Assistant Enforcement Counsel

PA Gaming Control Board

P.O. Box 69060

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KEVIN C. HAYES, ESQUIRE

Doherty Hayes

217 Wyoming Avenue

Scranton, PA 18503

Counsel for Churchill Downs, Inc.

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

MICHAEL D. SKLAR, ESQUIRE

Levine Staller, Attorneys at Law

3030 Atlantic Avenue

Atlantic City, NJ 08401-6380

Counsel for Mount Airy #1, LLC

ALSO, PRESENT WERE:

Representatives listed below also participated in the public hearings that were held prior to the Board's regularly scheduled public meeting.

CHURCHILL DOWNS, INC.:

Kevin O'Sullivan, Vice President & General Manager,
Presque Isle Downs & Casino

Cathy Beeding, Senior Counsel and Corporate Compliance
Officer, Churchill Downs, Inc.

Dan Cuic, Director of Slots, Presque Isle Downs &
Casino

Alan Stremel, Vice President, Sports Online Gaming,
Churchill Downs Interactive Gaming dba BetAmerica

Carter Vance, VP, Associate General Counsel, Churchill
Downs Inc.

I N D E X

1		
2		
3	OPENING REMARKS	
4	By Chairperson Barasch	7
5	DISCUSSION AMONG PARTIES	7 - 15
6	PRESENTATION	
7	By Mr. O'Toole	15
8	By Ms. Bixler-George	16
9	By Attorney Zimmermann	17 - 26
10	By Attorney Cook	26 - 32
11	By Mr. Hannon	32 - 43
12	DISCUSSION AMONG PARTIES	43 - 45
13	PRESENTATION	
14	By Attorney Kolesar	45 - 50
15	By Attorney Tepper	50 - 53
16	By Attorney Monaghan	54 - 57
17	By Attorney Miller	57 - 59
18	By Attorney Gabrielle	60
19	By Attorney Miller	61
20	By Attorney Ferrell	62
21	By Attorney Tepper	63
22	DISCUSSION AMONG PARTIES	63 - 65
23		
24		
25		

P R O C E E D I N G S

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CHAIRMAN: Good morning. I'm David Barasch. Chairman of the Pennsylvania Gaming Control Board. If you haven't already, please put your electronic equipment on silent, as I always ask. Joining us today, Fred Strathmeyer, representing Russ Redding, the Secretary of Agriculture. Jen Langan representing Joe Torsella, State Treasurer. And Christin Heidingsfelder representing Revenue Secretary Dan Hassell.

Thank you all for being here. A quorum of the Board members being present, I would call today's proceedings to order.

The first order of business is the Pledge of Allegiance.

(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.)

CHAIRMAN: The Board held an executive session yesterday, Tuesday, February 5th, to discuss personnel matters and to conduct quasi-judicial deliberations relating to matters being considered by the Board today.

Additionally, I'd like to announce

1 that the Gaming Control Board will hold a public
2 hearing on February 20th regarding the Casino License
3 renewal of Greenwood Gaming and Entertainment, the
4 operator of the Parx Casino in Bucks County.

5 The hearing will begin at ten o'clock
6 in the morning at the Council Chambers in Bensalem
7 Township, on 2400 Byberry Road, Bensalem,
8 Pennsylvania. Citizens and community groups and
9 elected officials who wish to present oral testimony,
10 which will become part of the evidentiary record in
11 this matter, will be able to register by clicking on
12 the hearing notice under quick links section on the
13 home page of the Gaming Control Board website.

14 Written comments are to be mailed to
15 the Gaming Control Board at Post Office Box 69060,
16 Harrisburg, Pennsylvania, 17106, to the attention of
17 the Board Clerk. Comments can also be faxed to the
18 Board prior to the deadline, at (717) 265-7416 or
19 e-mailed to the Board Clerk at PA.Gov.

20 The deadline for registering to speak
21 at the hearing and for receipt of public comments on
22 Parx Casino renewal is Tuesday, February 19th at noon.

23 Before we begin today, I'd like to
24 take a moment to - it's kind of a sad day for all of
25 us here, to announce that this might be - probably

1 will be Commissioner Dick Jewell's last time with us
2 on the Board. And we will be presenting him with a
3 resolution later. I'd just like to make a couple of
4 comments. And I've been on this Board for something
5 over three years. Dick has been on it for about four.

6 He has made just immense contributions
7 to this Board over the last several years. The two of
8 us, I can say - and I can't speak for others - we've
9 become close friends and great colleagues. And I for
10 one tremendously appreciate the wisdom and judgement
11 that he's brought to our deliberations. And I can
12 say, having worked closely with him now for over three
13 years, that you have just such a clear - crystal clear
14 sense of what the public interest involves.

15 And it's been just a joy to work with
16 you, Dick. I don't know if anybody else has any
17 comments before we go on here.

18 MR. SANTONI: Yes, I do. Thank you,
19 Mr. Chairman. I just want to add to what Chairman
20 Barasch said. I've been on the Board now for two
21 years and I appreciate my good friend, Dick Jewell's
22 wisdom and counsel on issues, not just about gaming
23 but, you know, we had a few cigars together and talked
24 about politics and lots of other things.

25 So, I just want to thank him for his

1 friendship and wish him the very best. And hopefully,
2 Dick, you'll come back and see us.

3 CHAIRMAN: Any other -?

4 MS. REITZEL: Agreed.

5 MR. KERNODLE: Double agree.

6 MS. MANDERINO: Okay. Then I'll just
7 triple agree.

8 MR. JEWELL: Thank you, David. Thank
9 you very much. This has been a wonderful opportunity
10 in what's been a somewhat long life. That's soon to
11 be 74 years of age.

12 I've had a chance to do many things
13 with my law degree and my interest in public policy,
14 public service. Public service came a little bit
15 later in my life, but I've enjoyed it immensely. I
16 could assure you now, based on my experience, I
17 actually did a radio interview last night for the
18 Pittsburgh radio station, asking for my reflections on
19 serving on this Board. And that is the vision of Ed
20 Rendell and it was Ed's vision, it was - to be honest
21 about that, has been fulfilled and then some.

22 The Commonwealth today, out of the 30
23 states that have brick and mortar now, we're expanded
24 obviously, but the brick-and-mortar casinos is, the 30
25 states, second in the nation, the amount of money

1 that's under the handle, second only to Nevada. But
2 first in the amount of tax revenue returned to the
3 Commonwealth and redistributed within the Commonwealth
4 for a myriad of needs and good reasons, including
5 primarily property tax relief. And that also fulfills
6 a vision of it.

7 The state legislature worked hard in
8 204, to come together. It must have been an
9 interesting time, because it's hard to put major
10 legislation together. Lots of folks have views and
11 opinions.

12 Some of my colleagues that are sitting
13 up here today were voters in that legislature, that
14 originally - and 204 came up with what's now we call
15 Title 4. Expanded in 210, and of course with Act 42 a
16 little over a year ago.

17 I'd also like to say a couple words,
18 and this won't be long, about the folks who serve in
19 this agency, that is the Gaming Control Board. With
20 298 folks as of today - and I've met some outstanding
21 lawyers, IT folks, administrators.

22 Kevin O'Toole's got an extraordinary
23 amount of experience. Cyrus Pitre, extraordinary
24 amount of experience that they brought with them from
25 other states and other circumstances that have

1 enriched the public purpose of the protection of the
2 safety and the suitability, especially of the folks
3 who are licensees, and - to ensure that the games are
4 fair. And my experience tells me that all of those
5 legislative objectives have been achieved and are
6 being achieved.

7 And finally, as we sit here today, as
8 you know different folks have different appointments.
9 From the leadership of the House and the Governor of
10 the Commonwealth; we have five Democrats and two
11 Republicans. I could not tell the difference in all
12 my years. I've never seen such a, what I'll call
13 bipartisan or nonpartisan, set of colleagues;
14 including colleagues that have served a great fight,
15 others on the Board, and then left when their time was
16 up. Just trying to ensure that the purpose of that
17 legislation was carried out.

18 So, with those thoughts and with a
19 great deal of thankfulness that I have as a human
20 being for this opportunity. Both the experience with
21 the agency. And I thank the speaker of the House and
22 the House caucus for the appointment not quite four
23 years ago.

24 I leave you with great thanks. And
25 also a great respect for the members of the Bar, a

1 discrete group of members of the Bar that practice
2 before us on a recurring basis. And that make great
3 arguments and they keep Cyrus busy making great
4 arguments, too. But back and forth. And the level of
5 cooperation needed in the regulatory process has been
6 extraordinary.

7 We do stand on the shoulders of New
8 Jersey and Nevada and some other states that have a
9 lot of experience. We're able to make use of that
10 experience and also to - to expand that experience
11 with our own.

12 Fifty-three (53) percent of the folks
13 that work at the agency have been here over ten years.
14 The longevity is extraordinary. And to our Chief
15 Counsel, Doug, thank you very much for your guidance
16 and wisdom, Steve Cook, for your leadership, too.

17 And to Bill Ryan, who was Chairman
18 when I came on, we had three Chairmen at one time that
19 had served. We had Greg Fajt. We had Bill Ryan. And
20 then he was succeeded by Dave Barasch.

21 I thank them for their wisdom and
22 their leadership. So, thank you very much everybody.

23 CHAIRMAN: Thank you, Dick.

24 We have a Board resolution regarding
25 your service, Dick. May I have a motion regarding

1 resolution for Commissioner Jewell?

2 MR. SANTONI: Mr. Chairman, it is with
3 great honor and privilege and pleasure that I move
4 that this Board adopt resolution PGCB 2019-1-EXE
5 honoring Commissioner Richard G. Jewell for his
6 service to this Board.

7 MS. REITZEL: Second.

8 CHAIRMAN: All in favor?

9 AYES RESPOND

10 CHAIRMAN: All opposed? The motion is
11 adopted. The first order of business is a public
12 hearing involving Presque Isle Downs for the issuance
13 of a Sports-Wagering Certificate.

14 ---

15 (WHEREUPON, PUBLIC HEARING WAS HELD.)

16 ---

17 CHAIRMAN: Next we have consideration
18 of a motion to approve the minutes and transcripts of
19 our November 28th and February 19th, 2018 meetings.

20 May I have such a motion?

21 MR. JEWELL: Mr. Chairman, I would
22 move that the Board approve the minutes and
23 transcripts of the November 28th and December 19, 2018
24 meetings.

25 MR. KERNODLE: Second.

1 CHAIRMAN: All in favor?

2 AYES RESPOND

3 CHAIRMAN: All opposed? The motion is
4 adopted.

5 Commissioner O'Toole - Kevin,
6 Commissioner - Executive Director O'Toole. We'll call
7 you Commissioner for the heck of it.

8 MR. O'TOOLE: Good morning, Chairman
9 Barasch and members of the Board. I would like to
10 take my opportunity this morning to express my
11 appreciation on behalf of staff and myself to
12 Commissioner Dick Jewell for your significant
13 contribution to the success of the Gaming Control
14 Board.

15 We thank you very much for sharing
16 with us over the past four years your experiences as
17 an attorney, an educator, a historian. And drawing
18 parallels from those experiences to many of the issues
19 that we grapple with at the Gaming Control Board.

20 So, it is well-deserved that you can
21 add the moniker, Exceptional Gaming Regulator, to your
22 list of personal accomplishments. It's been a true
23 pleasure and we wish you the best in your future
24 endeavors.

25 MR. JEWELL: Thank you, Kevin.

1 CHAIRMAN: I couldn't see you,
2 Danette. Okay. The Director of Human Resources.
3 Danette?

4 MS. BIXLER-GEORGE: Good morning,
5 Chairman, Board members. The Office of Human
6 Resources has one motion for your consideration today,
7 relative to the hiring of one individual.

8 Bradley McAllister has been selected
9 as an Assistant Enforcement Counsel 1 under the Office
10 of Enforcement Counsel (OEC). He has completed the
11 interview process, background investigation and drug
12 screening and is recommended for hire by Chief
13 Enforcement Counsel Cyrus Pitre.

14 Unless you have questions, I ask the
15 Board to consider a motion to approve the hiring
16 action, as indicated.

17 CHAIRMAN: Do we have such a motion?

18 MR. KERNODLE: Mr. Chairman, I move
19 that the Board approve the Applicant for hire as
20 proposed by the Human Resource Director.

21 MS. REITZEL: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? Motion is
25 adopted. Thank you, Danette.

1 MS. BIXLER-GEORGE: Thank you.

2 CHAIRMAN: Doug Sherman.

3 ATTORNEY SHERMAN: Good morning,
4 Chairman and members of the Board. Our first agenda
5 items relate to a Final-Form Regulation and a
6 Temporary Regulation which Assistant Chief Counsel
7 Chad Zimmermann is here to present.

8 ATTORNEY ZIMMERMANN: Thank you. Chad
9 Zimmermann, C-H-A-D, Z-I-M-M-E-R-M-A-N-N. As alluded
10 to by Chief Counsel Sherman, the first Regulation
11 packet, #125-204, regarding two table games. And the
12 second Regulation package, #125-222 regarding
13 interactive gaming on multiuse computing devices often
14 referred to as airport gaming.

15 The Office of Chief Counsel (OCC)
16 first presents to the Board consideration Final-Form
17 Regulation #125-204. This Final-Form rulemaking
18 provides for the rules and procedures for two table
19 games that may be offered in Pennsylvania casinos,
20 Four Card Prime and Cajun Stud.

21 Four Card Prime is a game where the
22 goal is for the player to make the best four card
23 poker hand out of five cards he or she is dealt. And
24 attempt to beat the Dealer's best four card poker hand
25 in - of the six cards he or she has dealt. The game

1 also provides for additional side wagers the player
2 can make.

3 Cajun Stud is a game where the goal is
4 for the player to make the best five card poker hand
5 with the two cards dealt to the player and three
6 community cards shared by all players. The Dealer is
7 dealt no hand in this game, and the player is playing
8 against a posted pay table.

9 A player wins if he creates a hand of
10 Jacks or better, pushes if he has a hand of sixes
11 through tens. The game also provides for additional
12 side wagers.

13 I'd be happy to answer any questions
14 you may have on this packet of regulatory material.
15 If not, I would request a motion to approve Final-Form
16 Regulation #125-204.

17 CHAIRMAN: Any questions or comments
18 from the Board? Hearing none, may I have a motion?

19 MR. JEWELL: Mr. Chairman, I move that
20 the Board adopt the Final-Form Regulation #125-204, as
21 described by the OCC.

22 MS. MANDERINO: Second.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? Motion is

1 adopted.

2 ATTORNEY ZIMMERMANN: The second
3 matter for the Board's consideration is Temporary
4 Regulation #125-222. These Temporary Regulations,
5 which encompass Chapter 830 of subpart L, cover all
6 aspects of Interactive Gaming Certificate Holder or an
7 Interactive Gaming Operator offering interactive
8 gaming through the use of multiuse computing devices
9 at a qualified airport in an airport gaming area.

10

11 These Regulations address the
12 requirements for Board authorization, Petition
13 requirements and the standard of review, licensure
14 requirements for entities and persons involved.
15 Accounting and internal controls, requirements for
16 ensuring only those eligible may play and how players
17 may deposit and withdraw funds for play in compulsive
18 and problem gaming matters.

19 I'd be happy to answer any questions
20 you may have on this packet of regulatory material.
21 If not, I'd request a motion to approve Temporary
22 Regulation #125-222.

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 adopt Temporary Regulation #125-222, as
2 described by the OCC.

3 MS. REITZEL: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed? Motion is
7 adopted.

8 ATTORNEY ZIMMERMANN: Thank you.

9 CHAIRMAN: Thank you.

10 ATTORNEY SHERMAN: Next the Board has
11 four Petitions before it for your consideration. One
12 of those matters was heard earlier today during the
13 public hearing. The remaining three Petitions will be
14 decided based upon the documentary records.

15 In each of the matters, all pleadings and any
16 other matters filed of record have been provided to
17 the Board in advance of this meeting.

18 As indicated, the first Petition is
19 that of Presque Isle Downs, their request to be issued
20 a Sports-Wagering Certificate. The matter was heard a
21 short time ago. And should the Board approve the
22 request for the Sports-Wagering Certificate, to be
23 clear, it will not be authorizing Presque Isle to
24 commence sports wagering at this time, but rather
25 sports wagering will only be - become operational

1 after further review and testing has occurred and the
2 Board has given, the Board staff, through Casino
3 Compliance and the Executive Director, have given the
4 final authorization.

5 It will also be required to complete a
6 successful test period. As with all sports-wagering
7 Petitions, the OEC has requested a series of
8 conditions to be issued, subject to the oral
9 modification of the name and the conditions that have
10 been previously issued.

11 In addition, there is a request to
12 maintain certain portions of the record as
13 confidential. And we would request that would be
14 appropriate. And the matter is now ripe for the
15 Board's consideration.

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

18 MS. REITZEL: Mr. Chairman, I move
19 that the Board approve Presque Isle Downs' Petition
20 for issuance of a Sports-Wagering Certificate and
21 authorization to conduct sports wagering, as described
22 by the OCC, and with the conditions that will be
23 outlined in the Board's Order

24 I further move that Presque Isle's
25 request for confidentiality be granted.

1 MR. SANTONI: Second.

2 CHAIRMAN: All in favor?

3 AYES RESPOND

4 CHAIRMAN: All opposed? Motion is
5 adopted.

6 ATTORNEY SHERMAN: The next matter is
7 Howard Concrete Pumping Company's Petition for removal
8 from the Board's Prohibited Gaming Service Provider
9 List.

10 In June of 2008, Howard Concrete
11 submitted an Application indicating that its majority
12 stockholder, Frank Howard, Jr., had not been the
13 subject of any investigation of any type. That
14 statement was true at the time, however, during the
15 course of the background investigation, it was
16 reported that Mr. Howard later was the subject of a
17 2009 investigation in Las Vegas, stemming from a child
18 custody dispute.

19 And while Mr. Howard was obligated to
20 update Board staff to indicate that such an
21 investigation had begun, he had failed to do so.

22 The OEC issued a Notice recommending
23 denial of Howard Concrete's Application. A hearing
24 was not requested and the Application was subsequently
25 denied. And Howard Concrete was placed on the

1 Prohibited Gaming Service Provider List as a result.

2 It's now been nine years since that
3 action, and Howard Concrete is requesting to be
4 removed from the list, indicating that the - the
5 issues being - giving rise to that placement have been
6 resolved. And the matter is now appropriate for the
7 Board's consideration.

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

10 MR. SANTONI: Mr. Chairman, I move
11 that the Board approve Howard Concrete Pumping
12 Company, Inc.'s Petition to be removed from the
13 Prohibited Gaming Service Provider List, as described
14 by the OCC.

15 MR. JEWELL: Second.

16 CHAIRMAN: All in favor?

17 AYES RESPOND

18 CHAIRMAN: Opposed? The motion is
19 adopted.

20 ATTORNEY SHERMAN: Next is Latoya
21 Butler's request for reconsideration of the Board's
22 prior denial of her Gaming Employee Occupation Permit.
23 By way of background, in July 2018, Ms. Butler
24 submitted a Renewal Application with regard to her
25 employment at Harrah's Philadelphia as a Table Game

1 Dealer.

2 During the background investigation,
3 it was discovered that she was noncompliant with the
4 Pennsylvania Department of Revenue's filing
5 requirements. The Bureau of Licensing notified Ms.
6 Butler of her status with DOR. And the Bureau of
7 Investigations and Enforcement (BIE) contacted her
8 several times regarding her noncompliant status.

9 In October 2018, OEC sent her a Notice
10 recommending denial of her Renewal Application, based
11 upon the outstanding tax issues. Unfortunately, Ms.
12 Butler did not respond to the recommended denial. And
13 she was - and the Board issued an Order this past
14 December denying her renewal.

15 After receiving the Order, Ms. Butler
16 did file a Request for Reconsideration and has brought
17 herself into compliance with the DOR requirements.
18 OEC has confirmed that she's now in good standing with
19 the Department of Revenue. And it no longer has an
20 objection to the renewal of the permit. And that
21 matter is ready for the Board's consideration.

22 CHAIRMAN: Questions or comments from
23 the Board? Hearing none, do we have a motion?

24 MR. JEWELL: Mr. Chairman, I move that
25 the Board approve Latoya Butler's Petition for

1 reconsideration of the denial of her Gaming Employee
2 Occupation Permit renewal. And her permit - and that
3 her permit, I should say, be renewed.

4 MR. KERNODLE: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed? Motion is
8 adopted.

9 ATTORNEY SHERMAN: The final Petition
10 before the Board is Tierra Lee's Request for Removal
11 from the Board's Involuntary Exclusion List. On July
12 31st, 2013, Ms. Lee assisted a 20-year-old in
13 accessing Valley Forge Casino's gaming floor.

14 Ms. Lee was evicted from the casino
15 for her actions and the OEC filed a Petition to place
16 Ms. Lee on the Involuntary Exclusion List. The Board,
17 on September 17th of 2014, issued an Order to place
18 her on the Exclusion List for at least one year from
19 the date of the Order, after which she could petition
20 to come off the list.

21 It's now been over four years since
22 she was placed on the Exclusion List. And Ms. Lee has
23 now requested to be removed. OEC has no objection.
24 And that's the request then pending before the Board.

25 CHAIRMAN: Questions or comments from

1 the Board? Hearing none, may I have a motion?

2 MR. KERNODLE: Mr. Chairman, I move
3 that the Board approve Tierra Lee's Petition for
4 Removal from the PGCB Involuntary Exclusion List
5 described by the OCC.

6 MS. REITZEL: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: All opposed? Motion is
10 adopted.

11 ATTORNEY SHERMAN: Next presenting one
12 Report and Recommendation is Deputy Chief Counsel
13 Steve Cook.

14 ATTORNEY COOK: Good morning. As
15 indicated, the Board has next for its consideration
16 one Report and Recommendation received from the Office
17 of Hearings and Appeals (OHA). The Report and
18 Recommendation, as well as the complete evidentiary
19 record in this matter has been provided to the Board
20 in advance of this meeting.

21 And additionally, the subject of the
22 Report and Recommendation, Tangelia Clark, has been
23 notified that the Board will be taking the matter up
24 today, and that she can come forward and briefly
25 address the Board.

1 If Ms. Clark is present in the room,
2 I'd ask her to come forward at this time.

3 Briefly, in September of 2017, the OEC
4 filed a Petition to place Ms. Clark on the Board's
5 Involuntary Exclusion List, after discovering that
6 during the early morning hours of August 8th, 2017 Ms.
7 Clark's children, ages nine and three, were left alone
8 in a hotel room at the Valley Forge Casino Resort
9 while she gamed.

10 The hearing in this matter was held on
11 December 5th, 2017. The OEC appeared, offering
12 testimony and documentary evidence. Ms. Clark also
13 appeared pro se and testified on her own behalf.

14 The evidence presented at that hearing
15 indicated that during the early morning hours of
16 August 8th, Ms. Clark's two young children or the
17 older of the two youngest - two young children called
18 hotel staff and asked if they could find their mother.

19 Valley Forge staff subsequently
20 located Ms. Clark on the gaming floor at approximately
21 2:45 a.m. and escorted her back to her hotel room,
22 where she was met by police.

23 Ms. Clark and her children were then
24 evicted from the property by Valley Forge staff. And
25 upon being informed that her and her children had to

1 leave the property, Ms. Clark contacted her
2 20-year-old daughter to come and pick them up.

3 Upon the arrival of her daughter, she
4 was interviewed - the 20-year-old daughter, she was
5 interviewed by police officers. And the 20-year-old
6 indicated to police that she was present in the hotel
7 earlier in the evening until approximately ten o'clock
8 p.m. And in fact, it was her that left the siblings
9 alone in the hotel room, her mother having left the
10 hotel room approximately 10 or 15 minutes earlier.

11 Ms. Clark also testified that her
12 eldest daughter was in the room with the younger
13 children when she left to game at the casino. Valley
14 Forge records corroborate that Ms. Clark did enter the
15 gaming floor at approximately 9:49 p.m.

16 After hearing all of the evidence
17 presented, the Hearing Officer issued a Report and
18 Recommendation, the Report and Recommendation that's
19 presently before the Board. In it the Hearing Officer
20 notes that although parts of Ms. Clark's testimony
21 seemed disjointed and embellished, her 20-year-old
22 daughter's statement to police that she left the
23 children alone in the room, and casino records which
24 seemed to confirm the timeline presented, caused him
25 to find that the OEC had not met its burden of proof

1 in this matter relative to Ms. Clark.

2 And as a result, the Hearing Officer
3 recommends, in the Report and Recommendation, that Ms.
4 Clark not be placed on the Exclusion List.

5 I would note for the record that since
6 the issuance of the Report and Recommendation in this
7 matter, the OCC has confirmed that Ms. Clark has now
8 pleaded guilty to two counts of recklessly endangering
9 another person as a result of this incident. That
10 information is correctly before the Board, and is a
11 matter of public information. And now this matter is
12 ready for the Board's consideration.

13 CHAIRMAN: Are there any questions or
14 comments from the Board, before we take a vote?

15 MR. LOGAN: Mr. Chairman, it's Sean.

16 CHAIRMAN: Commissioner Logan, go
17 ahead.

18 MR. LOGAN: Did I hear you right that
19 Valley Forge - first of all, I can see by the screen,
20 is Ms. Clark not there?

21 ATTORNEY COOK: She is not.

22 MR. LOGAN: Okay.

23 What time did Valley Forge evict, if
24 that's the proper word, the Clarks?

25 ATTORNEY COOK: What time were they

1 evicted?

2 MR. LOGAN: Yeah. Yeah.

3 ATTORNEY COOK: Sometime after 2:45.
4 I don't have an exact time, but sometime after 2:45
5 a.m.

6 MR. LOGAN: Okay.

7 Just a comment that - everybody knows
8 how I feel about parents who leave their kids in a
9 room or a hotel. As stupid as that is, I think it's
10 just as stupid for Valley Forge - I'm going on an
11 assumption - at 2:45 a.m., 3:00 a.m., 4:00 a.m., to
12 kick a mother and three kids out of a hotel.

13 There had to be another way.
14 Hopefully that's not what happened and it was 7:00
15 a.m. or 8:00 a.m. I would appreciate if Cyrus or
16 somebody could look into that.

17 But to kick a mom and three kids out,
18 regardless of the issue, just seems really asinine to
19 me.

20 CHAIRMAN: Any further comments?
21 We'll see if we can get you that information back to
22 you, Sean. If there are no other comments, is there a
23 motion?

24 MS. REITZEL: Mr. Chairman, I move
25 that the Board reject the Report and Recommendation

1 issued by the OHA regarding Tangelia Clark's placement
2 on the PGCB Involuntary Exclusion List. And that Ms.
3 Clark be placed on the Exclusion List.

4 MR. LOGAN: Second.

5 CHAIRMAN: All in favor?

6 MS. REITZEL: Aye.

7 MR. KERNODLE: Aye.

8 MS. MANDERINO: No.

9 MR. JEWELL: No.

10 CHAIRMAN: I didn't get that. All in
11 favor?

12 AYES RESPOND

13 CHAIRMAN: Sean, are you voting?

14 MR. LOGAN: Yes. I voted aye.

15 CHAIRMAN: Okay.

16 All opposed?

17 MS. MANDERINO: No.

18 MR. SANTONI: No.

19 MR. JEWELL: No.

20 CHAIRMAN: No. We do not have a -

21 ATTORNEY COOK: A failure of a Board
22 qualified majority would indicate -.

23 CHAIRMAN: The motion fails.

24 ATTORNEY COOK: The motion fails.

25 CHAIRMAN: Thank you. I voted no,

1 just for the record. Okay.

2 ATTORNEY COOK: Yeah. With the motion
3 failing, then the status quo would remain that she
4 would not be on the list.

5 All right. And that concludes the
6 matters of the OCC.

7 CHAIRMAN: Thank you. Next we have
8 the Bureau of Licensing.

9 MR. HANNON: Before the Board today
10 will be one Fantasy Contest Operator, one Interactive
11 Gaming Manufacturer, one Gaming Related Gaming Service
12 Provider and 20 Video Gaming Establishments. Also,
13 there will be 635 Principals, Key, Gaming and
14 Non-Gaming Employee Applicants.

15 In addition, there will be
16 consideration of one Gaming Service Provider Applicant
17 and two Registered Gaming Service Providers.

18 The first matter for consideration is
19 the Fantasy Contest Operator License for Crown PA DFS,
20 Incorporated doing business as DraftKings,
21 Incorporated. Crown PA DFS, Incorporated, DraftKings,
22 is the Boston, Massachusetts based company that offers
23 fantasy gaming throughout the U.S. and
24 internationally.

25 The BIE has completed its

1 investigation and the Bureau of Licensing has provided
2 you with a background investigation and Suitability
3 Report. I have provided you with a Draft Order and
4 ask that the Board consider the Order to approve the
5 Fantasy Contest License for Crown PA DFS.

6 ATTORNEY PITRE: Enforcement Counsel
7 has no objection.

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

10 MS. MANDERINO: Mr. Chairman, I move
11 the Board grant Crown PA DFS, Inc.'s Fantasy Contest
12 License, as described by the Bureau of Licensing.

13 MS. REITZEL: Second.

14 CHAIRMAN: All in favor?

15 AYES RESPOND

16 CHAIRMAN: All opposed? The motion is
17 adopted.

18 MR. HANNON: The next matter for your
19 consideration is an Interactive Gaming Manufacturer
20 License for Konami Gaming, Incorporated. Konami
21 Gaming, Incorporated is currently licensed in good
22 standing with the Board as a Slot, Table Game and VGT
23 Manufacturer.

24 Under the Gaming Act, the Board may
25 use an abbreviated process to consider the Applicant

1 of an already licensed Manufacturer. The Bureau of
2 Licensing, OEC and the BIE have reviewed the
3 application and the status of the company as a
4 Licensee. And I have provided you with the results of
5 these reviews.

6 I have also provided you with a Draft
7 Order for the Applicant, and ask that you consider
8 Konami Gaming for licensure as an Interactive Gaming
9 Manufacturer.

10 ATTORNEY PITRE: Enforcement Counsel
11 has no objection.

12 CHAIRMAN: Questions or comments from
13 the Board? Do we have a motion?

14 MS. REITZEL: Mr. Chairman, I move
15 that the Board rejects the Report - I'm sorry. Mr.
16 Chairman, that the Board grant Konami Gaming, Inc.'s
17 Interactive Gaming Manufacturer Abbreviated License,
18 as described by the Bureau of Licensing.

19 MR. SANTONI: Second.

20 CHAIRMAN: All in favor?

21 AYES RESPOND

22 CHAIRMAN: All opposed? Motion is
23 adopted.

24 MR. HANNON: Next for your
25 consideration is the approval of Gaming-Related Gaming

1 Service Provider Certification for Casino Over Under,
2 LLC. Casino Over Under is a Tampa, Florida based
3 company that has developed a new card game called
4 Casino Over Under. The BIE has completed its
5 investigation of this company and the Bureau of
6 Licensing has provided you with a background
7 investigation and Suitability Report for this
8 applicant.

9 I have provided you with the Draft
10 Order for this entity, and ask that the Board consider
11 the approval of a Gaming-Related Gaming Service
12 Provider Certification for Casino Over Under, LLC.

13 ATTORNEY PITRE: Enforcement Counsel
14 has no objection.

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

17 MR. SANTONI: Mr. Chairman, I move
18 that the Board grant Casino Over Under, LLC's
19 Certified Gaming Related Gaming Service Provider
20 License, as described by the Bureau of Licensing.

21 MR. JEWELL: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? Motion is
25 adopted.

1 MR. HANNON: Next are Conditional VGT
2 Establishment Licenses for truck stops seeking to
3 place VGTs in their establishments. The Applicants
4 are C H R Corp doing business as Rutter's Stores. The
5 following numbers are 4, 5, 8, 15, 16, 17, 23, 34, 36,
6 37, 56, 60, 65, 67, 68, 69, 70, 71, 72 and 79.

7 Under the Gaming Act, the Board may
8 issue a Conditional Establishment License provided the
9 Applicant has never been convicted of a felony, is
10 current on state taxes, has submitted a complete
11 Application and has not been convicted of a Gaming Law
12 violation.

13 A preliminary review of these
14 Applicants indicates they meet these criteria. It
15 should be clear that this is strictly a conditional
16 approval and that final approval will be based on the
17 Applicant meeting all the eligibility criteria
18 provided in the statute.

19 A final eligibility determination
20 shall follow investigation and site investigations by
21 the BIE. I ask that the Board consider our motion to
22 approve the Conditional VGT Establishment Licenses.

23 ATTORNEY PITRE: Enforcement Counsel
24 has no objection.

25 CHAIRMAN: Any questions from the

1 Board on this matter? I just have a question, just to
2 clarify things for the record.

3 The eligibility requirement relate to
4 things like whether or not they've been convicted of
5 something. At this point, the Bureau of Licensing has
6 not reviewed, you said the other conditions. Those
7 things like how many gallons of diesel fuel they're
8 pumping, whether or not they have all the various
9 things in place necessary to run this. Whether or not
10 they have the adequate number of tractor-trailer
11 parking and whatnot.

12 So, this - what we're voting on today
13 does not relate to any of those matters, just the
14 initial eligibility.

15 Is that correct?

16 MR. HANNON: That's correct. This is
17 strictly preliminary.

18 CHAIRMAN: Okay.

19 And you're required by law to have
20 done this in, what, 60 days when these Applications
21 are filed or something like that? Is it 60 or 90?

22 MR. HANNON: Ninety (90) days of their
23 completed Application.

24 CHAIRMAN: Okay. I just want to make
25 sure the record is clear of what we're voting on and

1 what we're not voting on today.

2 Do I have a motion, please?

3 MR. JEWELL: Mr. Chairman, I move that
4 the Board grant the Conditional Video Gaming Terminal
5 Establishment Licenses, as described by the Bureau of
6 Licensing.

7 MR. KERNODLE: Second.

8 CHAIRMAN: All in favor?

9 AYES RESPOND

10 CHAIRMAN: All opposed? The motion is
11 adopted. Thank you.

12 MR. HANNON: In addition, there are
13 Principal and Key Employee Licenses. Prior to this
14 meeting, the Bureau of Licensing provided you with a
15 Proposed Order for five Principals and three Key
16 Employees. I ask that the Board consider the Order
17 approving these Licenses.

18 ATTORNEY PITRE: Enforcement Counsel
19 has no objection.

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

22 MR. KERNODLE: Mr. Chairman, I move
23 that the Board grant the Principal and Key Employee
24 Licenses, as described by the Bureau of Licensing.

25 MS. MANDERINO: Second.

1 CHAIRMAN: All in favor?

2 AYES RESPOND

3 CHAIRMAN: All opposed? Motion is
4 adopted.

5 MR. HANNON: Next are Temporary Key
6 Employee Licenses. Prior to this meeting, the Bureau
7 of Licensing provided you with an Order regarding the
8 issuance of Temporary Licenses for nine Key Employees.
9 I ask that the Board consider the Order approving
10 these Licenses.

11 ATTORNEY PITRE: Enforcement Counsel
12 has no objection.

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

15 MR. SANTONI: Mr. Chairman, I move
16 that the Board grant the Temporary Key Employee
17 Credentials, as described by the Bureau of Licensing.

18 MS. MANDERINO: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed? Motion is
22 adopted.

23 MR. HANNON: Next are Gaming Permits
24 and Non-Gaming Registrations. Prior to this meeting,
25 the Bureau of Licensing provided you with a list of

1 438 individuals to whom the Bureau has granted
2 Temporary or Full Occupation Permits, and 144
3 individuals to whom the Bureau has granted
4 Registrations under the authority delegated to the
5 Bureau of Licensing. I ask that the Board consider a
6 motion approving the Order.

7 ATTORNEY PITRE: Enforcement Counsel
8 has no objection.

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

11 MS. MANDERINO: Mr. Chairman, I move
12 the Board grant the Gaming Employee Occupation Permits
13 and Non-Gaming Employee Registrations, as described
14 by the Bureau of Licensing.

15 MS. REITZEL: Second.

16 CHAIRMAN: All in favor?

17 AYES RESPOND

18 CHAIRMAN: Opposed? The motion is
19 adopted.

20 MR. HANNON: There is also the
21 Recommendation of Denial for two Gaming Employee
22 Applicants. The Applicants were notified that they
23 were being recommended for denial and failed to
24 request hearings within the specified time frames.

25 The Bureau of Licensing has provided

1 you with an Order addressing the Applicants who the
2 OEC has recommended for denial. I ask that the Board
3 consider the motions approving these denials.

4 ATTORNEY PITRE: Enforcement Counsel
5 continues a request of denial of each matter.

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

8 MS. REITZEL: Mr. Chairman, I move the
9 Board deny the Applications for Gaming Employee
10 Occupation Permits as described by the Bureau of
11 Licensing.

12 MR. SANTONI: Second.

13 CHAIRMAN: All in favor?

14 AYES RESPOND

15 CHAIRMAN: All opposed? Motion is
16 adopted.

17 MR. HANNON: Also for your
18 consideration are Withdrawal Requests for Key and
19 Gaming Employees. In each case, the License, Permit
20 or Registration is no longer required. For today's
21 meeting I have provided the Board with a list of one
22 Key and seven Gaming employees. I ask that the Board
23 consider the Orders approving the List of Withdrawals.

24 ATTORNEY PITRE: Enforcement Counsel
25 has no objection.

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

3 MR. SANTONI: Mr. Chairman, I move
4 that the Board grant the withdrawal of the Key
5 Employee Application and Gaming Employee Occupation
6 Permit Applications described by the Bureau of
7 Licensing.

8 MR. JEWELL: Second.

9 CHAIRMAN: All in favor?

10 AYES RESPOND

11 CHAIRMAN: All opposed? The motion is
12 adopted.

13 MR. HANNON: Next we have an Order to
14 certify the following Gaming Service Provider, Massaro
15 Corporation. I ask that the Board consider the Order
16 approving the Gaming Service Provider for
17 certification.

18 ATTORNEY PITRE: Enforcement Counsel
19 has no objection.

20 CHAIRMAN: Questions or comments from
21 the Board? Do I have a motion?

22 MR. JEWELL: Mr. Chairman, I move that
23 the Board approve the Application of Massaro
24 Corporation for a Gaming Service Provider
25 Certification as described by the Bureau of Licensing.

1 MR. KERNODLE: Second.

2 CHAIRMAN: All in favor?

3 AYES RESPOND

4 CHAIRMAN: All opposed? The motion is
5 adopted.

6 MR. HANNON: Finally, for your
7 consideration are Gaming Service Provider
8 Registrations. The Bureau of Licensing provided you
9 with an Order and an attached list of two Registered
10 Gaming Service Provider Applicants. I ask that the
11 Board consider the Order registering these Gaming
12 Service Providers.

13 ATTORNEY PITRE: Enforcement Counsel
14 has no objection.

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

17 MR. KERNODLE: Mr. Chairman, I move
18 the Board approve the Applicants for Gaming Service
19 Provider Registration as described by the Bureau of
20 Licensing.

21 MS. MANDERINO: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? The motion is
25 adopted.

1 MR. HANNON: That concludes the Bureau
2 of Licensing matters.

3 CHAIRMAN: Office of Enforcement
4 Counsel.

5 ATTORNEY PITRE: The OEC will present
6 ten matters today for the Board's consideration, in
7 which we will request the Board's approval of two
8 Consent Agreements, one Suspension and seven
9 Involuntary Exclusions.

10 The next matter on the Agenda for the
11 Board's consideration is a Consent Agreement between
12 the OEC and Presque Isle Downs & Casino. The Consent
13 Agreement will be presented by Assistant Enforcement
14 Counsel Sarah Kolesar.

15 Representatives from Presque Isle are
16 present. And at this time I'd ask that they introduce
17 themselves for the record, and that anyone not here as
18 an attorney please stand and be sworn.

19 ATTORNEY HAYES: Kevin Hayes, again,
20 on behalf of PID and Churchill Downs, Incorporated.

21 ATTORNEY BEEDING: Cathy Beeding,
22 Senior Counsel and Corporate Compliance Officer for
23 CDI.

24 MR. O'SULLIVAN: Kevin O'Sullivan,
25 Vice President and General Manager for Presque Isle

1 Downs.

2 CHAIRMAN: I presume since they've
3 already been sworn, we don't have to swear them again?

4 ATTORNEY PITRE: That's correct.

5 ATTORNEY KOLESAR: Good morning.

6 Sarah Kolesar, K-O-L-E-S-A-R, Assistant Enforcement
7 Counsel with the OEC. This Proposed Consent Agreement
8 involves two counts of table games violations which
9 occurred at Presque Isle Downs & Casino.

10 The first count of this Consent
11 Agreement involves the commingling of a blue king of
12 hearts with a red set of cards that was utilized at a
13 blackjack table, in violation of the Act, the Board's
14 Regulations and Presque Isle's internal controls.

15 On January 19, 2018, a red set of
16 cards and a blue set of cards was utilized at a
17 blackjack table. The Table Games Dealer removed the
18 blue set of cards from the shuffler at the table, had
19 a patron cut the blue set of cards, placed the blue
20 set of cards back into the shoe and then burn a - a
21 card by putting the first card in the discard rack.

22 Shortly thereafter the Dealer removed
23 the blue set of cards from the shoe and reinserted
24 them into the shuffler. At that time the Dealer did
25 not remove the blue burn card form the discard rack.

1 The blue card was later identified as a blue king of
2 hearts.

3 Because the blue king of hearts was
4 left in the discard rack, the blue card was
5 inadvertently shuffled in with the red set of cards.
6 As a result, the red set of cards had an extra card in
7 its shoe.

8 The compromised blue king of hearts
9 was in a live shoe of red cards three times before it
10 was discovered. Further, the blue king of hearts was
11 dealt to a patron twice.

12 Over the course of one hour and six
13 minutes the compromised set - the compromised red set
14 was in play, approximately 62 hands were dealt.
15 During this time the error lights on the shuffler at
16 the blackjack table were not sufficiently addressed on
17 four separate instances.

18 As a result of this violation, two
19 Presque Isle employees received Corrective Action
20 Notices from their supervisors. Presque Isle was able
21 to identify five patrons that were playing blackjack
22 during the time the cards were compromised and lost
23 money.

24 Presque mailed each of the patrons a
25 gift card, in an attempt to reimburse them for their

1 play. Presque Isle promptly reported this violation
2 to the Bureau of Casino Compliance.

3 The second count of this Consent
4 Agreement occurred on November 3rd, 2017, where a red
5 deck of cards was missing an Ace of diamonds, was put
6 into rotation at a poker table for approximately nine
7 hours and 30 minutes. The red deck was in play for
8 approximately four hours and 40 minutes. During this
9 time the red deck was put into play ten times in total
10 and 126 hands of poker were dealt utilizing the
11 compromised deck.

12 Prior to the compromised deck being
13 put into the rotation, the deck was inspected by a
14 Tables Game Pit Manager and a Tables Game Dealer.

15 At the time of both inspections, the
16 red deck did not contain an Ace of diamonds. During
17 the nine hours and 30 minutes that the red deck was in
18 rotation not one poker Dealer counted the red deck of
19 cards or any deck of cards used in play during that
20 time.

21 Table games personnel discovered that
22 the red deck was compromised while a Table Games
23 Dealer was examining the cards upon preparation to
24 close the poker table. Presque conducted a review to
25 determine when the Ace of diamonds went missing from

1 the red deck. However, the review was inconclusive
2 and the missing Ace of diamonds was never located.

3 As a result of this violation, ten
4 Presque Isle employees received Corrective Action
5 Notices from their supervisors. Presque Isle promptly
6 reported this violation to the Bureau of Casino
7 Compliance.

8 At this time, the OEC requests that
9 the Board approve this Consent Agreement between the
10 parties. The terms of the settlement include that
11 within five days of the Board's Order approving this
12 Consent Agreement, Presque Isle shall pay a civil
13 penalty of \$22,500.

14 Also within five days of the Board's
15 Order approving this Consent Agreement, Presque Isle
16 shall pay the Board an Administrative Fee in the
17 amount of \$2,500.

18 If you have any questions, we would be
19 happy to address them at this time.

20 CHAIRMAN: Thank you. Any questions
21 or comments from the Board? Hearing none, may I have
22 a -? Unless you have some comments -?

23 ATTORNEY HAYES: Just very briefly,
24 Mr. Chairman. The Consent Agreement that's before the
25 Board for your consideration was entered by the prior

1 owner, Eldorado Resorts, as the incidence giving rise
2 to the Consent Agreement occurred prior to Churchill
3 Downs' acquisition of the property.

4 We have been ensured by a management
5 team, under the leadership of Kevin O'Sullivan, that
6 they have worked with the Board members and
7 specifically the Office of Casino Compliance and the
8 OEC to put in policies and procedures to ensure this
9 does not occur again.

10 While this appears to be a deviation
11 from the normal practices, the Board should rest
12 assured that Churchill Downs takes these regulatory
13 violations very serious. And we will continue to
14 monitor those operations of the Table Games
15 Departments to ensure this doesn't occur again.

16 CHAIRMAN: Appreciate it. Thank you.

17 No further comments, may I have a
18 motion?

19 MR. JEWELL: Mr. Chairman, I move that
20 the Board approve the Consent Agreement between the
21 OEC and Presque Isle Downs, Inc., as described by the
22 OEC.

23 MS. MANDERINO: Second.

24 CHAIRMAN: All in favor?

25 AYES RESPOND

1 CHAIRMAN: Opposed? Motion is
2 adopted. Thank you.

3 ATTORNEY PITRE: Next matter on the
4 Agenda for the Board's consideration is a Consent
5 Agreement between the OEC and Mount Airy Casino
6 Resort. The Consent Agreement will be presented by
7 Assistant Enforcement Counsel David Tepper.

8 A representative for Mount Airy - Mr.
9 Sklar is here on behalf of Mount Airy Casino Resort.
10 I'd request that Mr. Sklar introduce himself into the
11 record and spell his name for the court reporter.

12 ATTORNEY SKLAR: Good morning, Mr.
13 Chairman and members of the Board. Michael Sklar,
14 S-K-L-A-R, on behalf of Mount Airy #1, LLC.

15 CHAIRMAN: Thank you.

16 ATTORNEY TEPPER: Good morning,
17 Chairman Barasch and members of the Board. David
18 Tepper, T-E-P-P-E-R, on behalf of the OEC. The
19 Proposes Consent Agreement includes an incident in
20 which Mount Airy Casino violated its Beverage Service
21 Policy.

22 On February 28th, 2018, M.G., a patron
23 at Mount Airy, was served eight alcoholic beverages in
24 a one hour and 29-minute period by one cocktail
25 server. M.G. was served five beers and three shots

1 while he played poker.

2 M.G. finished consuming his last drink
3 at 2:25 a.m. M.G. played poker until approximately
4 5:26 a.m. And from approximately 5:28 a.m. until 7:17
5 a.m. he played a combination of craps and blackjack.

6 M.G. departed Mount Airy at
7 approximately 7:28 a.m., after receiving his vehicle
8 from the valet attendants. At no time did M.G. appear
9 visibly intoxicated, based upon review of surveillance
10 footage.

11 At approximately 7:40 a.m., M.G. was
12 involved in a fatal motor-vehicle accident. Since the
13 Consent Agreement was entered into, M.G. pled guilty
14 to one count of homicide by vehicle while driving
15 under the influence.

16 On February 1st of 2017,
17 representatives of Mount Airy appeared before the
18 Board regarding the Proposed Consent Agreement for an
19 intoxicated patron involving an individual with the
20 initials T.S.

21 At that time Mount Airy's
22 representatives informed the Board that if a patron
23 consumed three drinks in a one-hour period, a Beverage
24 Supervisor would be contacted to assess the situation.

25 On July 12th, 2017, representatives of

1 Mount Airy again appeared before the Board in regards
2 to an incident where there was a violation of Mount
3 Airy's Alcohol Service Policy. At that time Mount
4 Airy advised that they had purchased BOSS.

5 BOSS is the Beverage Ordering Service
6 System provided by Bally's, which allows Mount Airy to
7 automatically track alcohol service for Mount Airy
8 Player card patrons and set minimum time intervals
9 between beverage orders, establish a maximum number of
10 drinks within a set time period and other beverage
11 service limitations.

12 Further, timely installation of BOSS
13 was a term of the Consent Agreement between Mount Airy
14 and the OEC, which was approved by the Board on
15 July 12th, 2017. BOSS had not yet been installed by
16 Mount Airy on February 28th, 2018.

17 BOSS was installed at Mount Airy in
18 October of 2018.

19 At this time, the OEC request that the
20 Board approve this Consent Agreement between the
21 parties. The terms of the settlement include that
22 within five days of the Board's Order approving this
23 Consent Agreement, Mount Airy shall pay a civil
24 penalty of \$250,000 for the alleged violations
25 described.

1 Also, within five days of the Board's
2 Order approving this Consent Agreement, Mount Airy
3 shall pay the Board \$2,500 for the costs incurred by
4 OEC, BIE, and other related staff in connection with
5 this matter.

6 If you have any questions we would be
7 happy to answer them at this time.

8 CHAIRMAN: Are there any questions or
9 comments from the Board? Do you have anything you
10 want to say at this point, Michael?

11 ATTORNEY SKLAR: Not at this time.

12 CHAIRMAN: May I have a motion?

13 MR. KERNODLE: Mr. Chairman, I move
14 that the Board approve the Consent Agreement between
15 the OEC and Mount Airy #1, LLC described by the OEC.

16 MS. REITZEL: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed. The motion is
20 adopted.

21 ATTORNEY PITRE: The next matter on
22 the agenda consists of an enforcement action in which
23 the OEC filed a Complaint seeking the suspension of
24 the Non-Gaming Employee Registration issued to
25 Jennifer Remache.

1 The Complaint has been filed with the
2 Board's OHA and properly served upon Ms. Remache, who
3 failed to respond to the Complaint within 30 days, as
4 is required by the Board Regulation. As a result the
5 OEC filed a Request of Default Judgement and properly
6 served the same upon Ms. Remache.

7 Therefore, the facts in the Complaint
8 are deemed admitted. All file documents have been
9 provided to the Board and the matter is presently ripe
10 for the Board's consideration.

11 Assistant Enforcement Counsel Thomas
12 Monaghan will provide a brief summation and request
13 the appropriate Board action.

14 ATTORNEY MONAGHAN: Good morning.
15 Thomas Monaghan, M-O-N-A-G-H-A-N. I'm with the OEC.

16 The next matter on the Agenda for the
17 Board's consideration is a suspension of a Non-Gaming
18 Employee Registration issued to Jennifer Remache.

19 Ms. Remache pled guilty to misdemeanor
20 simple assault in connection with a physical
21 altercation with the father of her child and his
22 girlfriend. At this time OEC requests that the Board
23 suspend the Non-Gaming Employee Registration issued to
24 Jennifer Remache.

25 CHAIRMAN: Questions or comments from

1 the Board? Hearing none, may I have a motion?

2 MS. REITZEL: Mr. Chairman, I move for
3 the Board to approve a six-month suspension of
4 Jennifer Remache's Non-Gaming Employee Registration as
5 described by the OEC.

6 MR. SANTONI: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: All opposed. Motion is
10 adopted.

11 ATTORNEY PITRE: The remaining matters
12 on the Agenda consist of enforcement actions in which
13 the OEC filed a Petition seeking the involuntary
14 exclusion of individuals whose presence in a licensed
15 facility are inimical to the interest of the
16 Commonwealth and/or licensed gaming therein.

17 In each instance the Petition for
18 Exclusion has been filed with the Board's OHA and
19 properly served upon the individual named in the
20 Petition. The individual named in the Petition failed
21 to respond within 30 days, as required by Board
22 Regulation.

23 As a result, the OEC filed a Request
24 for Default Judgement in each instance and properly
25 served the same upon each named individual.

1 Therefore, all facts in each Petition
2 are deemed admitted. All file documents have been
3 provided to the Board and the matters are presently
4 right for the Board's consideration.

5 In each instance, if the Board orders
6 the proposed exclusion, each individual's photo,
7 personal identifiers, and a summary of the inimical
8 conduct will be placed on the Board's public website.

9 ATTORNEY MONAGHAN: Good morning.
10 Once again, Thomas Monaghan with the OEC. The next
11 matter on the Agenda for the Board's consideration is
12 a request to place Tyler Chapin on the Board's
13 Involuntary Exclusion List.

14 On September 14th, 2018, while exiting
15 Hollywood Casino Mr. Chapin and his companion became
16 involved in a confrontation with security, in which
17 Mr. Chapin threatened to get his - retrieve a gun from
18 his car and come back to the casino.

19 While driving off the property, Mr.
20 Chapin stopped at the horse statue located near the
21 entrance to Hollywood's parking lot and discharged his
22 gun out of the driver's side window towards the
23 statue.

24 Mr. Chapin was later arrested and
25 charged by the Pennsylvania State Police. At this

1 time OEC request the Board place Tyler Chapin on the
2 Board's Involuntary Exclusion List.

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

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

9 MR. JEWELL: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed. The motion is
13 adopted.

14 ATTORNEY MILLER: Good morning.
15 Dustin Miller, on behalf of the OEC.

16 Next on the Agenda for the Board's
17 consideration is a request to place Dominic Cardamone
18 on the Exclusion List.

19 On March 30th, 2018 Mr. Cardamone left
20 a ten-year-old child alone in his vehicle for 28
21 minutes prior to the child being located by security
22 at the Rivers Casino. During this time Mr. Cardamone
23 engaged in gaming activity for approximately 19
24 minutes.

25 The temperature on this day was 38

1 degrees. Mr. Cardamone was located and turned over to
2 Pennsylvania State Police, who later escorted him from
3 the casino. Mr. Cardamone later that day called the
4 casino and spoke with a security employee, to whom he
5 issued threats and used abusive language.

6 The Pennsylvania State Police filed
7 one count of terroristic threats and endangering the
8 welfare of children and six motor vehicle summary
9 offenses against Mr. Cardamone. At this time the OEC
10 requests the placement of Dominic Cardamone on the
11 PGCB's Exclusion List.

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 the addition of Dominic Cardamone to
16 the PGCB Involuntary Exclusion List, as described by
17 the OEC.

18 MR. KERNODLE: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed? The motion is
22 adopted.

23 ATTORNEY MONAGHAN: The next matter on
24 the Agenda for the Board's consideration is a request
25 to place Richard Michael Gresh, Jr. on the Board's

1 Involuntary Exclusion List.

2 On four separate days in June of 2018,
3 Mr. Gresh was discovered to be cheating while playing
4 Mississippi Stud Poker at the Meadows Casino.

5 On June 20th, 2018, Mr. Gresh was
6 discovered to be marking cards while playing
7 Mississippi Stud Poker. And after review of Mr.
8 Gresh's previous visits to the Meadows, it was
9 discovered that he also marked cards on at least three
10 previous dates.

11 Due to his cheating activity, Mr.
12 Gresh was criminally charged by the Pennsylvania State
13 Police. At this time, OEC requests that the Board
14 place Richard Michael Gresh, Jr. on the Board's
15 Involuntary Exclusion List.

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

18 MR. KERNODLE: Mr. Chairman, I move
19 the Board approve the addition of Richard Michael
20 Gresh, Jr. to the PGCB Involuntary Exclusion List as
21 described by the OEC.

22 MS. REITZEL: Second.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? Motion is

1 adopted.

2 ATTORNEY GABRIELLE: Good morning, Mr.
3 Chairman and members of the Board. Ashley Gabrielle,
4 G-A-B-R-I-E-L-L-E, for the OEC. The next matter on
5 the Agenda for the Board's consideration is a Petition
6 for the exclusion of Lisa Marie Davis.

7 In October 2015, Ms. Davis was ejected
8 from Valley Forge Casino Resort for undesirable
9 behavior and attempting to use another patron's
10 Players card. Ms. Davis violated the ban and was
11 permanently evicted from Valley Forge Casino.

12 Ms. Davis violated the permanent
13 eviction in March 2018, when she was found at Valley
14 Forge Casino with cocaine and paraphernalia in her
15 possession and as a result was criminally charged. At
16 this time the OEC requests that the Board exclude Lisa
17 Marie Davis.

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

20 MR. KERNODLE: Mr. Chairman, I move
21 that the Board approve the addition of Lisa Marie
22 Davis to the PGCB Involuntary Exclusion List as
23 described by the OEC.

24 MS. MANDERINO: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed? The motion is
3 adopted.

4 ATTORNEY MILLER: Dustin Miller, once
5 again, on behalf of the OEC. The next matter on the
6 Agenda for the Board's consideration is the request to
7 place Daniel Maloney on the Exclusion List.

8 On April 5th, 2018, Mr. Maloney
9 entered the Rivers Casino and engaged in blackjack
10 play. During his play, Mr. Maloney cheated, by
11 pinching his bet 18 times and capping a winning bet
12 once.

13 The total won by Mr. Maloney due to
14 the capping offense was \$550. Of this amount, \$325
15 was recovered by security prior to his ejection from
16 the casino, for an outstanding loss of \$225 to the
17 casino.

18 Mr. Maloney was permanently banned by
19 the casino. As a result, the OEC requests the
20 placement of Daniel Maloney on the PGCB Exclusion
21 List.

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

24 MS. MANDERINO: Mr. Chairman, I move
25 the Board approve the addition of Daniel Maloney to

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

3 MS. REITZEL: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed? The motion is
7 adopted.

8 MR. FERRELL: Good morning, Benjamin
9 Ferrell, F-E-R-R-E-L-L. The next matter for
10 consideration is the Petition to place Stephen Reese,
11 Jr. on the Exclusion List.

12 Mr. Reese threw objects at a Table
13 Games Supervisor while gaming at Harrah's Philadelphia
14 Casino and Racetrack. Pennsylvania State Police
15 charged Mr. Reese with simple assault and harassment.

16 Harrah's Philadelphia permanently
17 evicted Mr. Reese from its facility. At this time,
18 OEC request the Board issue an Order placing Stephen
19 Reese, Jr. on the Involuntary Exclusion List.

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

22 MS. REITZEL: Mr. Chairman, I move
23 that the Board approve the addition of Stephen Reese
24 in the PGCB Involuntary Exclusion List as described by
25 the OEC.

1 MR. SANTONI: Second.

2 CHAIRMAN: All in favor.

3 AYES RESPOND

4 CHAIRMAN: All opposed? Motion is
5 adopted.

6 ATTORNEY TEPPER: David Tepper, again,
7 on behalf of the OEC. Next on the Agenda is a request
8 to place Buddy Schum on the Involuntary Exclusion
9 List.

10 While a patron at Parx, Mr. Schum
11 cashed fraudulent American Express Travelers checks.
12 As a result of his conduct Mr. Schum was criminally
13 charged by the Pennsylvania State Police. At this
14 time the OEC requests that the Board add Buddy Schum
15 to the Involuntary Exclusion List.

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

18 MR. SANTONI: Mr. Chairman, I move the
19 Board approve the addition of Buddy Schum to the PGCB
20 Involuntary Exclusion List as described by the OEC.

21 MR. JEWELL: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? Motion is
25 adopted.

1 ATTORNEY PITRE: On behalf of the OEC,
2 Commissioner Jewell, we wish you well. And we thank
3 you for your service and your support that you
4 provided staff throughout your tenure. With that,
5 that concludes our business.

6 CHAIRMAN: Thank you, Cyrus.

7 That concludes today's meeting. The
8 next public meeting will be held on Wednesday, March
9 6th at 10:00 a.m. in this room. Perhaps Mr. Jewell
10 will be with us, perhaps he won't.

11 MR. JEWELL: No, this is the final
12 time.

13 CHAIRMAN: Down to the final time.
14 Anyway, may I have a motion to adjourn this meeting?

15 MR. JEWELL: So moved.

16 MR. KERNODLE: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed? Motion is
20 adopted. We are adjourned. Thank you.

21 * * * * *

22 MEETING CONCLUDED AT 11:23 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings was reported by me on 02-06-19 and that I, Lindsey Deann Richardson, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 6th day of March, 2019



Lindsey Deann Richardson,
Court Reporter