

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

* * * * *

BEFORE: MEMBERS OF THE BOARD:

DAVID M. BARASCH, CHAIRMAN

Obra S. Kernodle, IV

Sean Logan (via telephone)

Kathy M. Manderino

T. Mark Mustio

Merritt C. Reitzel

Dante Santoni, Jr.

EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE:

Jennifer Langan, Esquire, Designee,
Department of Treasury

Christin Heidingsfelder, Designee,
Department of Revenue

Fred Strathmeyer, Designee,
Department of Agriculture

HEARING: Wednesday, September 4, 2019,
10:07 a.m.

Reporter: Lindsey Deann Richardson

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

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

- DANETTE BIXLER-GEORGE, Director of Human Resources
- DAVID RHEN, Director, Financial Management
- CHAD ZIMMERMAN, Assistant Chief Counsel
- R. DOUGLAS SHERMAN, Chief Counsel
- STEVE COOK, Deputy Chief Counsel
- SUSAN HENSEL, Director, Bureau of Licensing

OFFICE OF ENFORCEMENT COUNSEL:

- CYRUS PITRE, Chief Enforcement Counsel
- DAVID TEPPER, Assistant Enforcement Counsel
- THOMAS MONAGHAN, Assistant Enforcement Counsel

CATEGORY 4 AUCTION:

- LINDA LLOYD, Director, Office of Hearings and Appeals
- PAMELA LEWIS, Board Secretary and Executive Assistant

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P R O C E E D I N G S

CHAIRMAN: Good morning, everyone.

I'm David Barasch, Chairman of the Pennsylvania Gaming Control Board. If you haven't already, I'd like everybody to make sure to put their electronic devices on silent.

With us today, Fred Strathmeyer from the Department of Agriculture, representing Russell Redding. Jen Langan representing Joe Torsella, the State Treasurer. And Christin Heidingsfelder, representing Secretary of Revenue, Dan Hassell. Thank you all for your continued involvement and interest.

Quorum being present, I'll call the proceedings to order. The first order of business, Pledge of Allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIRMAN: By way of announcements, the Board held Executive Session yesterday, on Tuesday, September 3rd to discuss personnel matters to conduct quasi-judicial deliberations relating to matters coming before the Board today.

Given what's - I was going to say the Board will hold its next Cat 4 Auction on September 18th, but in view of the fact that we had no bids

1 today, that - that further auctions are no longer on
2 the schedule.

3 Correct, Mr. Sherman? Is that
4 correct?

5 ATTORNEY SHERMAN: Yes.

6 CHAIRMAN: Thank you. And before we
7 begin, I would note that participating by phone is
8 Commissioner Sean Logan, who's out in Pittsburgh this
9 morning.

10 Good morning, Sean.

11 MR. LOGAN: Good morning, Mr.
12 Chairman.

13 CHAIRMAN: Next we have consideration
14 of a motion to approve the minutes and transcripts of
15 the July 10th, 2019 meeting.

16 May I have such a motion?

17 MR. MUSTIO: Mr. Chairman, I move that
18 the Board approve the minutes and transcript of the
19 July 10th, 2019 meeting.

20 MS. REITZEL: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed?

24 The motion's adopted.

25 Next, Danette. Personnel, or should I

1 say Director of Human Resources.

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

6 Christopher Schroder has been selected
7 as the Director of Casino Compliance. He has
8 completed the interview process, background
9 investigation and drug screening and is recommended
10 for hire by Executive Director Kevin O'Toole.

11 Unless you have questions, I ask that
12 the Board consider a motion to approve the hiring
13 action as indicated.

14 CHAIRMAN: Are there any questions or
15 comments of the Board about this matter?

16 Hearing none, may I have a motion?

17 MS. REITZEL: Mr. Chairman, I move
18 that the Board approve the applicant for hire as
19 proposed by the Human Resources Director.

20 MR. SANTONI: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed?

24 The motion's adopted.

25 MS. BIXLER-GEORGE: Thank you.

1 CHAIRMAN: Thanks a lot, Danette.
2 Dave Rhen, Office of Financial
3 Management.

4 MR. RHEN: Good morning, Chairman, and
5 fellow Board members. I'm here today to provide a
6 final accounting of expenditures for fiscal year
7 '18-'19, which concluded June 30th.

8 For the fiscal year expenditures
9 totaled \$41.6 million and revenues totaled \$43.8
10 million. This means the revenue - there's a revenue
11 surplus of \$2.2 million. And this money will lapse
12 back to the 1401 operator assessment accounts.

13 For the year overall, expenses
14 increased by \$2 million, slightly over five percent.
15 Personnel expenses were \$36.1 million and accounted
16 for 87 percent of the overall expenses. Personnel
17 expenses were divided between salary expenses of \$20.2
18 million and benefits totaling \$14.8 million.

19 Benefits, as a percentage of salary
20 expenses, were 69 percent. This is the same rate as
21 it was in the prior fiscal year.

22 Personnel expenses were \$1.7 million
23 higher than in fiscal year 2017-'18. This is due to
24 contractual management salary increases and increased
25 complement levels due to expanded gaming.

1 Operating and fixed asset expenses
2 totaled \$5.5 million. This was \$300,000 higher than
3 in the prior year. Again, much of this increase was
4 due to higher travel and investigative costs related
5 to gaming expansion and increased inter-agency
6 billings for services billed by state agencies to the
7 Board.

8 Eighty (80) percent of overall
9 operating expenses were for rentals and leases,
10 services such as inter-agency billings and fingerprint
11 - fingerprint checks and other operating expenses,
12 which includes database checks utilized in background
13 investigations.

14 That concludes my report.

15 CHAIRMAN: Any questions or comments
16 from the Board for Mr. Rhen? Hearing none, thank you
17 very much, David.

18 May I have a motion - no, there is no
19 motion here. Thank you.

20 Office of Chief Counsel (OCC).

21 ATTORNEY SHERMAN: Good morning,
22 members of the Board. First I have to say, being
23 called up to do the auction and having nobody show up
24 feels like the minor league pitcher that was called up
25 to make their major league debut in the last game of

1 the season, only to have it rained out and canceled.

2 CHAIRMAN: Well, I hope you don't take
3 it personally.

4 ATTORNEY SHERMAN: No, not at all.

5 Our first Agenda item relates to a
6 Proposed Regulation, which Assistant Chief Counsel,
7 Chad Zimmerman is here to present.

8 ATTORNEY ZIMMERMAN: Good morning,
9 Chairman, other Commissioners of the Board.

10 Before you is proposed Rulemaking
11 #125-225, which is a proposed rulemaking regarding
12 Amendments for the Compulsive and Problem Gaming
13 Regulations and the Self-Exclusion Program (Lists).
14 The necessity of these was precipitated by the
15 expanded gaming, which created additional Self-
16 Exclusion Lists.

17 The Amendments to the Regulations
18 involve the rebranding or renaming of the list that
19 was previously the Self-Exclusion List to the Casino
20 Self-Exclusion List, and Amendments were made to
21 reflect that change.

22 Additionally provisions were added to
23 the Regulations that - that allow for an individual
24 who has self-excluded for a lifetime to seek removal
25 from the Self-Exclusion List after a period of time

1 and meeting other conditions. And then also provision
2 to allow an individual to self-exclude and remove
3 themselves from self-exclusion online on a portal that
4 will be set up by our IT Office.

5 If there are any questions, I can
6 answer them now. If not, I would ask for a motion to
7 approve the Regulations.

8 CHAIRMAN: Are there any questions for
9 Counsel Zimmerman?

10 Hearing none, may I have a motion?

11 MR. SANTONI: Mr. Chairman, I move
12 that the Board approve the Proposed Regulation
13 #125-225, as described by the OCC.

14 MR. KERNODLE: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed?

18 The motion's adopted.

19 ATTORNEY ZIMMERMAN: Thank you.

20 CHAIRMAN: Thank you, Chad.

21 ATTORNEY SHERMAN: Next the Board has
22 two Petitions before it for consideration. The
23 Petitions will be decided based upon the documentary
24 record by agreement of the parties. In each of the
25 matters the Board has, in advance of this meeting,

1 been provided with all documents filed of record.

2 The first matter is Roman Mosaic &
3 Tile Company's Petition for Removal from the Board's
4 Prohibited Gaming Service Provider List. In December
5 of 2006, Roman Mosaic & Tile Company submitted a
6 Gaming Service Provider Application. And during the
7 application process, the Bureau of Licensing contacted
8 the company's president, Paul Trevisan, informing them
9 that the company had not submitted several Key
10 Employee Qualifier Applications as required.

11 The individual never complied with the
12 request to submit the applications, and the company
13 was then placed on the Prohibited Gaming Service
14 Provider List.

15 Roman Mosaic & Tile Company's Petition
16 requesting removal from that list claims that Mr.
17 Trevisan is no longer working for the company, and
18 that the current corporate officers will provide
19 whatever information is required to complete the
20 application process.

21 The Office of Enforcement Counsel
22 (OEC) does not object to the Petition to remove the
23 company from the list, so long as the company submits
24 the appropriate and completed forms to the Bureau of
25 Licensing, pays any associated fees owed to the Board,

1 as well as a \$1,500 penalty.

2 That matter is now appropriate for the
3 Board's consideration of a motion.

4 CHAIRMAN: Questions or comments from
5 the Board?

6 Hearing none, may I have a motion?

7 MR. KERNODLE: Mr. Chairman, I move
8 that the Board grant Roman Mosaic & Tile Co.'s
9 Petition to be removed from the Prohibited Gaming
10 Service Provider List with the conditions described by
11 the OCC.

12 MS. MANDERINO: Second.

13 CHAIRMAN: All in favor?

14 AYES RESPOND

15 CHAIRMAN: All opposed?

16 The motion's adopted.

17 ATTORNEY SHERMAN: The second Petition
18 before the Board is Joseph Rivello's Petition for
19 Removal from the Involuntary Exclusion List.

20 In October of 2015 the Board placed
21 Mr. Rivello on the Involuntary Exclusion List after it
22 was shown that in March of '15, while gaming at
23 Harrah's Philadelphia, he past-posted one bet, winning
24 \$750, to which he was not entitled.

25 Mr. Rivello was criminally charged and

1 permanently evicted from Harrah's. He pled guilty in
2 Criminal Court and has made full restitution to
3 Harrah's, as well as completed his probation period.

4 Almost four years have expired and Mr.
5 Rivello's petitioning for removal from the Exclusion
6 List. The OEC has no objection to the request and it
7 would be appropriate for the Board to consider a
8 motion.

9 CHAIRMAN: Just one question, a
10 procedural question.

11 While we can take him off the list or
12 not take - assuming we take him off the list, may a
13 casino still keep him out?

14 ATTORNEY SHERMAN: Yes. That's their
15 prerogative as the owner of that private property.

16 CHAIRMAN: This doesn't entitle him to
17 necessarily enter into the casino where he was barred?

18 ATTORNEY SHERMAN: Correct. Harrah's
19 could maintain their permanent eviction.

20 CHAIRMAN: Are there any other
21 questions or comments from the Board?

22 Hearing none, may I have a motion?

23 MR. MUSTIO: Mr. Chairman, I move that
24 the Board grant Joe Rivello's Petition for Removal
25 from the PGCB Involuntary Exclusion List, as described

1 by the OCC.

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, we have
8 Withdrawals and Surrenders as well as Reports and
9 Recommendations presented by Deputy Chief Counsel
10 Steve Cook.

11 ATTORNEY COOK: Morning.

12 The Board has received several
13 unopposed Petitions to withdraw the applications or
14 surrender the credentials of the following individuals
15 and entities.

16 Nathan Wadds; Eugene Davis; Jeremie
17 Kanter; Exalis Investissements SAS; Hestia Development;
18 Holding Wilson S.A.; Charles Henry; Eliane Carrette;
19 Kevin Brown; Terrence Wright; Neil Sell; Michael
20 Bryant Polk; Pia-Lena Olofsson; William Bible; Joshua
21 Risley; Erin Chamberlin; Paysafe Payment Services, LLC
22 and William Ambrose Burke.

23 The OEC has no objections to any of
24 these requests. And as a result, if the Board grants
25 them, they'll be doing so without prejudice to each of

1 these parties.

2 CHAIRMAN: Any questions or comments
3 from the Board on this matter?

4 Hearing none, may I have a motion?

5 MS. MANDERINO: Mr. Chairman, I move
6 that the Board issue Orders to approve the Withdrawals
7 and Surrenders as described by the OCC.

8 MR. MUSTIO: Second.

9 CHAIRMAN: All in favor?

10 AYES RESPOND

11 CHAIRMAN: All opposed?

12 The motion's adopted.

13 ATTORNEY COOK: Next before the Board
14 for consideration are six Reports and Recommendations
15 received from the Office of Hearings and Appeals
16 (OHA). These Reports and Recommendations, along with
17 the complete evidentiary record have been provided to
18 the Board in advance of this meeting. And
19 additionally each person that is the subject of these
20 Reports and Recommendations that the Board has been
21 notified that the Board would be taking their matter
22 up today.

23 If any of these persons are present
24 and wish to address the Board, they should come
25 forward when their name is called or when initials are

1 called.

2 The first Report and Recommendation
3 before the Board pertains to a request for removal
4 from the Self-Exclusion List pursuant to the Findings
5 of Fact and the Reports and - Report and
6 Recommendation issued in this matter.

7 On March 31st, 2011 an individual with
8 the initials D.C. entered the Hollywood Casino of Penn
9 National Race Course and requested to be placed on the
10 Self-Exclusion List. The Casino Compliance
11 Representative who placed D.C. on the list testified
12 that he conducted the mandatory interview, explained
13 the process of being placed on the list, the
14 consequences of the exclusion period options and
15 completed all of the required paperwork and
16 procedures. Thereafter D.C. signed an Acknowledgement
17 Form selecting lifetime Self-Exclusion.

18 On September 20th, 2018 D.C. filed a
19 request for removal from the lifetime Exclusion List.
20 The OEC filed an Answer objecting to that request.

21 A hearing was held on February 27th.
22 OEC appeared, presenting testimony and documentary
23 evidence. D.C. appeared and testified on his own
24 behalf and his wife also came with him and testified
25 on his behalf.

1 D.C. admitted to signing the
2 Self-Exclusion Documents and placing himself on a
3 lifetime self-exclusion, as well as placing himself on
4 Exclusion Lists in the States of New Jersey and
5 Delaware for a lesser period of time. He has since
6 removed himself from both the New Jersey and Delaware
7 list.

8 Additionally, D.C. states that he is
9 in control when he gambles. And his wife testified
10 that both she and D.C. frequent casinos in Delaware
11 and they wish to begin frequenting casinos in
12 Pennsylvania again. And basically that the impetus of
13 his placement on the lifetime Self-Exclusion List were
14 marital difficulties the couple was having at the
15 time.

16 Ultimately, after hearing all of the
17 evidence presented, the Report and Recommendation
18 issued subsequent to the hearing found that D.C. is
19 not eligible for removal from the lifetime
20 Self-Exclusion List under the Board's present
21 Regulations.

22 However, it should be noted that the
23 Board today started the process of amending its
24 Regulations to allow for a petition process whereby a
25 person who chooses lifetime self-exclusion can

1 petition for removal after ten years has passed, and
2 as long as certain conditions are met.

3 In this case, this would allow D.C. to
4 petition for removal from the list any time after
5 March 31st, 2021, if, in fact, that Regulation that
6 the Board voted on today passes into final form prior
7 to that date.

8 With all that being said, this matter
9 is now ripe for the Board's consideration.

10 CHAIRMAN: Thank you, Steve.

11 Are there any questions or comments
12 from the Board?

13 Hearing none, may I have a motion?

14 MR. MUSTIO: Mr. Chairman, I move that
15 the Board adopt the Report and Recommendation issued
16 by the OHA regarding D.C.'s Petition for Removal from
17 the Involuntary Self-Exclusion List, as described by
18 the OCC.

19 If Proposed Regulation #125-225 is
20 ultimately promulgated in final form, D.C. may again
21 petition the Board for relief after March 31st, 2021.

22 MS. REITZEL: Second.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed?

1 The motion's adopted.

2 ATTORNEY COOK: The next matter before
3 the Board pertains to a second request for removal
4 from the Voluntary Self-Exclusion List. On September
5 25th, 2018 an individual with the initials D.F.
6 appeared at the Board's Conshohocken Office and
7 requested to be placed on the Board's Self-Exclusion
8 List for a period of five years.

9 Five months later D.F. filed a
10 Petition for Removal from the list. The OEC filed an
11 objection to that request. The hearing was held
12 before the Board's OHA on May 14th, 2019. Both
13 Enforcement Counsel and D.F. appeared at that hearing.

14 The evidence presented at the hearing
15 established that on September 25th, 2018 D.F.'s wife
16 drove him to the Conshohocken Office, where he met
17 with Administrative Assistant regarding placement on
18 the Self-Exclusion List.

19 The Administrative Assistant testified
20 that she conducted D.F.'s Self-Exclusion Interview,
21 that D.F. had signed a form giving his wife permission
22 to be present during the interview and that he was not
23 being coerced.

24 Additionally, the Assistant testified
25 that all the required paperwork and procedures were

1 followed during the interview and that D.F. signed the
2 exclusion paperwork, choosing a five-year period of
3 exclusion.

4 Moreover, at one point during the
5 interview process D.F.'s wife was asked to leave the
6 room, so as to allow our staff member the opportunity
7 to question D.F. and to be assured that he was not, in
8 fact, being coerced into placement on the list.

9 When given an opportunity to present
10 evidence, D.F. testified that he was upset that he had
11 placed himself on the list due to recent losses
12 gambling. He stated that he wanted to choose a
13 one-year option but felt pressured by his wife to pick
14 the longer exclusion period, and that our staff person
15 recommended a five-year term as a compromise.

16 During the Assistant's testimony on
17 that issue, she stated she had never pushed - she
18 didn't push D.F. into choosing a period, nor has she
19 ever pushed anyone into choosing a period of time for
20 self-exclusion.

21 Ultimately, after hearing all the
22 evidence, the Report and Recommendation issued by the
23 Hearing Officer recommends that D.F. remain on the
24 list for at least the five-year term.

25 CHAIRMAN: Are there any questions or

1 comments from the Board?

2 Hearing none, may I have a motion?

3 MS. REITZEL: Mr. Chairman, I move
4 that the Board adopt the Report and Recommendation
5 issued by the OHA regarding D.F.'s Petition for
6 Removal from the Voluntary Self-Exclusion List as
7 described by the OCC and that D.F. remain on the
8 Self-Exclusion List.

9 MR. SANTONI: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed?

13 The motion's adopted.

14 ATTORNEY COOK: The next Report and
15 Recommendation before the Board is a third request for
16 removal from the Board's Voluntary Self-Exclusion
17 List. Pursuant to the Findings of Fact and the Report
18 and Recommendation issued in this case, on July 16th,
19 2017, an individual with the initials J.J. entered
20 Presque Isle Downs and requested to be placed on the
21 Self-Exclusion List.

22 The Casino Compliance Representative
23 who placed J.J. on the list testified that he
24 conducted the mandatory interview, explained the
25 process of being placed on the list and the

1 consequences of the exclusion period options. In
2 doing so, he followed - or completed all the
3 appropriate paperwork and followed all the procedures.
4 Thereafter J.J. signed an Acknowledgement Form
5 selecting a five-year period of self-exclusion.

6 On February 4th, 2019, 19 months into
7 the selected five-year term, J.J. filed a request for
8 removal from the Self-Exclusion List and the OEC filed
9 an Answer objecting to that request.

10 The hearing was held on April 30th,
11 2019. Both parties, OEC and J.J., appeared and
12 provided evidence. J.J. testified that on the day she
13 placed herself on the list she had been taking
14 medication, drinking and dealing with personal - or
15 some personal issues at that time.

16 J.J. additionally stated she had never
17 - she would have never chosen a five-year period and
18 believed that she had only chosen a one-year period.
19 During his testimony, the CCR that went through the
20 process with J.J. testified that she appeared sober
21 and coherent, and in fact, signed paperwork that she
22 was not under the influence of alcohol or drugs.

23 After hearing all of the evidence
24 presented, the Hearing Officer recommends that J.J.
25 remain on the list for the five-year period.

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

3 MR. SANTONI: Mr. Chairman, I move
4 that the Board adopt the Report and Recommendation
5 issued by the OHA regarding J.J.'s Petition for
6 Removal from the Voluntary Self-Exclusion List, as
7 described by the OCC and that J.J. remain on the
8 Self-Exclusion List.

9 MR. KERNODLE: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed?

13 The motion's adopted.

14 ATTORNEY COOK: The next Report and
15 Recommendation before the Board today pertains to
16 Stephen Vislocky. In February of 2019 the OEC filed a
17 Petition requesting that Mr. Vislocky be placed on the
18 Board's Involuntary Exclusion List, alleging that on
19 June 10th, 2018, while gaming at Mohegan Sun Pocono,
20 Mr. Vislocky, who was intoxicated, became disruptive
21 and combative.

22 Specifically, when a beverage server
23 informed him that staff was cutting off alcohol
24 service to him, he became angry and agitated,
25 ultimately pulling a box cutter out of his pocket and

1 pointing it at several casino employees. He was
2 charged with simple assault, harassment and disorderly
3 conduct, ultimately pleading guilty to disorderly
4 conduct.

5 A hearing in this matter was held on
6 April 16th, 2019 and then continued on May 16th, 2019
7 at the request of Mr. Vislocky.

8 Both parties appeared at the hearing
9 providing evidence. Ultimately Mr. Vislocky testified
10 that he pulled the box cutter out when a security
11 employee touched - put his hands on Mr. Vislocky
12 because he thought he was being robbed, rather than
13 security attempting to deal with the situation.

14 After hearing all of the evidence
15 presented, the Hearing Officer recommends that the
16 OEC's request for Placement of Mr. Vislocky on the
17 Board Involuntary Exclusion List be granted.

18 CHAIRMAN: Questions or comments from
19 the Board?

20 Hearing none, may I have a motion?

21 MR. KERNODLE: Mr. Chairman, I move
22 that the Board adopt the Report and Recommendation
23 issued by the OHA regarding the Placement of Stephen
24 Vislocky on the PGCB Involuntary Exclusion List as
25 described by the OCC.

1 MS. REITZEL: Second.

2 CHAIRMAN: All in favor?

3 AYES RESPOND

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

6 ATTORNEY COOK: The next matter to be
7 heard by the Board is the Report and Recommendation
8 pertaining to David Mizak. Mr. Mizak holds a
9 Non-Gaming Employee Registration and had worked at the
10 - as the amphitheater cashier at the Rivers Casino.

11 On June 17th, 2019 the OEC filed a
12 request for an Emergency Suspension of Mr. Mizak's
13 Non-Gaming Registration after receiving notice that
14 he'd been charged with a felony, two misdemeanors and
15 several summary offenses.

16 Specifically, on May 27th, 2019 Mr.
17 Mizak, who was driving, struck a police cruiser and
18 then attempted to flee the scene of the accident. A
19 pursuit ensued, eventually ending by Mr. Mizak being
20 pulled over. Upon a search of the vehicle, a small
21 amount of marijuana was found and Mr. Mizak was found
22 to be under the influence of alcohol.

23 A hearing in this matter was held on
24 June 28th. OEC appeared, offering evidence supporting
25 the facts, as I just stated them. Mr. Mizak did not

1 appear at the hearing, so he had no mitigating
2 evidence put into the record.

3 After hearing what was presented, the
4 Hearing Officer recommends that the suspension of his
5 permit continue. I would note the criminal charges
6 remain pending.

7 CHAIRMAN: Questions or comments from
8 the Board?

9 Hearing none, may I have a motion?

10 MR. KERNODLE: Mr. Chairman, I move
11 that the Board adopt the Report and Recommendation
12 issued by the OHA regarding the suspension of David
13 Mizak's Non-Gaming Employee Registration, as described
14 by the OCC.

15 MS. MANDERINO: Second.

16 CHAIRMAN: All in favor?

17 AYES RESPOND

18 CHAIRMAN: All opposed?

19 The motion's adopted.

20 ATTORNEY COOK: The final Report and
21 Recommendation before the Board today pertains to
22 William Malie. In April of 2018 Mr. Malie applied to
23 obtain a Gaming Employee Occupation Level 2 Permit, or
24 a G2 Permit, as we call it, typically, to work as a
25 Cage Supervisor in the Lady Luck Casino in Nemaquin.

1 Thereafter on February 19th, 2019 the
2 OEC issued a Notice recommending denial of Mr. Malie's
3 application, based upon a 2006 criminal conviction and
4 his conduct while employed at The Meadows Casino a
5 year or two earlier.

6 A hearing in this matter was held on
7 May 2nd, 2019. Both OEC and Mr. Malie appeared and
8 offered evidence. The evidence presented showed that
9 Mr. Malie had a 2006 criminal conviction when he was
10 21 years old, which stemmed from his using another
11 person's credit card without that individual's
12 consent.

13 However, the evidence also showed that
14 Bureau of Investigations and Enforcement (BIE) and the
15 OEC was aware of this criminal record after it was
16 disclosed by Mr. Malie when he applied for and
17 received a Non-Gaming Registration in 2007 and a
18 Gaming Employee Permit in 2017.

19 Relative to Mr. Malie's conduct at The
20 Meadows in 2016, Enforcement Counsel sought to revoke
21 Mr. Malie's Non-Gaming Registration after it was
22 thought he was pocketing money from restaurant bills
23 issued to customers.

24 After a hearing in the matter,
25 however, the Board's OHA found that Mr. Malie was

1 simply remiss in following the policies and procedures
2 for opening customer checks and there was no unlawful
3 monetary gain made by him through his actions. As a
4 result the OHA in that matter recommended that he keep
5 his registration. The Board subsequently voted to
6 agree with the Hearing Officer and Mr. Malie kept that
7 registration.

8 After hearing all of the evidence
9 presented in this case, the Report and Recommendation
10 issued by the Hearing Officer recommends that OEC's
11 request that the G2 permit be denied is - should
12 itself be denied, and that he should be granted a G2
13 Application or G2 permit. I'm sorry.

14 CHAIRMAN: Thank you.

15 Are there any questions or comments?

16 Hearing none, may I have a motion?

17 MS. MANDERINO: Mr. Chairman, I move
18 the Board adopt the Report and Recommendation issued
19 by the OHA as described by the OCC and that Mr. Malie
20 be issued a G2 Employee Occupation Permit.

21 MR. MUSTIO: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed?

25 The motion's adopted.

1 ATTORNEY SHERMAN: And that concludes
2 the matters of OCC.

3 CHAIRMAN: Thank you very much.
4 Good morning, Sue.

5 MS. HENSEL: Good morning.

6 Thank you, Chairman Barasch, and
7 members of the Board. Before the Board today will be
8 nine Video Gaming Terminal Establishment Licenses and
9 one Interactive Gaming Manufacturer License. In
10 addition, there will be 831 Principals, as well as Key
11 Gaming and Non-Gaming Employees. Finally there will
12 be the consideration of five Registered Gaming Service
13 Provider Applicants.

14 First before you are Video Gaming
15 Terminal Establishment Licenses for establishments
16 operated by CHR Corp., doing business as Rutter's and
17 TA Operating, LLC, doing business as Travel Centers of
18 America.

19 VGT establishments are truck stops
20 seeking to place VGTs in their businesses. All of the
21 VGT establishments were previously conditionally
22 licensed. The BIE has completed its investigations,
23 including evaluation that the Applicants meet the VGT
24 establishment eligibility criteria.

25 The Bureau of Licensing has provided

1 you with Background Investigation and Suitability
2 Reports. Once fully licensed an establishment can
3 continue forward toward completing the steps necessary
4 to commence VGT Gaming.

5 I've provided you with Draft Orders
6 and ask that you consider the Orders to approve first
7 the VGT Establishment Licenses for CHR Corp. doing
8 business as Rutter's. The establishments are Store 4,
9 which is located at 201 Cool Springs Road in
10 Wrightsville, York County; Store 8, located at 129
11 Leader Heights Road in York, York County, and Store
12 56, located at 368 Lewisberry Road, New Cumberland,
13 Cumberland County.

14 CHAIRMAN: Are there any -?

15 ATTORNEY PITRE: Enforcement Counsel
16 has no objection.

17 CHAIRMAN: Thank you.

18 Questions or comments from the Board?

19 Hearing none, may I have a motion?

20 MR. MUSTIO: Mr. Chairman, I move that
21 the Board grant the Video Gaming Terminal
22 Establishment Licenses for CHR Corporation, doing
23 business as Rutter's stores Number 4, Store Number 8
24 and Store Number 56, as described by the Bureau of
25 Licensing.

1 MS. REITZEL: Second.

2 CHAIRMAN: All in favor?

3 AYES RESPOND

4 CHAIRMAN: All opposed?

5 The motion's adopted.

6 MS. HENSEL: Next are VGT

7 Establishment Licenses for TA Operating LLC, doing
8 business as TravelCenters of America. The
9 establishments are Site 67, located at 5644 State
10 Route 8, Harrisville, Butler County; Travel Site 3,
11 located at 245 Allegheny Boulevard, Brookville,
12 Jefferson County; Site 68, located at 5600 Nittany
13 Valley Drive in Lamar, Clinton County; Site 212,
14 located at 6 Buckhorn Road, Bloomsburg, Columbia
15 County; Site 213 located at 10835 John Wayne Drive in
16 Greencastle, Franklin County and Site 214, located at
17 875 North Eagle Valley Road in Milesburg, Centre
18 County.

19 ATTORNEY PITRE: Enforcement Counsel
20 has no objection.

21 CHAIRMAN: Questions or comments from
22 the Board.

23 Hearing none, may I have a motion?

24 MS. REITZEL: Mr. Chairman, I move
25 that the Board grant the Video Gaming Terminal

1 Licenses for TA Operating, LLC doing business as
2 TravelCenters of America for Sites Number 67, 3, 68,
3 212, 213 and 214, as described by the Bureau of
4 Licensing.

5 MR. SANTONI: Second.

6 CHAIRMAN: All in favor?

7 AYES RESPOND

8 CHAIRMAN: All opposed?

9 The motion's adopted.

10 MS. HENSEL: In addition, for your
11 consideration is an Interactive Gaming Manufacturer
12 License for Ainsworth Game Technology.

13 Ainsworth Game Technology is currently
14 licensed in good standing as a Manufacturer with the
15 Board. Under the Gaming Act, the Board may use an
16 abbreviated process to consider the application of an
17 already licensed Manufacturer.

18 The Bureau of Licensing, OEC and BIE
19 have reviewed the application and the status of
20 Ainsworth Game Technology as a licensee, and I've
21 provided you with the results of those reviews. I
22 have also provided you with a Draft Order for
23 Ainsworth Game Technology and ask that you consider it
24 for licensure.

25 ATTORNEY PITRE: Enforcement Counsel

1 has no objection.

2 CHAIRMAN: Questions or comments from
3 the Board?

4 Hearing none, may I have a motion?

5 MR. SANTONI: Mr. Chairman, I move
6 that the Board grant the Abbreviated Interactive
7 Gaming Manufacturer License for Ainsworth Game
8 Technology, as described by the Bureau of Licensing.

9 MR. KERNODLE: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed?

13 The motion's adopted.

14 MS. HENSEL: Also for your
15 consideration are Principal Licenses. Prior to this
16 meeting the Bureau of Licensing provided you with a
17 Proposed Order for two Principals. I ask that the
18 Board consider the Order approving these licenses.

19 ATTORNEY PITRE: Enforcement Counsel
20 has no objection.

21 CHAIRMAN: Questions or comments from
22 the Board.

23 Hearing none, may I have a motion?

24 MR. KERNODLE: Mr. Chairman, I move
25 that the Board grant the Principal Employee Licenses

1 as described by the Bureau of Licensing.

2 MS. MANDERINO: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed?

6 The motion's adopted.

7 MS. HENSEL: There are also Temporary
8 Licenses for your consideration.

9 Prior to this meeting, the Bureau of
10 Licensing provided you with an Order regarding the
11 issuance of Temporary Licenses for three Principals
12 and three Key Employees.

13 I ask that the Board consider the
14 Order approving these licenses.

15 ATTORNEY PITRE: Enforcement Counsel
16 has no objection.

17 CHAIRMAN: Questions or comments from
18 the Board?

19 Hearing none, may I have a motion?

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

24 MS. MANDERINO: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed?

3 The motion's adopted.

4 MS. HENSEL: Additionally, there are
5 Gaming Permits and Non-Gaming Registrations. Prior to
6 this meeting, the Bureau of Licensing provided you
7 with a list of 566 individuals to whom the Bureau has
8 granted Temporary or Full Occupation Permits and 190
9 individuals to whom the Bureau has granted
10 Registrations under the authority delegated to the
11 Bureau of Licensing.

12 I ask that the Board consider a motion
13 approving the Order.

14 ATTORNEY PITRE: Enforcement Counsel
15 has no objection.

16 CHAIRMAN: Questions or comments from
17 the Board?

18 Hearing none, may I have a motion?

19 MS. MANDERINO: Mr. Chairman, I move
20 the Board grant the Gaming Occupation Permits and
21 Non-Gaming Employee Registrations, as described by the
22 Bureau of Licensing.

23 MR. MUSTIO: Second.

24 CHAIRMAN: All in favor?

25 AYES RESPOND

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

3 MS. HENSEL: There are also
4 recommendations of denial for three Gaming Applicants
5 and one Non-Gaming Employee Applicant. The Applicants
6 were notified that they were being recommended for
7 denial and failed to request a hearing with the
8 specified time frames.

9 The Bureau of Licensing has provided
10 you with Orders addressing each of the Applicants who
11 the OEC has recommended for denial. I ask that the
12 Board consider the Orders approving these denials.

13 ATTORNEY PITRE: Enforcement Counsel
14 continues to request denial in each instance.

15 CHAIRMAN: Thank you.

16 Questions or comments from the Board?

17 Hearing none, may I have a motion?

18 MR. MUSTIO: Mr. Chairman, I move the
19 Board deny the Gaming and Non-Employee Applications as
20 described by the Bureau of Licensing.

21 MS. REITZEL: Second.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed?

25 The motion is adopted.

1 MS. HENSEL: In addition, for your
2 consideration are Withdrawal Requests. In each case
3 the license, permit or registration is no longer
4 required. For today's meeting, I've provided the
5 Board with a list of 60 Gaming Employees and three
6 Non-Gaming Employees.

7 I ask that the Board consider the
8 Orders approving the list of Withdrawals.

9 ATTORNEY PITRE: Enforcement Counsel
10 has no objections.

11 CHAIRMAN: Questions or comments from
12 the Board?

13 Hearing none, may I have a motion?

14 MS. REITZEL: Mr. Chairman, I move
15 that the Board grant the Withdrawal of Key, Gaming and
16 Non-Gaming Employee Applications as described by the
17 Bureau of Licensing.

18 MR. SANTONI: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed?

22 The motion's adopted.

23 MS. HENSEL: Finally, for your
24 consideration are Gaming Service Provider
25 Registrations. The Bureau of Licensing provided you

1 with an Order and an attached list of five registered
2 Gaming Service Provider Applicants. I ask that the
3 Board consider the Order registering these Gaming
4 Service Providers.

5 ATTORNEY PITRE: Enforcement Counsel
6 has no objection.

7 CHAIRMAN: Questions or comments from
8 the Board?

9 Hearing none, may I have a motion?

10 MR. SANTONI: Mr. Chairman, I move
11 that the Board approve the applications for Gaming
12 Service Provider Registration, as described by the
13 Bureau of Licensing.

14 MR. KERNODLE: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed?

18 The motion's adopted.

19 MS. HENSEL: That concludes the
20 matters of the Bureau of Licensing.

21 CHAIRMAN: Thank you, Susan.

22 Cyrus.

23 ATTORNEY PITRE: The OEC will present
24 five matters today for the Board's consideration, in
25 which we'll request the Board's approval of one

1 revocation and four Involuntary Exclusions.

2 ATTORNEY TEPPER: Good morning,
3 Chairman Barasch, members of the Board. David Tepper,
4 T-E-P-P-E-R, with the OEC.

5 The next item on the Agenda is an
6 enforcement action seeking the revocation of Ashley
7 Watt's Non-Gaming Employee Registration.

8 While employed as a Food and Beverage
9 Attendant at Parx Casino, Ms. Watt stole at least
10 \$294.30 from Parx Casino by placing money in her
11 pocket instead of her cash register.

12 Ms. Watt was terminated by Parx and
13 does not work for any Slot Machine Licensee in
14 Pennsylvania. Ms. Watt was properly served with the
15 enforcement action seeking the revocation of her
16 Non-Gaming Employee Registration and related Request
17 for Default Judgment.

18 She did not reply to either pleading.
19 Pursuant to Board Regulations, all facts alleged in
20 OEC's enforcement action are deemed admitted. And at
21 this time the OEC requests that the Board revoke the
22 Non-Gaming Employee Registration of Ashley Watt.

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

25 Hearing none, may I have a motion?

1 MR. KERNODLE: Mr. Chairman, I move
2 that the Board approve the revocation of Ashley Watt's
3 Non-Gaming Employee Registration as requested by the
4 OEC.

5 MR. MUSTIO: Second.

6 CHAIRMAN: All in favor?

7 AYES RESPOND

8 CHAIRMAN: All opposed?

9 The motion is adopted.

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

16 In each instance the Petition for
17 Exclusion has been filed with the Board's OHA and
18 properly served upon the individual named in the
19 petition.

20 The individual named in the petition
21 failed to respond within 30 days, as required by Board
22 Regulation. As a result, the OEC filed a Request for
23 Default Judgment in each instance and properly served
24 the same upon each named individual. Therefore, all
25 facts in each petition are deemed admitted. All the

1 filed documents have been provided to the Board, and
2 the matters are presently ripe for the Board's
3 consideration.

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

8 ATTORNEY TEPPER: Next on the Agenda
9 is a request to place Kumarchandra Bharat on the
10 Involuntary Exclusion List. While a patron at Parx
11 Casino, Mr. Bharat stole \$900 worth of chips from the
12 Poker cage.

13 As a result of his conduct, Mr. Bharat
14 was criminally charged. And at this time the OEC
15 requests that the Board add Kumarchandra Bharat to the
16 Board's Involuntary Exclusion List.

17 CHAIRMAN: Questions or comments from
18 the Board?

19 Hearing none, may I have a motion?

20 MR. SANTONI: Mr. Chairman, I move
21 that the Board approve the addition of Kumarchandra
22 Bharat 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?

3 The motion's adopted.

4 ATTORNEY TEPPER: Next on the Agenda
5 is a request to place William Ortiz, Jr. on the
6 Involuntary Exclusion List. While a patron at Parx
7 Casino, Mr. Ortiz stole a voucher worth \$237.50 that
8 belonged to another patron.

9 As a result of his conduct, Mr. Ortiz
10 was criminally charged. At this time the OEC requests
11 that the Board add William Ortiz, Jr. to the Board's
12 Involuntary Exclusion List.

13 CHAIRMAN: Any questions or comments
14 from the Board?

15 Hearing none, may I have a motion?

16 MS. MANDERINO: Mr. Chairman, I move
17 the Board approve the addition of William Ortiz, Jr.
18 to the PGCB Involuntary Exclusion List, as described
19 by the OEC.

20 MR. MUSTIO: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed?

24 The motion's adopted.

25 ATTORNEY TEPPER: Next on the Agenda

1 is a request to place Rosetta Stewart on the Board's
2 Involuntary Exclusion List. While a patron at Parx
3 Casino, Ms. Stewart stole a voucher worth \$240.86 from
4 a patron's jacket pocket while the patron was seated
5 at a slot machine.

6 At this time the OEC requests that the
7 Board add Rosetta Stewart to the Board's Involuntary
8 Exclusion List.

9 CHAIRMAN: May I have a motion?

10 MR. MUSTIO: Mr. Chairman, I move that
11 the Board -.

12 CHAIRMAN: Excuse me.

13 Are there any questions or comments
14 from the Board?

15 Hearing none, may I have a motion?

16 MR. MUSTIO: Thank you, Mr. Chairman.

17 Mr. Chairman, I move that the Board
18 approve the addition of Rosetta Stewart to the PGCB
19 Involuntary Exclusion List, as described by the OEC.

20 MS. REITZEL: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

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

25 ATTORNEY MONAGHAN: Good morning.

1 Thomas Monaghan, M-O-N-A-G-H-A-N, with the OEC. The
2 final matter on the Agenda for the Board's
3 consideration is a request to place Nicole Jones on
4 the Board's Involuntary Exclusion List.

5 On February 26, 2019 Ms. Jones left
6 her two children, ages five and three, unattended in a
7 hotel room while she gamed at the Sands Casino. The
8 children were left unattended for approximately 2
9 hours and 42 minutes before they were discovered
10 wandering the hotel hallway. Ms. Jones was charged by
11 Bethlehem Police for her actions.

12 At this time OEC requests that the
13 Board place Nicole Jones on the Board's Involuntary
14 Exclusion List.

15 CHAIRMAN: Questions or comments from
16 the Board?

17 Hearing none -.

18 MR. LOGAN: Mr. Chairman?

19 CHAIRMAN: Yes, sir?

20 MR. LOGAN: Wasn't there another
21 relative in the hotel room next door?

22 CHAIRMAN: Mr. Monaghan, could you -?

23 ATTORNEY MONAGHAN: I believe the -
24 her father was in the next hotel room, if I'm not
25 mistaken.

1 CHAIRMAN: But was he -?

2 MR. LOGAN: Could we amend that to
3 include him?

4 ATTORNEY PITRE: No, we have to file a
5 separate Petition.

6 MR. LOGAN: Can I request that you
7 file a separate Petition?

8 ATTORNEY PITRE: He was not involved
9 in the matter. I'll take it into consideration, but I
10 can't guarantee -.

11 MR. LOGAN: The grandfather - do you
12 think he just, by happenstance, showed up that night?

13 ATTORNEY PITRE: No, I think he was
14 staying in the room next door.

15 MR. LOGAN: Okay.

16 Tell me how to formally request that
17 you look into it.

18 ATTORNEY PITRE: We'll look into it.

19 MR. LOGAN: Thank you.

20 CHAIRMAN: Okay. Thank you, Sean.

21 MR. LOGAN: Thank you.

22 CHAIRMAN: Any other further questions
23 or comments from the Board?

24 Hearing none, may I have a motion?

25 MS. REITZEL: Mr. Chairman, I move

1 that the Board approve the addition of Nicole Jones to
2 the PGCB Involuntary Exclusion List as described by
3 the OEC.

4 MR. SANTONI: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed?

8 The motion's adopted.

9 ATTORNEY PITRE: That concludes our
10 business.

11 CHAIRMAN: Thank you.

12 Today we have a public comment period.
13 As I understand it, no one has registered to speak
14 today.

15 Is there anybody else here? If not,
16 I'll move on.

17 I guess that concludes our business
18 today. Next public meeting will be held on Wednesday,
19 October 2nd at 10:00 a.m. in this room. As indicated
20 earlier - excuse me. That will be October 2nd, as I
21 said earlier. The second Category 4 Auction that had
22 been scheduled for September 18th has been cancelled,
23 based upon the failure to have a bid this morning on
24 the first one.

25 May I have a motion to adjourn the

1 meeting?

2 MR. SANTONI: Mr. Chairman, I make a
3 motion we adjourn.

4 MR. KERNODLE: Second.

5 CHAIRMAN: All in favor?

6 AYES RESPOND

7 CHAIRMAN: All opposed?

8 The motion's adopted and we are
9 adjourned. Thank you.

10 * * * * *

11 MEETING CONCLUDED AT 10:45 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding was reported by me on 09/04/19 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 26th day of September, 2019



Lindsey Deann Richardson,

Court Reporter

ERRATA

Page 37, line 19 Change Non-Employee to Non-Gaming

Page 38, line 5-6 Replace existing verbiage with the following:

Board with a list of 2 Key, 37 Gaming and 8 Non-Gaming Employee
withdrawals.