

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

Frank Dermody

Obra S. Kernodle, IV

Sean Logan

T. Mark Mustio

Frances J. Regan

Denise J. Smyler

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

MEETING: Wednesday, June 16, 2021

LOCATION: Videoconference

Reporter: Brian D. O'Hare

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A P P E A R A N C E S

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

R.DOUGLAS SHERMAN, Chief Counsel - Petitions
STEVE COOK, Deputy Chief Counsel - Withdrawals and/or
Surrenders and Report and Recommendations
KEVIN O'TOOLE - Executive Director's Report
SEAN HANNON, Acting Director, Bureau of Licensing
DANETTE BIXLER-GEORGE, Human Resources Director
CYRUS PITRE, Chief Enforcement Counsel - Enforcement
Actions

Office of Enforcement Counsel - Also presenting:

MICHAEL ROLAND, JOHN CROHE, KELCI SCIRROTTO, DUSTIN
MILLER, DAVID S. TEPPER

ALSO PRESENT WERE:
Sherice Woolfolk-Yarborough

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

OTHER ATTENDEES FOR MEETING AND/OR PUBLIC HEARINGS:CHESTER DOWNS AND MARINA, LLC:Holly Eicher, Esquire, Blank Rome, LLCChristopher Albrecht, Senior Vice President, General
Manager, Harrah's Philadelphia CasinoNicholas Capriotti, Vice President of Finance,
Harrah's Philadelphia CasinoMountainview Thoroughbred Racing Association, LLC

Adrian R. King, Jr., Esquire, Ballard Spahr, LLP

Michael D. Fabius, Esquire, Ballard Spahr, LLP

Alex M. Hvizda, Director of Compliance, Mountainview
Thoroughbred Racing Association, LLCDaniel Ihm, Vice President, General Manager,
Mountainview Thoroughbred Racing Association, LLCRuben Warren, Vice President, General Manager,
Hollywood Casino YorkBrian Hairston, Director of Casino Operations,
Hollywood Casino YorkValley Forge Convention Center Partners, LLC

Michael D. Fabius, Esquire, Ballard Spahr, LLP

Ronald Bailey, Vice President, General Manager,

1 Valley Forge Convention Center Partners, LLC

2

3 SugarHouse HSP Gaming, LP

4 John Donnelly, Esquire, Donnelly Clark

5 Angela Hardesty, Director of Compliance, Sugarhouse

6 HSP Gaming, LP

7 Thomas Scott, Director of Surveillance, Sugarhouse

8 HSP Gaming, LP

9

10 PID, LLC

11 Louis Frascogna, Esquire, Regional Interactive

12 Compliance Director, Churchill Downs Interactive

13 Gaming, LLC

14 Kevin O'Sullivan, Vice President, General Manager,

15 PID, LLC

16 Roseane Paligo, Director of Compliance, PID, LLC

17

18 Boyd Gaming Corporation

19 Michael D. Fabius, Esquire, Ballard Spahr, LLP

20 Adrian R. King, Jr., Esquire, Ballard Spahr, LLP

21 Uri Clinton, Executive Vice President, General

22 Counsel & Secretary, Boyd Gaming Corporation

23

24 Snow Shoe Travel Plaza, Inc., Pit Stop Travel Plaza,

25 Inc.

1 Melissa Greenland, Esquire
2 Joginder Grewal, President and 50% Owner, Pit Stop
3 Travel Plaza, Inc.

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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. As we begin, I'd like to note that we are, again, holding this meeting by videoconference with Board members and other participants at different locations, due to the ongoing health concerns brought about by the COVID situation.

What we've done there is to provide public access to the video and audio of the meeting through the Board's website, as well as by publishing the call-in information for those who may not have internet access. Additionally, as is always the case, we have asked the Court Reporter, who will be transcribing this meeting.

With all that being said, I would like to ask anyone who has called into this meeting or is using the direct video link, please mute yourself until you need to participate. Also, for those who will be participating in this meeting, I would ask that before you speak, you make sure you identify yourself for the Court Reporter.

Okay.

1 Today, in addition to the seven Board
2 Members, we also have, representing our Ex-Officio
3 Members, Fred Strathmeyer, representing Russ Redding,
4 the Secretary of Agriculture. Jen Langan,
5 representing Stacy Garrity, the State Treasurer, and
6 Christine - Christin Heidingsfelder representing Dan
7 Hassell, the Secretary of Revenue. Thank you all for
8 joining us.

9 Quorum of the Board being present,
10 I'll call these proceedings to order. First order of
11 business, I'd like everyone to please join me in the
12 recitation of the Pledge of Allegiance.

13 PLEDGE OF ALLEGIANCE RECITED

14 CHAIRMAN: Thank you. By way of
15 announcements, the Board held an Executive Session
16 yesterday, Tuesday, June 15th to discuss personnel
17 matters and to conduct quasi-judicial deliberations
18 relating to various matters coming before the Board
19 today. This meeting was also done via
20 videoconference.

21 I'd also like to announce that the
22 Board as scheduled a Public Input Hearing for Harrah's
23 Philadelphia Casino License Renewal. The Public Input
24 Hearing is scheduled for June 30th, 2021, beginning at
25 10:30 in the morning. It will be held at Chester City

1 Hall, 1 East 4th Street in Chester, Pennsylvania. Any
2 party interested in participating in this hearing or
3 simply receiving more information should contact the
4 Board's website or call 717-346-8300.

5 PUBLIC HEARINGS HELD

6 ---

7 (WHEREUPON AN OFF RECORD DISCUSSION WAS HELD.)

8 ---

9 CHAIRMAN: Moving ahead now onto our
10 regular business. First order of business is a
11 consideration of a Motion to Approve the Transcripts
12 and Minutes of the April 21st, 2021 meeting.

13 May I have such a motion?

14 Denise, you're on mute.

15 MS. SMYLER: Mr. Chairman? Yes, I'm
16 sorry.

17 CHAIRMAN: That's okay.

18 MS. SMYLER: Commissioner Smyler moves
19 that the Board approve the Minutes and Transcript of
20 the April 21st, 2021 meeting

21 MS. REGAN: Commissioner Regan
22 seconds.

23 CHAIRMAN: Thank you. All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? The Motion's

1 adopted.

2 Next up, Danette Bixler-George, our
3 Human Resources Director.

4 Good morning, Danette.

5 MS. BIXLER-GEORGE: Good morning,
6 Chairman. Good morning Members of the Board. The
7 Office of Human Resources has one motion for your
8 consideration today, relative to the hiring of six
9 individuals. All of the individuals being presented
10 have completed the PGCB interview process, background
11 investigation and drug screening.

12 First, is Justin Tworek who has been
13 selected as a Casino Compliance Representative for
14 Live Casino, Pittsburgh, and is recommended for hire
15 by Christopher Schroeder, Director of Casino
16 Compliance.

17 Next is Jessica Williams and Desiree
18 Brown who have been selected as Investigators in the
19 Southeast Regional Office of the Bureau of
20 Investigations and Enforcement (BIE), and are
21 recommended for hire by Paul Mauro, Director of
22 Investigations and Enforcement.

23 And finally, the following individuals
24 are recommended for hire by Heather Worner, Director
25 of Gaming Laboratory Operations. Justin Smith, as a

1 Statistician, Jacob Beers, as a Statistician and
2 finally, Christopher Shirk, as an Electronics
3 Engineer.

4 Unless you have any questions, I would
5 ask the Board to consider a Motion to approve these
6 hiring actions as indicated.

7 CHAIRMAN: Thanks, Danette.

8 Are there any questions or comments
9 from the Board about these hires? Hearing none, may
10 have a motion, please?

11 MS. REGAN: Mr. Chairman, Commissioner
12 Regan moves that the Board approve the Applicants for
13 hire, as proposed by the Human Resources Director.

14 MR. MUSTIO: Commissioner Mustio
15 seconds.

16 CHAIRMAN: Thank you. All in favor.

17 AYES RESPOND

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

20 MS. BIXLER-GEORGE: Thank you.

21 CHAIRMAN: Thanks, Danette.

22 MS. BIXLER-GEORGE: Thank you.

23 CHAIRMAN: Next up - next up we have
24 Chief Counsel, Doug Sherman. Good morning, Doug.

25 ATTORNEY SHERMAN: Good morning,

1 Chairman and members of the Board. Today the Board
2 has two Petitions and a motion to withdraw a Petition
3 before it for consideration.

4 The two Petitions are those that were
5 heard just a few minutes ago during this public
6 meeting, the remaining matter will be decided based
7 upon the documentary record.

8 In each of the matters the Board has,
9 in advance of this meeting, been provided with all of
10 the documents filed in each case.

11 The first matter is Chester Downs and
12 Marina's Petition to modify the gaming floor, as
13 heard just a short time ago. Chester Downs is
14 requesting to remove 563 slot machines from the
15 gaming floor, reducing their compliment of machines
16 from 2,263 to 1,700. Harrah's has indicated that the
17 machines they're seeking to eliminate have not been
18 well utilized by customers, and as a result, they
19 believe that removal of the machines will not have a
20 negative impact on the overall revenues.

21 Additionally, the removal of the
22 machines will not change the square footage of the
23 gaming floor, which will remain at just over 99,000
24 square feet. And it - the - the reduction in the
25 machines will enhance the social distancing between

1 patrons.

2 If Chester's request is approved, the
3 Office of Enforcement Counsel (OEC) proposes that the
4 Board impose several standard conditions, which were
5 outlined in OEC's Answer. And there also is the
6 matter of the request for confidentiality.

7 And this matter is now ready for the
8 Board's consideration.

9 CHAIRMAN: Thank you, Doug.

10 Are there any questions or further
11 comments from Board members on this matter? Hearing
12 none, may I have a motion, please?

13 MR. MUSTIO: Mr. Chairman,
14 Commissioner Mustio moves that the Board grant
15 Chester Downs and Marina, LLC's Petition to Modify
16 the gaming floor, as described by the Office of Chief
17 Counsel (OCC) and with the conditions requested by
18 the OEC. I further move that the Board grant the
19 Petitioner's request for confidentiality.

20 MR. LOGAN: Commissioner Logan
21 seconds.

22 CHAIRMAN: All in favor?

23 AYES RESPOND

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

1 ATTORNEY SHERMAN: The second Petition
2 before the Board is Mountainview Thoroughbred Racing
3 Association's request for approval to conduct table
4 games and issue a table game operation certificate
5 for its Hollywood Casino York Category 4 facility.

6 As with prior matter that this matter
7 was heard by the Board. Mountainview is requesting
8 authorization to operate 26 table games upon the
9 opening of the facility. The OEC, as we heard, have
10 no objection, subject to conditions outlined in their
11 Answer. And this matter is now ready for the Board's
12 motion.

13 CHAIRMAN: Thank you.

14 Are there any questions or comments
15 from the Board on the Mountainview matter? Hearing
16 none, may I have a motion, please?

17 MR. LOGAN: Mr. Chairman, Commissioner
18 Logan moves that the Board grant Mountainview
19 Thoroughbred Racing Association, LLC's Petition for
20 Approval to Conduct Table Games and issuance of the
21 Table Games Operation Certificate for Hollywood
22 Casino York as described by the OCC, and with the
23 conditions requested by the OEC.

24 MR. KERNODLE: Commissioner Kernodle
25 seconds.

1 CHAIRMAN: All in favor.

2 AYES RESPOND

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

5 I want to congratulate you all for
6 your license approval. We all wish you good luck.
7 And let's move on and see that opening.
8 Thank you.

9 ATTORNEY SHERMAN: Next before the -.

10 CHAIRMAN: Next up, Doug.

11 ATTORNEY SHERMAN: Yep. Next, we have
12 a Notice from the OEC seeking to withdraw the
13 Petition to place Samara Davis on the Involuntary
14 Exclusion List. Because this case is already subject
15 to a Board Order OEC cannot simply withdraw its
16 action, but rather a Board Order is required, and as
17 a result, the notice is being treated as a Motion to
18 Withdraw.

19 By way of background, in December of
20 2020, the OEC filed a Petition to place Ms. Davis on
21 the Involuntary Exclusion List, alleging that she and
22 another individual were involved in a theft of a slot
23 machine voucher from a patron at Mt. Airy Casino.

24 Ms. Davis did not respond to that
25 effort to place her on the Involuntary Exclusion

1 List, and as a result, she was placed on the Board's
2 list in April of 2021 by default. On April 28th,
3 2021, however, Ms. Davis filed a request for
4 reconsideration stating that she was unable to file a
5 response to the OEC Petition due to health reasons.

6 The Board, at its May 19th, 2021
7 public meeting, remanded her case to the Office of
8 Hearings and Appeals (OHA) for an evidentiary
9 hearing, but ordered her to remain on the Exclusion
10 List pending outcome of that proceeding. Thereafter
11 on May 28th, OEC filed a Notice of Withdrawal
12 confirming that while Ms. Davis was at the casino
13 with the two women who were involved in the theft,
14 she was not actually involved in the crime.
15 Therefore, they're seeking to withdraw the Petition
16 for - to place her on the excluded persons list and
17 have her removed from that.

18 And that's a matter now ready for the
19 Board's consideration.

20 CHAIRMAN: Thank you, Doug. All
21 right.

22 Are there any questions or comments
23 from the Board on this matter?

24 Actually, oddly, I'd like to commend
25 Staff for recognizing that we were wrong and fixing

1 this problem. That's my comment. And may I have a
2 motion, please?

3 MR. KERNODLE: Yes, Chairman.

4 Commissioner Kernodle, moves that the Board grant the
5 OEC's motion to withdraw the Petition to place Samara
6 Davis on the PGCB on Involuntary Exclusion List and
7 for removal of Ms. Davis from the Involuntary
8 Exclusion List.

9 MR. DERMODY: Commissioner Dermody
10 seconds.

11 CHAIRMAN: Thank you.

12 All in favor?

13 AYES RESPOND

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

16 ATTORNEY SHERMAN: Next we have
17 withdrawals and surrenders as well as reports and
18 recommendations presented by Deputy Chief Counsel,
19 Steve Cook.

20 ATTORNEY COOK: Good morning.

21 The next matter before the Board today
22 pertains to several unopposed Petitions to withdraw
23 the applications or surrender the credentials of the
24 following individuals and businesses.

25 Henrik Karl Fagerlund, Johan Fredrik

1 Erbing, Maria Anna Redin, Roff Kay Gerhard Lundstrom,
2 Therese Maria Hillman, Michael Bertil Knutsson,
3 Tristan Nenne Sjoberg, Brian Keith Kraft, Mathias
4 Hedlund, Alex Guizzetti, Bencon Technologies,
5 Incorporated, Richard J. Koch, Sir Michael Smurfit,
6 Sr., Bacchantes, Limited, Craig Dale Robinson,
7 Jessica Malihan, Michael Bruce Yates, Michael
8 Quartieri and Telereach, Incorporated.

9 The OEC has no objections to any of
10 these withdrawals and surrenders. And as a result,
11 if the Board grant the same, they'd be doing so
12 without prejudice to each of these parties. And
13 these matters are now ripe for the Boards
14 consideration.

15 CHAIRMAN: Thank you, Steve.

16 Are there any questions or comments
17 from the Board on these withdrawals and surrenders?
18 Hearing none, may I have a motion, please?

19 MR. DERMODY: Mr. Chairman,
20 Commissioner Dermody, moves that the Board issue
21 orders to approve the withdrawals and surrenders, as
22 described by the OCC.

23 MS. SMYLER: Commissioner Smyler
24 seconds.

25 CHAIRMAN: Thank you.

1 All in favor.

2 AYES RESPOND

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

5 ATTORNEY COOK: Next before the Board
6 are three reports and recommendations received from
7 the OHA. These reports and recommendations, along
8 with the complete evidentiary record for each matter
9 have been provided to the Board in advance of this
10 meeting. And additionally, each of the individuals
11 that are the subjects of these reports and
12 recommendations have been advised that their matter
13 was coming before the Board today.

14 If any of these persons are on the
15 line, and would like to address the Board, they may
16 do so. I will call each matter, give a brief summary
17 to the Board and then open it up in the event, one of
18 these persons are on the line.

19 The first Report and Recommendation
20 before the Board today pertains to a request for
21 removal from multiple voluntary Self-Exclusion Lists.
22 On December 28th, 2020 an individual with the
23 initials, A.K. executed all of the required documents
24 online to exclude herself from gaming at land-based
25 casinos, interactive gaming, video gaming terminals,

1 and fantasy contests.

2 She chose a lifetime Self-Exclusion
3 option for all gaming except fantasy contest for
4 which she chose a ten-year exclusion option.

5 On February 4th, 2021, about five
6 weeks after she executed these documents, A.K. filed
7 a Petition - Petition requesting removal from all
8 four Self-Exclusion Lists, arguing in her pleading
9 that her fiancé signed her up for the list.

10 The OEC filed an objection - or an
11 Answer objecting to A.K.'s request. A hearing in
12 this matter was held on April 6th, 2021, A.K.
13 participated and testified on her own behalf. The
14 OEC also appeared presenting testimony and
15 documentary evidence.

16 At the hearing A.K. did not pursue the
17 argument that her fiancé signed her up for the
18 various lists, rather she testified that it was her
19 intention to only self-exclude from interactive
20 gaming. She further testified that when she
21 completed the online Self-Exclusion process, it was
22 2:00 a.m. She was tired and she had just relapsed
23 with respect to internet gaming, which she does view
24 as a problem.

25 Ultimately, A.K. argues that she was

1 not in her best state of mind when she self-excluded
2 and did not fully understand the consequences of her
3 actions. Particularly, she testified that she did
4 not know she was excluding herself from a land-based
5 casino or that you could even do that online.

6 At this point, or at the time of the
7 hearing, A.K. testified that she only wished to be
8 removed from the bricks and mortar online casino
9 Exclusion List and she was fine remaining on the
10 other Exclusion Lists.

11 After hearing all of the evidence
12 presented, the Hearing Officer issued a Report and
13 Recommendation subsequent to the hearing, where the
14 Hearing Officer recommended that A.K.'s Petition be
15 denied and she remain on all lists. A.K. filed
16 exceptions to the Report and Recommendation,
17 essentially reiterating her arguments that she was in
18 a state of hysteria due to a large loss while
19 internet gaming when she signed up for the Exclusion
20 List and therefore failed to carefully consider what
21 she was doing or carefully read the documents she was
22 executing.

23 This matter is now ready for the
24 Board's consideration. I don't know if A.K. is on
25 the line, but if she is, this would be her

1 opportunity to to address the Board.

2 CHAIRMAN: I'm going to gather that AK
3 is not on the line. Just one question, Steve, before
4 we go to a vote. When you sign up to exclude
5 yourself from all forms of gaming, I assume you have
6 to --- that's not done in a package.

7 Right? You have to specifically
8 decide to exclude yourself from each of these
9 separate things.

10 Is that correct?

11 ATTORNEY COOK: That is correct. Yes.

12 CHAIRMAN: Thank you.

13 Are there any other questions or
14 comments from the Board on this matter? Hearing
15 none, may have a motion, please?

16 MS. SMYLER: Mr. Chairman,
17 Commissioner Smyler moves that the Board adopt the
18 Report and Recommendation issued by the OHA regarding
19 A.K.'s Petition for early removal from the Self-
20 Exclusion List and that A.K. remain on the Self-
21 Exclusion List.

22 MS. REGAN: Commissioner Regan
23 seconds.

24 CHAIRMAN: Thank you.

25 All in favor?

1 AYES RESPOND

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

4 ATTORNEY COOK: The next Report and
5 Recommendation pertains to a request for removal from
6 the Board's Self-Exclusion List and to recover funds
7 confiscated while on that list. That pertains to an
8 individual with the initials, E.H.

9 A hearing was held in this matter on
10 March 24th, 2021, the OEC appeared presenting
11 testimony and documentary evidence. E.H. also
12 appeared and testified on his own behalf through the
13 help of a translator, as E.H.'s primary language is
14 Arabic.

15 The evidence presented at the hearing
16 established that on September 9th, 2012 E.H. entered
17 Sands Bethworks, which is now Wind Creek Bethlehem
18 Casino, met with the Casino Compliance Representative
19 and requested to be placed on the Self-Exclusion List
20 for his lifetime.

21 The evidence presented by OEC further
22 indicated that E.H. did not appear to need or request
23 an interpreter when he placed himself on the
24 Exclusion List and was, in fact, accompanied by a
25 friend who - while he did not - the friend did not

1 act as an interpreter did not indicate that E.H. was
2 not understanding what was happening. E.H. signed
3 the paperwork, allowing his friend to be present
4 during the process.

5 While now E.H. asserts, he did not
6 fully understand what he was doing when he
7 self-excluded because of the lack of an interpreter,
8 the evidence also shows that E.H. violated his Self-
9 Exclusion at least five times since 2012. And during
10 one such occasion in 2017 Casino Security and
11 Pennsylvania State Police Troopers, secured a
12 translator to make sure E.H. understood that he was
13 on the lifetime Self-Exclusion List.

14 Regardless, two years later, in 2019
15 E.H. was found in the gaming floor at the Valley
16 Forge Casino after he won a jackpot in excess of
17 \$3,000, which was confiscated from him, consistent
18 with Board regulations. At this point, in addition
19 to seeking removal from the Self-Exclusion List, E.H.
20 is seeking a recovery of that \$3,025.39 jackpot.

21 After hearing all of the evidence, the
22 Board Hearing Officer issued a Report and
23 Recommendation recommending that E.H.'s request for
24 Self-Exclusion be denied, but that he'd be entitled
25 to receive a \$50 refund of the total confiscated, as

1 that was the amount of money, he bought into the play
2 on the slot machine with, and therefore was not
3 winnings.

4 And this is the recommendation that's
5 ripe for the Board's consideration.

6 CHAIRMAN: Are there any questions or
7 comments from the Board? Hearing none, may I have a
8 motion, please?

9 MS. REGAN: Mr. Chairman, Commissioner
10 Regan moves that the Board adopt the Report and
11 Recommendation issued by the OHA regarding E.H.'s
12 Petition for removal from the Self-Exclusion List and
13 recovery of monies confiscated while on the list.

14 E.H.'s request for removal from the
15 Self-Exclusion List is denied. However, the Petition
16 is granted in part relative to E.H.'s request to
17 recover monies. And E.H. shall recover \$50
18 confiscated from him that were not winnings.

19 MR. MUSTIO: Commissioner Mustio
20 seconds.

21 CHAIRMAN: Thank you.

22 All in favor?

23 AYES RESPOND

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

1 ATTORNEY COOK: The final Report and
2 Recommendation before the Board today pertains to
3 Sherice Woolfolk-Yarborough's Petition to recover
4 funds while on the Board's Involuntary Exclusion
5 List. I believe this Ms. Woolfolk-Yarborough is on
6 the phone. I would ask her - I'll make the floor
7 available to her to make a comment after I give a
8 brief summary of this situation.

9 As the Board is aware of the Board's
10 regulations prohibit excluded individuals from
11 collecting winnings or recovering losses if found to
12 be gaming in violation of placement on the
13 Involuntary Exclusion List. Any winnings confiscated
14 are turned over to the Board to support programs that
15 can pull up - excuse me, combat problem and
16 compulsive gaming.

17 By way of background on this case, on
18 June 12th, 2012, the OEC filed a Petition to place
19 Ms. Woolfolk-Yarborough on the Board's Involuntary
20 Exclusion List after it was discovered that she was
21 panhandling and disturbing patrons of the Parx
22 Casino. Ms. Woolfolk-Yarborough failed to respond to
23 OEC's Petition, and the Board placed her on the
24 Involuntary Exclusion List by default in September of
25 2012.

1 On January 8th of 2021, Ms. Woolfolk-
2 Yarborough filed a Petition not to be removed from
3 the list of excluded persons, but rather seeking to
4 recover \$700 that was confiscated from her at the
5 Harrah's Philadelphia Casino on July 4th, 2020, after
6 she was found gaming in that casino in violation of
7 her placement on the excluded persons list.

8 OEC objected to a return of this money
9 to Ms. Woolfolk-Yarborough and the hearing was held
10 on March 23rd, 2021. The OEC appeared at that
11 hearing presenting testimony and documentary evidence
12 to support its position. Ms. Woolfolk-Yarborough did
13 not participate in that hearing despite receiving
14 notice.

15 Despite her not attending the hearing
16 or putting any evidence in the record, the Report and
17 Recommendation issued by the Hearing Officer in this
18 matter recommends that the Board grant Ms. Woolfolk-
19 Yarborough's request to recover monies confiscated
20 from her, citing that the Order placing her on the
21 list in 2012 did not specify a period of time that
22 she was - was to be on the list and that she was not
23 given notice on how to seek removal from the list.

24 The Hearing Officer's alternative
25 recommendation is he does give two recommendations.

1 The alternative recommendation is to have the Board
2 return \$200 of the monies confiscated, as this was
3 shown by the evidence presented to be Ms. Woolfolk-
4 Yarborough's buy-in amount and not winnings.

5 To be clear, regardless of the outcome
6 of this matter, Ms. Woolfolk-Yarborough will remain
7 on the list of excluded persons because she has not
8 sought removal from the list in this proceeding. And
9 this matter is now ready for the Board's
10 consideration.

11 MS. WOOLFOLK-YARBOROUGH: Hi, am I
12 allowed to speak?

13 CHAIRMAN: Yes. Please.

14 MS. WOOLFOLK-YARBOROUGH: Yes, good
15 morning. Hi, my name is Sherice Woolfolk-Yarborough,
16 S-H-E-R-I-C-E, Woolfolk, W-O-O-L-F-O-L-K, hyphen,
17 Y-A-R-B-O-R-O-U-G-H.

18 CHAIRMAN: Good morning.

19 MS. WOOLFOLK-YARBOROUGH: Good
20 morning.

21 CHAIRMAN: The floor is yours for the
22 next several minutes.

23 ATTORNEY COOK: Mr. Chairman, she
24 should - she should be sworn in, I believe.

25 CHAIRMAN: Thank you.

1 Court reporter, could you please swear
2 the witness in.

3 ---

4 SHERICE WOOLFOLK-YARBOROUGH,
5 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
6 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
7 FOLLOWS:

8 ---

9 CHAIRMAN: Thank you.

10 You can proceed with whatever comments
11 you might have, Ms. Yarborough, Woolfolk-Yarborough.

12 MS. WOOLFOLK-YARBOROUGH: Again, as
13 you said, as it was stated previously, I wasn't - I
14 wasn't - I didn't receive any notification that I
15 could not gamble at a casino. I was never - never
16 received any information or documentation stating
17 that I can be - that I was on any list or to be
18 removed from any list, so I wasn't aware of any of
19 this.

20 Now, when I did buy in at the casino,
21 I bought in for \$500. Five hundred dollars. And
22 then, as I gambled security asked my name, I told him
23 my name. He took me to the back. I went to court on
24 November the 5th of 2020, and I was considered not
25 guilty.

1 So that's why I asked for a hearing to
2 have the funds returned. Now, I'm not - now that
3 I've heard that I - I can probably ask for - to have
4 myself removed from the list that I wasn't aware of,
5 that I'm going to do that next.

6 CHAIRMAN: Okay. Thank you.

7 You said you were found not guilty,
8 were ---

9 MS. WOOLFOLK-YARBOROUGH: Yes.

10 CHAIRMAN: - charges were filed
11 against you?

12 MS. WOOLFOLK-YARBOROUGH: They said I
13 was trespassing from - I guess, from - when they
14 moved me off the gambling floor.

15 CHAIRMAN: I see.

16 MS. WOOLFOLK-YARBOROUGH: So I took it
17 to court and I was considered not guilty.

18 CHAIRMAN: Okay. Thank you.

19 MS. WOOLFOLK-YARBOROUGH: You're
20 welcome.

21 CHAIRMAN: Anybody have any questions
22 for Ms. Woolfolk-Yarborough at this time? Hearing
23 none, is there a motion here?

24 MR. MUSTIO: Yes. Mr. Chairman,
25 Commissioner Mustio moves that the Board adopt in

1 part and reject in part, the Report and
2 Recommendation issued by the OHA regarding Sherice
3 Woolfolk-Yarborough's Petition for the recovery of
4 confiscated funds while on the PGCB's Involuntary
5 Exclusion List.

6 Ms. Woolfolk-Yarborough may recover
7 \$200 of the \$700 confiscated from her, as that amount
8 was not winnings.

9 MR. LOGAN: Commissioner Logan
10 seconds.

11 CHAIRMAN: All in favor?

12 AYES REPSOND

13 CHAIRMAN: All opposed? The motion is
14 adopted. Thank you for your participation, Ms.
15 Woolfolk-Yarborough. And if you wish to file a
16 Petition to have yourself removed, I'm sure legal
17 Counsel's office will tell you how to do that.

18 MS. WOOLFOLK-YARBOROUGH: Okay.

19 CHAIRMAN: Thank you.

20 MS. WOOLFOLK-YARBOROUGH: So I'll
21 receive \$200 back from the \$700.

22 CHAIRMAN: That's what the - that was
23 the motion that was just adopted.

24 MS. WOOLFOLK-YARBOROUGH: That's fine.

25 CHAIRMAN: And if you wish - if you

1 wish to attempt to - attempt to get off that list,
2 there is a process. You can do that by talking to
3 Legal Counsel's office.

4 Okay?

5 MS. WOOLFOLK-YARBOROUGH: Okay. Thank
6 you very much.

7 CHAIRMAN: Sure. Thank you.

8 MS. WOOLFOLK-YARBOROUGH: You're
9 welcome. Bye bye.

10 CHAIRMAN: Okay.

11 Anything else, Steve?

12 ATTORNEY COOK: No, that's it, Mr.
13 Chairman.

14 CHAIRMAN: Okay.

15 Then let's move ahead to the Bureau of
16 Licensing, Acting Director Sean Hannon.

17 Sean, are you there?

18 MR. HANNON: I'm here. Thank you.

19 Chairman and members of the Board. Before the Board
20 today will be license consideration of one
21 interactive gaming manufacturer, one sports wagering
22 manufacturer, video game terminal establishments, one
23 conditional video game terminal operator.

24 In addition, there will be 617
25 Principles, Key Employees, Gaming and Non-Gaming

1 employees as well as Qualifier applicants. Finally,
2 there'll be consideration of 14 Gaming Service
3 Provider applicants.

4 First for your consideration are
5 interactive gaming and sports wagering and
6 manufacturer licenses for SG Gaming, Incorporated.
7 SG Gaming, Incorporated is a Las Vegas based business
8 that provides interactive gaming and sports wagering
9 services. Under the Gaming Act the Board may use an
10 abbreviated process to consider the application of a
11 currently licensed manufacturer.

12 The Bureau of Licensing, OEC and BIE
13 have reviewed the applications for an Interactive and
14 Sports Wagering Manufacturer License for SG Gaming,
15 Incorporated and I have provided you with the results
16 of that review.

17 I've also provided draft orders and
18 ask that the Board consider the orders to approve the
19 licenses beginning first with the Interactive Gaming
20 Manufacturer License.

21 ATTORNEY PITRE: Cyrus Pitre on behalf
22 of the OEC. We have no objection.

23 CHAIRMAN: Thank you. Are there any
24 questions or comments from the Board at this moment?
25 Hearing none, may I have a motion?

1 MR. LOGAN: Mr. Chairman,
2 Commissioner Logan moves that the Board grant the
3 interactive gaming manufacturer license as described
4 by the Bureau of Licensing.

5 MR. KERNODLE: Commissioner Kernodle
6 seconds.

7 CHAIRMAN: Thank you. All in favor.
8 AYES RESPOND

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

11 MR. HANNON: Next is the Sports
12 Wagering and Manufacturer License.

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 please?

18 MR. KERNODLE: Commissioner Kernodle,
19 moves that the Board grants the Sports Wagering
20 Manufacturing License, as described by the Bureau of
21 Licensing.

22 MR. DERMODY: Commissioner Dermody
23 seconds.

24 CHAIRMAN: Thank you. All in favor?
25 AYES RESPOND

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

3 MR. HANNON: The next matters for your
4 consideration are video game terminal establishments.
5 VGT establishments are truck stops seeking to have
6 VGTs at their business. Each of the companies were
7 previously conditionally licensed.

8 The BIE has completed its
9 investigation, including an evaluation that the
10 companies meet the VGT establishment eligibility
11 criteria and the Bureau of Licensing has provided you
12 with the background investigation and suitability
13 reports.

14 Once fully licensed, the establishment
15 can continue forward toward completing the steps
16 necessary to commence VGT gaming operations. I have
17 provided you with draft orders to license the
18 following VGT establishments.

19 PFJ Southeast, LLC, Number 708, at
20 1501 Harrisburg Pike, Carlisle. Pilot Travel
21 Centers, LLC Number 081 at 2010 New Castle Road,
22 Portersville. Pilot Travel Centers Number 336 at 1742
23 Rich Highway, Dubois. Pilot Travel Centers Number
24 620 at 122 Fitzhentry Road, Smithton. Pilot Travel
25 Centers 707 at 246 Allegheny Boulevard, Brookville.

1 Pilot Travel Centers Number 709 at 5609 Nittany
2 Valley Drive, Mill Hall. Pilot Travel Centers Number
3 710 at 1623 Oliver Road, New Milford and Raceway
4 Management Company, Incorporated doing business as
5 Liberty Travel Plaza Lakewood at 1414 State Route
6 507, Greentown.

7 I ask that the Board consider a motion
8 to license these establishments.

9 ATTORNEY PITRE: Enforcement Counsel
10 has no objection.

11 CHAIRMAN: Thank you. Any questions
12 or comments from the Board? Hearing none, may have a
13 motion, please?

14 MR. DERMODY: Mr. Chairman,
15 Commissioner Dermody moves that the Board grant the
16 video gaming terminal establishment licenses as
17 described by the Bureau of Licensing.

18 MS. SMYLER: Commissioner Smyler
19 seconds.

20 CHAIRMAN: Thank you.

21 All in favor?

22 AYES RESPOND

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

25 MR. HANNON: Next is a conditional

1 license, a Video Game Terminal Operator License for
2 Social Gaming, Incorporated. Social Gaming,
3 Incorporated is a Pennsylvania based company. A VGT
4 operator owns, services or maintains VGTs for
5 placement and operation at truck stop establishments.

6 Under the Gaming Act, the Board may
7 issue a conditional VGT operator license provided
8 certain criteria are met, including that the
9 applicant submitted a completed application, has
10 never been convicted of a felony or gambling law
11 violation, is current on state taxes and has not had
12 a similar license denied or revoked.

13 A preliminary review of this applicant
14 indicates it meets these criteria. I ask that the
15 Board consider a motion to approve the Conditional
16 VGT Operator License of Social Gaming, LLC.

17 ATTORNEY PITRE: Enforcement Counsel
18 has no objection.

19 CHAIRMAN: Thank you.

20 Any questions or comments from the
21 Board? Hearing none, may I have a motion, please?

22 MS. SMYLER: Mr. Chairman,
23 Commissioner Smyler moves that the Board grant the
24 Conditional Video Gaming Terminal Establishment
25 License as described by the Bureau of Licensing.

1 MS. REGAN: Commissioner Regan
2 seconds.

3 CHAIRMAN: Thank you. All in favor?
4 AYES RESPOND

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

7 MR. HANNON: In addition, there are
8 Principal and Key Employee licenses for your
9 consideration. Prior to this meeting, the Bureau of
10 Licensing provided you with a Proposed Order for 18
11 Principals and 11 Key Employees.

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

14 ATTORNEY PITRE: Enforcement Counsel
15 has no objection.

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

19 MS. REGAN: Mr. Chairman, Commissioner
20 Regan moves that the Board grant, the Principal and
21 Key Employee licenses, as described by the Bureau of
22 Licensing.

23 MR. MUSTIO: Commissioner Mustio
24 seconds.

25 CHAIRMAN: Thank you.

1 All in favor?

2 AYES RESPOND

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

5 MR. HANNON: Next are temporary
6 licenses. Prior to this meeting, the Bureau of
7 Licensing provided you with an Order regarding the
8 issuance of temporary licenses for two Principals and
9 18 Key Employees. I ask that the Board consider the
10 Order approving these licenses.

11 ATTORNEY PITRE: Enforcement Counsel
12 has no objection.

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

15 MR. MUSTIO: Mr. Chairman,
16 Commissioner Mustio moves that the Board grant the
17 temporary Principal and Key Employee credentials, as
18 described by the Bureau of Licensing.

19 MR. LOGAN: Commissioner Logan
20 seconds.

21 CHAIRMAN: Thank you all in favor.

22 AYES RESPOND

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

25 MR. HANNON: Next are gaming permits

1 and non-gaming registrations. Prior to this meeting,
2 the Bureau of Licensing provided you with a list of
3 395 individuals to whom the Bureau has granted
4 temporary or full occupation permits, and 136
5 individuals to whom the Bureau has granted
6 registrations under the authority delegated to the
7 Bureau of Licensing.

8 I ask that the Board consider a motion
9 approving the Order.

10 ATTORNEY PITRE: Enforcement Counsel
11 has no objection.

12 CHAIRMAN: Thank you. Questions or
13 comments from the Board? Hearing none, may I have a
14 motion, please?

15 MR. LOGAN: Commissioner Logan moves
16 that the Board approve the applications for Gaming
17 Employee Occupation Permits and Non-Gaming Employee
18 Registrations, as described by the Bureau of
19 Licensing.

20 MR. KERNODLE: Commissioner Kernodle
21 seconds.

22 CHAIRMAN: Thank you.

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? The motion's

1 adopted.

2 MR. HANNON: Next is a recommendation
3 of denial for one Video Game Terminal Gaming
4 Employee, and one Gaming Employee. The applicants
5 were notified that they were being recommended for
6 denial, failed to request hearings within the
7 specified timeframes. The Bureau of Licensing has
8 provided you with orders addressing each of the
9 applicants, who the OEC has recommended for denial.

10 I ask that the Board consider the
11 Orders approving these denials.

12 ATTORNEY PITRE: Enforcement Counsel
13 continues to request denial in each matter.

14 CHAIRMAN: Thank you. Any questions
15 or comments from the Board? Hearing, none may have a
16 motion, please?

17 MR. KERNODLE: Commissioner Kernodle
18 moves that the Board deny the Gaming Employee
19 Occupation Permit and Video Gaming Terminal Employee
20 applications, as described by the Bureau of License.

21 MR. DERMODY: Commissioner Dermody
22 seconds.

23 CHAIRMAN: Thank you.

24 All in favor?

25 AYES RESPOND

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

3 MR. HANNON: The next matter for your
4 consideration are withdrawal requests. In each case,
5 the license permit or registration is no longer
6 required.

7 For today's meeting I have provided
8 the Board with two Key Employees, 16 Gaming and five
9 Non-Gaming Employee applicants. I ask the Board to
10 consider the Orders approving these withdrawals.

11 ATTORNEY PITRE: Enforcement Counsel
12 has no objection.

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

15 MR. DERMODY: Mr. Chairman,
16 Commissioner Dermody moves that the Board grant the
17 withdrawal of Key Gaming, Non-Gaming Employee
18 applications, as described by the Bureau of
19 Licensing.

20 MS. SMYLER: Commissioner Smyler
21 seconds.

22 CHAIRMAN: Thank you.

23 All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? The motion's

1 adopted.

2 MR. HANNON: Next we have an Order to
3 certify the following Gaming Service Providers. Carl
4 Walker Construction, Incorporated, Daniel Fine Art
5 Services, Incorporated, JP Group Enterprises, LLC
6 doing business as JP Group, Lehigh Valley, Lehman
7 Daman Construction, Incorporated, Owen steel Company,
8 Incorporated, United States Roofing, Incorporated.

9 I have provided you with the draft
10 Order and ask that the Board consider the Order
11 certifying these Gaming Service Providers.

12 ATTORNEY PITRE: Enforcement Counsel
13 has no objection.

14 CHAIRMAN: Thank you.

15 Any questions or comments from the
16 Board? Hearing none, may have a motion, please?

17 MS. SMYLER: Mr. Chairman,
18 Commissioner Smyler moves that the Board approve the
19 Gaming Service Provider certifications, as described
20 by the Bureau of Licensing.

21 MS. REGAN: Commissioner Regan
22 seconds.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed? The motion's

1 adopted.

2 MR. HANNON: Finally, for your
3 consideration are Gaming Service Provider
4 registrations. The Bureau of Licensing provided you
5 with an Order and attached list of eight registered
6 Gaming Service Provider applicants. I ask that the
7 Board consider the Order of registering these Gaming
8 Service Providers.

9 ATTORNEY PITRE: Enforcement Counsel
10 has no objection.

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

13 MS. REGAN: Commissioner Regan moves
14 that the Board approve the Gaming Service Provider
15 registrations, as described by the Bureau of
16 Licensing.

17 MR. MUSTIO: Commissioner Mustio
18 seconds.

19 CHAIRMAN: Thank you.

20 All in favor.

21 AYES RESPOND

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

24 MR. HANNON: This concludes the Bureau
25 of Licensing matters. Thank you.

1 CHAIRMAN: Thank you very much, Sean.
2 Next, we're going to hear from Chief Counsel, Cyrus
3 Pitre.

4 ATTORNEY PITRE: The Office of - good
5 morning.

6 CHAIRMAN: I'm sorry. I'm sorry.

7 ATTORNEY PITRE: That's okay.

8 Everyone says Doug and I look alike.

9 CHAIRMAN: I'm sorry. Did I call you
10 Doug?

11 ATTORNEY PITRE: No, you called me
12 Chief Counsel.

13 CHAIRMAN: Oh, okay. Before we begin
14 with your Consent Agreements, Cyrus, I understand we
15 have multiple persons here on the line, representing
16 different parties that somehow involve at least one
17 of the seven Consent Agreements.

18 What I'd like to do is make sure that
19 we have all non-attorney witnesses for all of these
20 matters be sworn in at this point in time in case
21 they have something they want to say when their
22 matter is called, or if they're called upon to answer
23 a question. So at this point, if the court reporter
24 would please swear in all non-attorney witnesses for
25 any of these seven matters.

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(WHEREUPON WITNESSES SWORN EN MASSE:)

CHAIRMAN: Thank you.

Thanks, Cyrus. You can proceed now.

ATTORNEY PITRE: The OEC will present 17 matters today for the Board's consideration in which we will request the approval of seven Consent Agreements for Suspensions and six Involuntary Exclusions.

The next matter on the Agenda for the Board's consideration is a Consent Agreement between the OEC and Category 1 Licensee Mountainview Thoroughbred Racing Association, doing business as Hollywood Casino Grantville. The matter will be presented by Senior Enforcement Counsel Michael Roland. Representatives for Hollywood Casino are present. And at this time, I would request that those individuals please introduce themselves for the record.

ATTORNEY FABIUS: Good morning, Mr. Chairman. This is Michael Fabius at the law firm Ballard Spahr. F-A-B-I-U-S. I'll turn it over to Alex and Dan to reintroduce themselves for the record.

1 CHAIRMAN: Good morning.

2 ATTORNEY FABIOUS: Alex, I'm afraid we
3 can't hear you again.

4 MR. IHM: Good morning. Can you guys
5 hear me okay?

6 CHAIRMAN: We can hear Dan.

7 ATTORNEY FABIOUS: Yes, Dan.

8 CHAIRMAN: Yeah, We can see Dan.

9 MR. IHM: Okay, perfect. You know
10 what, I'm going to have Alex come over here so he can
11 go ahead and introduce.

12 Dan Ihm, I am Vice President, General
13 Manager for Hollywood Casino at Penn National
14 Racecourse. Last name is spelled I-H-M.

15 CHAIRMAN: Okay.

16 ATTORNEY FABIOUS: While we wait for
17 Alex to join Dan, I will spell his name for the court
18 reporter. It's H-V-I-Z-D-A

19 CHAIRMAN: There he is. Good morning,
20 Alex.

21 MR. HVIKZDA: Good morning.

22 CHAIRMAN: Do you have anything you'd
23 like to say at this time?

24 MR. HVIKZDA: I think Mike - are you
25 going to go first, Mike Roland?

1 ATTORNEY PITRE: Yeah, we'll turn it
2 over - Michael Roland will handle it for the OEC.

3 CHAIRMAN: Okay.

4 Mr. Roland, please proceed.

5 ATTORNEY ROLAND: Thank you. Good
6 morning, Mr. Chairman and members of the Board. It's
7 Michael Roland, R-O-L-A-N-D, with the OEC.

8 The next proposed Consent Agreement
9 involves a failure to prevent circumvention of
10 licensing requirements at Mountainview Thoroughbred
11 Racing Association, doing businesses as Hollywood
12 Casino at Penn National Race Course.

13 In 2017 employees of Hollywood Casino
14 were involved in fraudulently structuring payments
15 for services received by Hollywood Casino from two
16 Gaming Service Providers. Those payments allowed the
17 Gaming Service Providers to avoid the licensing
18 requirements in place at the time.

19 Clearview Landscaping and Design, Inc.
20 was the holder of the landscaping services contract
21 at Hollywood Casino. Clearview accepted payment from
22 Hollywood Casino on behalf of CPA Pavement Services,
23 Inc., for work performed at the facility. The
24 payment was made via check in the amount of
25 \$113,348.78. And at the time Clearview was a

1 registered Gaming Service Provider.

2 However, Clearview's authorization has
3 since been revoked for accepting payments for
4 services rendered on behalf of other Gaming Service
5 Providers. Upon receiving payment from Hollywood
6 Casino, Clearview then issued a check to CPA Paving
7 for the services rendered minus a fee for routing the
8 payment through Clearview's account.

9 CPA Paving is a Non-Gaming Service
10 Provider. Hollywood Casino filed a notification on
11 behalf of CPA Paving, which indicated that existing
12 contracts would not exceed \$100,000 in a consecutive
13 12-month period; however, had CPA paving been
14 directly paid the \$113,348.78 payment made to
15 Clearview on their behalf, the company would have
16 exceeded the compensation threshold in a 12
17 consecutive month period and been required to file
18 for registration with the Board.

19 Clearview agreed to a comparable
20 payment arrangement for a company named Flor Haus
21 after the company completed a remodeling project at
22 Hollywood Casino. The payment was made via check to
23 Clearview in the amount of \$4,447.

24 Similarly, Flor Haus is a Non-Gaming
25 Service Provider for whom Hollywood Casino filed

1 notification. The notification indicated that the
2 existing contracts would not exceed \$80,000 in a
3 consecutive 12-month period. However, had Flor Haus
4 been directly paid the \$4,447 payment made to
5 Clearview on their behalf, the company would have
6 exceeded the compensation threshold in a 12-month
7 consecutive period and they, too, would have been
8 required to file for registration with the Board.

9 Each of the improper payments was
10 discovered by the Chief Financial Officer at
11 Hollywood Casino. She noticed that the number on the
12 invoices from Clearview for the two payments did not
13 match the typical sequencing format used.

14 Additionally, Hollywood Casinos,
15 internal purchasing system identified vendors, other
16 than Clearview for the payments and confirmed that
17 the payments were suspect. Hollywood Casino launched
18 an internal investigation and determined that the
19 improper payment methods were devised and initiated
20 by former Hollywood Casino employees, Kristy-Jo
21 Croman, who held the position of Buyer and Dinh Vu,
22 Director of Facilities, both were terminated for
23 their actions.

24 The OEC requests that the Board
25 approve the Consent Agreement and Stipulation of

1 Settlement entered into between the parties. The
2 terms of the settlement include that Hollywood shall
3 pay a civil penalty in the amount of \$50,000 to the
4 Board within five days of the Board's Order approving
5 this Consent Agreement.

6 Also, within five days, Hollywood
7 shall pay to the Board \$2,500 for the costs incurred
8 by OEC, BIE and other related staff in connection
9 with this matter. Further Hollywood shall
10 immediately review policies and controls and provide
11 training and guidance to its employees, which will
12 minimize the opportunity for the occurrence of a
13 similar incident in the future.

14 And if you have any questions, we'd be
15 happy to address them at this time.

16 CHAIRMAN: For --- before I --- I have
17 just a couple of questions either for you or for
18 Alex, whoever's best positioned to answer the
19 question. You made reference, Mr. Roland, to a fee
20 that was retained by Clearview in each of these
21 transactions.

22 What kind of a handling fee was
23 Clearview receiving?

24 ATTORNEY ROLAND: Mr. Chairman, as
25 best we can tell, it looks like it was about four

1 percent. It was based upon the amount that passed
2 through Clearview's account, but it looks like it was
3 just around four percent.

4 CHAIRMAN: Thank you. And these
5 employees that were terminated, again, I'm going to
6 ask you Mr. Roland, but maybe Alex knows better.
7 These employees that were behind this scheme, do we
8 have any information to suggest that they profited in
9 any way from arranging this or looked the other way
10 about these matters?

11 ATTORNEY ROLAND: We do not.

12 CHAIRMAN: Alex?

13 MR. HVIZDA: No, we have no
14 indication. I know at least with respect to the
15 carpet vendor Kristy-Jo Croman, who was the
16 purchasing buyer, indicated that she was concerned
17 about causing a violation by paying the carpet vendor
18 over \$100,000 without them being licensed. And so
19 she, she did this arrangement with Clearview in order
20 to avoid that violation, and obviously created a much
21 worse violation in the process.

22 ATTORNEY FABIUS: Mr. Chairman, if I
23 may add, Dinh Vu, when the first payment was
24 discovered and Penn National Race Course investigated
25 Kristy-Jo acknowledged that she orchestrated the

1 payment, Dinh VU denied knowledge. During the course
2 of the investigation, Penn National uncovered e-mail
3 traffic between Kristy-Jo and Dinh Vu that did prove
4 that denial to be false.

5 He was certainly aware of it and
6 denied knowledge. So he was --- she was terminated
7 the day after the discovery. He was terminated a few
8 months after when it was discovered he had knowledge
9 of it.

10 CHAIRMAN: Thank you for that
11 clarification. Beyond that, before I open it up to
12 any questions from other Board members, Alex or
13 whatever, do you have anything you want to offer at
14 this point in time? I think you've made a perfectly
15 coherent explanation, but anything else you'd like to
16 add?

17 MR. HVIZDA: Just very briefly, we did
18 catch this, according to our existing audit
19 procedures. As soon as we caught it, we reported it
20 to the onsite Casino Compliance staff, and we engaged
21 our Internal Audit Department to conduct the internal
22 investigation.

23 As Mike indicated - Mike Fabius
24 indicated, Kristy-Jo was immediately terminated. And
25 as soon as we found out that Dinh was involved, he

1 was also immediately terminated. They were both
2 long-time employees, but they're in positions of
3 trust that require personal integrity and use of
4 judgment and they clearly were not suited for that
5 after the actions they made. So that's why we
6 immediately moved them, even though they had no prior
7 discipline, directly to a termination.

8 CHAIRMAN: Thank you. Are there any
9 further questions or comments from other Board
10 members on this matter? Hearing none, may I have a
11 motion, please?

12 MR. MUSTIO: Chairman, Commissioner
13 Mustio moves that the Board approve the Consent
14 Agreement between the OEC and Mountainview
15 Thoroughbred Racing Association, as described by the
16 OEC.

17 MR. LOGAN: Commissioner Logan
18 seconds.

19 CHAIRMAN: Thank you.
20 All in favor?

21 AYES RESPOND

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

24 Thank you for your participation.
25 Let's move ahead.

1 ATTORNEY PITRE: The next matter on
2 the Agenda for the Board's consideration is a Consent
3 Agreement between the OEC and Category 1 Licensee
4 Mountainview Thoroughbred Racing Association, doing
5 business as Hollywood Casino Grantville.

6 The matter will be presented by senior
7 Enforcement Counsel John Crohe. As we've heard,
8 representatives for Hollywood Casino remain present
9 for this matter.

10 ATTORNEY CROHE: Good morning,
11 Chairman, again, members of the Board. John Crohe,
12 C-R-O-H-E, for the OEC.

13 The next matter on the Agenda for the
14 Board's consideration is this Consent Agreement we
15 reached with Mountainview Thoroughbred Racing
16 Association, doing business as Hollywood Casino at
17 Penn National Race Course and the OEC regarding an
18 intoxicated patron violation.

19 On January 5th, 2020 at 8:52 a.m. a
20 self-excluded individual identified as L.C. entered
21 Hollywood Casino by way of the bus entrance, then had
22 a brief interaction with the Security Officer
23 beginning at 8:54 a.m. until 11:15 a.m. the self-
24 excluded individual gamed at various slot machines in
25 short increments, moving between slot machines

1 approximately 40 times. During this time from 9:18
2 a.m. until 9:24 a.m., the self-excluded individual
3 interacted with a Slot Attendant.

4 At 10:54 a.m. the self-excluded
5 individual interacted with a Penn Draft House
6 bartender. At 11:16 a.m. that self-excluded
7 individual ordered and received an alcoholic
8 beverage, a draft beer at the Penn Draft House from a
9 bartender. Beginning at 11:19 a.m. until 12:18 p.m.
10 the self-excluded individual gamed at slot machine
11 F2205 and slot machine F2204.

12 At 12:21 p.m. the self-excluded
13 individual ordered and received a second alcoholic
14 beverage daft beer from the Penn Draft House from a
15 bartender. Beginning at 12:29 p.m. until 1:55 p.m.
16 the self-excluded individual gamed at various slot
17 machines in short increments, moving between slot
18 machines approximately eight times.

19 At 1:57 p.m. the self-excluded
20 individual ordered and received a third alcoholic
21 beverage, a draft beer at the Penn Draft House from a
22 bartender. Beginning at 1:58 p.m. until 2:17 p.m.
23 the self-excluded individual gamed at slot machine
24 G3505 and slot machine F2206. At 2:17 p.m. the self-
25 excluded individual began gaming at slot machine

1 F2205. At 2:23 p.m. the self-exclusion - self-
2 excluded individual attempted to sit down after
3 standing up, but fell to the floor.

4 At 2:24 p.m. the self-excluded
5 individual was held back up to her feet by nearby
6 patrons. At 2:49 p.m. the self-excluded individual
7 left slot machine F2205. At 3:02 p.m. the self-
8 excluded individual used ticket redemption unit
9 number two. From 3:03 p.m. until 3:12 p.m., the
10 self-excluded individual gamed at slot machine E1102,
11 and slot machine E2203.

12 At 3:12 p.m. the self-excluded
13 individual used ticket redemption unit number 15. At
14 3:14 p.m. the self-excluded individual spoke with a
15 Security Officer. At 3:15 p.m. the Security Officer
16 notified surveillance that she was escorting a
17 possibly intoxicated patron to the Security Office.
18 When the guest instead sat down at slot machine E0101
19 a Security Officer and Assistant Beverage Manager,
20 and the Assistant Beverage Manager arrived and spoke
21 with the self-excluded individual at 3:21 p.m.

22 At which time the Security Supervisor
23 incorrectly concluded that the self-excluded
24 individual was not intoxicated and permitted the
25 self-excluded patron to remain at the facility and

1 continue gaming. Hollywood Casino subsequently
2 terminated that Security Supervisor due to her error
3 in judgment for concluding that this individual was
4 not intoxicated.

5 At 3:25 p.m. the self-excluded
6 individual stumbled into another patron. Then
7 beginning at 3:25 p.m. until 3:27 p.m. this self-
8 excluded individual gamed at slot machine F2806. At
9 3:27 p.m. the self-excluded individual used ticket
10 redemption unit number six. At 3:28 p.m. the self-
11 excluded individual exited the facility by way of the
12 bus entrance after interacting with the Security
13 Officer.

14 At 3:30 p.m., the self-excluded
15 individual entered her vehicle in the Hollywood
16 Casino parking lot, and upon attempting to navigate
17 through the parking lot, struck five parked vehicles,
18 causing damage did not stop and exited the parking
19 lot. At 3:41 p.m. Pennsylvania State Police engaged
20 the self-excluded individual via a traffic stop after
21 witnessing her driving on interstate I81 with only
22 three wheels on her car, as it was thereafter
23 determined that one wheel had come off as a result of
24 striking one of the vehicles in the Hollywood Casino
25 parking lot.

1 During this traffic stop, the self-
2 exclude individual displayed signs of intoxication
3 and admitted to striking the vehicles in the
4 Hollywood Casino parking lot and was criminally
5 charged thereafter.

6 The self-excluded individual was on
7 the gaming floor for a total of 6 hours and 21
8 minutes, gamed at slot machines on 55 separate
9 occasions and consumed three draft beers. The OEC
10 and Hollywood Casino, Penn National respectfully
11 requests that the Board approve the Consent Agreement
12 and Stipulations of Settlement that require Hollywood
13 Casino, Penn National to pay civil penalty of \$70,000
14 as well as \$2,500 in administrative fee for costs
15 incurred by the Board staff in connection with
16 investigations into this matter.

17 CHAIRMAN: Thank you. Mountainview,
18 do you have anything to say about this matter?

19 MR. HVIZDA: Yeah. So let's begin with
20 the self-exclusion part. This individual was in her
21 late fifties at the time and our policy is that upon
22 entering we card anybody who appears to be under the
23 age of 30; therefore, she would not have been carded
24 based on her age and therefore, we would've have
25 caught the self-exclusion there.

1 Additionally, she did not play with a
2 player rewards card, which had she done that and
3 would have carded into a machine, we would have been
4 able to catch her there. And so in these cases where
5 someone does not appear to be under the age of 30 and
6 does not game with a card or have an interaction at
7 the cage or tables where we - we request ID, the only
8 way for us to identify them as Self-Exclusion is for
9 visual identification.

10 And we do, in those cases as our
11 Security Department constantly is reviewing a
12 slideshow of individuals who live within a specified
13 radius around the casino. And while they do
14 sometimes catch people and identify them based on
15 just looking at their pictures - obviously there's
16 many pictures to go through and not everybody has a
17 memory for faces. Regarding the intoxicated --- the
18 assessment of her sobriety, our policies and
19 procedures worked as they are intended in terms of
20 identifying, reporting and having the assessment
21 done, but as with any licensee, there is a measure of
22 judgment that comes in when the person is being
23 assessed by a supervisor to determine whether they're
24 displaying signs of visible intoxication.

25 In this case, the supervisor

1 repeatedly maintained that she spoke with the
2 individual and then watched the individual walk away
3 from her and did not see any signs of possible
4 intoxication.

5 However, as we know, from the - the
6 circumstances and the video from outside, which the
7 supervisor obviously wouldn't have seen at that time,
8 her judgment was simply indefensible. And because of
9 that, we immediately terminated her because of her
10 poor use of judgment.

11 CHAIRMAN: Yeah, I think we're very
12 lucky that somebody wasn't seriously injured here.

13 MR. HVIZDA: Correct.

14 CHAIRMAN: Well - any questions from
15 other members of the Board?

16 MR. LOGAN: I have one. Just a
17 question if she only had - and I'm not saying only,
18 but I think I heard three drinks then in the six
19 hours, was she intoxicated?

20 MR. HVIZDA: So she had three drinks.
21 The most recent one prior to the assessment was an
22 hour and a half before that. Again, the Security
23 Supervisor said she didn't see signs of intoxication,
24 the Food and Beverage Supervisor who was originally
25 contacted brought over, also did not see signs of

1 possible intoxication. And the server who served the
2 last drink to her, an hour and a half prior,
3 indicated that she also did not see any signs of
4 intoxication.

5 Whether she had anything else in her
6 system, that's not something we know. She did
7 indicate to security, or at least security relays
8 that she indicated that she drank - the three drinks
9 were Mad Elves, which have a higher alcohol content.
10 So perhaps, you know, her - her age, her size and
11 the alcohol content of those, it's possible. But we
12 weren't able to confirm whether she did, in fact,
13 drink three Mad Elves.

14 CHAIRMAN: Do we know -.

15 MS. SMYLER: Chairman, I have -.

16 CHAIRMAN: One second. One second,
17 Commissioner Smyler.

18 MS. SMYLER: Sure.

19 CHAIRMAN: Do we know - the police
20 stopped her. Was she tested at that point?

21 MR. HVIKZDA: All I know from - from
22 looking on the PA UJS website is that she was charged
23 with DUI.

24 CHAIRMAN: Okay.

25 MR. HVIKZDA: The State Police, we

1 asked them what the BAC was and if there was any
2 evidence of other, you know, chemicals in her system,
3 and they said they couldn't release that information
4 to us for privacy reasons.

5 CHAIRMAN: Okay.

6 Do we know anything more than that,
7 John?

8 ATTORNEY CROHE: No my understanding
9 is, again, that she was charged with the DUI and that
10 they were the higher level alcohol beverages. But
11 the specific BAC or whether or not there were any
12 other intoxicating substances in her system, that's
13 information that I do not have.

14 CHAIRMAN: Okay.

15 Commissioner Smyler, I'm sorry.

16 MS. SMYLER: No, that's okay, Mr.
17 Chairman.

18 I was just wondering if the Security
19 Supervisor was aware that this patron had fallen
20 down, had bumped into other people? Did anybody
21 inform the Security Supervisor of those actions,
22 which may
23 have ---?

24 MR. HVIKZDA: So a Security Officer,
25 received a report from a guest that - that this

1 individual had fallen down. The Security Officer
2 found the guest and brought her over to be assessed
3 by the Security Supervisor and the Food and Beverage
4 Supervisor who then turned it over to the Security
5 Supervisor and a Security Supervisor, you can see on
6 the video, engage in conversation with the guest.

7 Obviously, we don't have the audio.
8 And then the Security Supervisor watched the guest
9 walk away from her. And so, you know, we're ---
10 we're basing the conversation of on what the Security
11 Supervisor and the food and beverage supervisor said
12 they had with the guest.

13 MS. SMYLER: All right. Thank you.

14 CHAIRMAN: Are there other questions
15 from Board members on this matter?

16 Okay.

17 Then hearing hearing none, may I have
18 a motion, please?

19 MR. LOGAN: Mr. Chairman,
20 Commissioner Logan moves that the Board approve the
21 Consent Agreement between the OEC and Mountainview
22 Thoroughbred Racing Association, as described by the
23 OEC.

24 MR. KERNODLE: Commissioner Kernodle
25 seconds.

1 CHAIRMAN: Thank you.

2 All in favor?

3 AYES REPSOND

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

6 Thank you very much Mountainview for
7 your participation. Let's move ahead.

8 ATTORNEY PITRE: The next matter on
9 the Agenda for the Board's consideration is a Consent
10 Agreement between the OEC and Category 3 Licensee
11 Valley Forge Convention Partners, LLC doing business
12 as Valley Forge Casino Resort.

13 The matter will be presented by
14 Assistant Enforcement Counsel Kelsey Scirrotto.
15 Representatives for Valley Forge are present. And at
16 this time I would request that those individuals
17 please introduce themselves for the record.

18 ATTORNEY FABIUS: Certainly. Good
19 morning, Mr. Chairman. Michael Fabius from the law
20 firm Ballard Spahr. Again, virtually joining me
21 today in the zoom is Ron Bailey, B-A-I-L-E-Y. I'll
22 ask him to speak to make sure his screen pops up.

23 MR. BAILEY: Good morning. Ron Bailey
24 Vice President, General Manager at Valley Forge
25 Casino.

1 CHAIRMAN: Okay.

2 We can hear him.

3 ATTORNEY SCIRROTTO: Thank you,
4 Chairman Barasch, members of the Board. Kelci
5 Scirrotto, K-E-L-C-I S-C-I-R-R-O-T-T-O, with the OEC.

6 This Consent Agreement involves an
7 incident of underage gaming at Valley Forge Casino
8 Resort. On February 24, 2021, a 20-year-old
9 individual approached a Security Podium at Valley
10 Forge Casino Resort, where two Security Officers were
11 posted.

12 The individual pulled down his PPE
13 mask and handed a valid Pennsylvania Driver's License
14 to the first Security Officer. When the individual
15 pulled up his mask, the second Security Officer
16 requested that the individual lower his mask again.
17 The first Security Officer ran the individual's
18 identification through the identification scanner
19 without questioning whether the identification photo
20 matched the individual's face while his mask was
21 down. Then security permitted the underage individual
22 to enter the gaming floor.

23 While the underage individual was on
24 the gaming floor for approximately one hour, he gamed
25 at a Blackjack table for 15 minutes. He was not

1 observed consuming any alcoholic beverages.

2 The individual then went to the
3 Cashier Window in order to cash out \$112.50 in chips.
4 The Cage Shift Manager requested the individual's
5 identification and reported the identification for
6 being suspicious. The \$112.50 was confiscated.

7 Security responded, reviewed the
8 individual's identification and questioned the
9 individual about the identification. It was
10 determined that the identification did not belong to
11 the individual, who admitted to being 20 years old.

12 Valley Forge issued a permanent
13 eviction notice against the underage individual and
14 the Pennsylvania State Police issued a non-traffic
15 citation against the individual for carrying a false
16 identification card, a summary offense, and for
17 unlawful for person under 21, two wager or play
18 Slots, a summary offense.

19 In response to the incident, Valley
20 Forge reviewed its procedures for preventing underage
21 access to the gaming floor. Valley Forge also
22 reviewed the conduct of each employee involved in the
23 incident. Valley Forge concluded that the Security
24 Officers who had permitted the individual onto the
25 gaming floor share responsibility for failing to

1 confirm that the identification belonged to the
2 individual in accordance with Valley Forge's
3 procedures regarding prevention of underage access to
4 the gaming floor. As a result, written warnings were
5 issued to the Security Officers.

6 Further, Valley Forge determined that
7 the Table Games Dealer and the Table Games Supervisor
8 at the Blackjack table where the underage individual
9 had gamed failed to request identification from the
10 individual in accordance with Valley Forge's underage
11 game and prevention procedures. The Table Games
12 Dealer and Supervisor received documented verbal
13 warnings as a result.

14 At this time, the OEC respectfully
15 requests that the Board approve the proposed Consent
16 Agreement and Stipulation of Settlement, which
17 requires that Valley Forge pay a civil penalty in the
18 amount of \$14,000 and a fee of \$2,500 for costs
19 incurred by the OEC and other staff involved in the
20 investigation, assessment and settlement of this
21 matter.

22 Mr. Fabius and Mr. Bailey are here on
23 behalf of Valley Forge, and will be glad to answer
24 any questions that you may have.

25 Thank you.

1 CHAIRMAN: Thank you. Does Valley
2 Forge have anything that they'd like to volunteer at
3 this time?

4 ATTORNEY FABIUS: Briefly, Mr.
5 Chairman. I would - I would speak with a couple of
6 remarks and then I ask Ron to address the Board. It
7 is his first opportunity to introduce himself to you.
8 He is the new Vice President and General Manager at
9 Valley Forge, joining me from his office at Valley
10 Forge.

11 I would like to say at the outset
12 that, you know, we concur on the recitation of facts
13 and we acknowledge responsibility for the failure to
14 detect that the underage individual was using a
15 borrowed identification, i.e., not his own
16 identification.

17 Without offering any excuses for the
18 failure in this instance, we do like to take pride in
19 a culture that minimizes and prevents underage access
20 to the gaming floor. Highlights Valley Forge's
21 programs and efforts in this regard to include
22 specialized ID training from the Pennsylvania State
23 Police, we get them to come in and train our Security
24 Officers to detect borrowed, fraudulent IDs.

25 We also offer a celebratory reward

1 system, try to - in addition to discipline, offering
2 a carrot. This reward system for catching fraudulent
3 and borrowed identification offers a security officer
4 who catches a fraudulent or borrower identification,
5 a free dinner and then the entire shift, when one is
6 caught gets a pizza party.

7 And you know, with that, let me turn
8 the floor over to Ron, to quickly speak as well. And
9 then we'll take any questions that you may have.

10 CHAIRMAN: Mr. Bailey, welcome aboard.
11 Welcome. Welcome to our jurisdiction.

12 MR. BAILEY: Thank you. It's great to
13 be here. I appreciate that, Mr. Chairman.

14 I can't really say that any better
15 than Mike. You know, it's something we're certainly
16 focused on. We feel we addressed that with the team
17 members and we're still focused on training and
18 ensuring that our team members - it's everyone's
19 responsibility to make sure that we minimize things
20 of this nature happening.

21 CHAIRMAN: Thank you.

22 With those comments, does the Board
23 have any questions or comments for any of the
24 representatives from Valley Forge? Hearing none, may
25 have a motion, please?

1 MR. KERNODLE: Yes. Commissioner
2 Kernodle moves that the Board approve the Consent
3 Agreement between the OEC and Valley Forge Convention
4 Center Partners, LLC as described by the OEC.

5 MR. DERMODY: Commissioner Dermody
6 seconds.

7 CHAIRMAN: Thank you.
8 All in favor?

9 AYES RESPOND

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

12 ATTORNEY PITRE: The next matter on
13 the Agenda for the Board's consideration is a Consent
14 Agreement between the OEC and Category 2 Licensee
15 SugarHouse HSP Gaming, LP doing business as Rivers
16 Casino Philadelphia.

17 The matter will be presented by Senior
18 Enforcement Counsel, Michael Roland. Representatives
19 for Rivers Philadelphia are present. And at this
20 time I would request that those individuals please
21 introduce themselves for the record.

22 ATTORNEY DONNELLY: Good morning.
23 Thank you, Cyrus. John Donnelly on behalf of the
24 Rivers Philadelphia Casino. D-O-N-N-E-L-L-Y. With
25 me today on this Zoom is Angela Hardesty,

1 H-A-R-D-E-S-T-Y, Director - or the Director of
2 Compliance and Tom Scott, S-C-O-T-T, the Director of
3 Surveillance.

4 ATTORNEY ROLAND: Mr. Chairman, the
5 next proposed Consent Agreement involves security and
6 surveillance deficiencies at SugarHouse HSP Gaming,
7 LP, doing business as Rivers Casino Philadelphia.

8 On August the 2nd, 2020, the Bureau of
9 Casino Compliance received notification regarding two
10 unattended minors left in a vehicle parked on Lot C
11 of Rivers Philadelphia licensed facility. The minors
12 were later determined to be ages two and four. The
13 incident was brought to the attention of Rivers
14 Philadelphia by an unknown patron.

15 An investigation presented that
16 patron, Michael Harper, arrived at the property and
17 parked in Lot C. He exited the vehicle where the
18 children were located and entered the casino's north
19 door's entrance.

20 The vehicle where the children were
21 left unattended was turned off, the windows were down
22 approximately a half an inch, and it was
23 approximately 93 degrees outside.

24 Michael Harper was located by Rivers
25 surveillance at the Sportsbook Window. He completed

1 his transaction, exited the casino's north door's
2 entrance and returned to his vehicle where he was met
3 by Rivers Philadelphia personnel.

4 The vehicle was opened and the
5 children were determined to be safe by an emergency
6 medical technician who was present. The children
7 were in the vehicle for approximately 30 minutes.

8 Robert Nyce, Rivers Security
9 Supervisor, collected Mr. Harper's information and
10 identification. Michael Harper then left the Rivers
11 Philadelphia complex. The Philadelphia police were
12 called and arrived approximately 30 minutes after
13 being called by Rivers Security and approximately 15
14 minutes after Michael Harper departed the Rivers
15 Philadelphia complex.

16 The Philadelphia - the Pennsylvania
17 State Police and Bureau of Casino Compliance were
18 also notified by Rivers Security. On February 10th,
19 2021 a request for the involuntary exclusion of
20 Rivers Philadelphia patron, Michael Harper, was
21 addressed during the Board's regularly scheduled
22 public meeting. Mr. Harper was placed on the Board's
23 Involuntary Exclusion List for leaving two unattended
24 minors alone in his vehicle while he entered the
25 casino. However, the Board expressed several

1 concerns, which required further investigation. As a
2 result, the OEC and the BIE immediately launched an
3 investigation into the matter.

4 During the investigation BIE reviewed
5 witness statements, Rivers Philadelphia surveillance
6 reports, e-mails, the Rivers Philadelphia
7 surveillance department daily log, Rivers
8 Philadelphia security reports, all of the materials
9 related to the exclusion of Michael Harper, the
10 Rivers Philadelphia security standard operating
11 procedures regarding unattended minors in vehicles,
12 Bureau of Casino Compliance reports, the available
13 surveillance footage and Rivers Philadelphia phone
14 records and call logs. Additionally, BIE conducted
15 interviews of nine members of Rivers Philadelphia
16 personnel, which include Tom Scott, Rivers
17 Philadelphia Surveillance Director, Walter Gunn,
18 Rivers Philadelphia Director of Security, Eric
19 Fitzgerald, Rivers Philadelphia General Manager,
20 Ernest Pelerin, Rivers Philadelphia Systems
21 Technician, James Cartwright, Rivers Philadelphia
22 Technical Services Manager, Glenn McClain, Rivers
23 Philadelphia Security Manager, Guy-Sinn Davis, Rivers
24 Philadelphia Security Patrol Officer, Robert Nyce,
25 Rivers Philadelphia Security Shift Manager, and David

1 Artiga, Emergency Medical Technician.

2 BIE also interviewed members of the
3 Pennsylvania Gaming Control Board Staff,
4 representatives of the Pennsylvania State Police and
5 a representative of the Philadelphia Police
6 Department, 26th District.

7 Ultimately, the investigation revealed
8 that the unknown patron who reported the incident
9 likely reported the incident to Rivers Philadelphia
10 Security at or very near the time documented by the
11 facility. According to Casino Supervisors and Board
12 Staff, Security Officer Guy-Sinn Davis, who received
13 the report, has a good working performance reputation
14 and no reason could be discovered to contradict this
15 assessment.

16 Subsequently, Thomas Scott, Director
17 of Surveillance at Rivers Philadelphia issued an e-
18 mail to the Surveillance Department regarding a new
19 standard operating procedure for any unattended minor
20 incidents which occur. Specifically, all calls must
21 be logged and have a detailed incident report
22 regarding surveillance video related to unattended
23 minors in vehicles.

24 The Surveillance Department will
25 retain video footage of an incident starting from the

1 patron's arrival at the property until he or she
2 departs the premises. Video footage will be
3 retained, not only showing the patron offender, but
4 the vehicle where the unattended minor is located.
5 Additionally, the Security Department will ensure
6 that the Surveillance Department provides all
7 necessary video surveillance of the incident.

8 Despite those remedial measures, both
9 parties, to this proposed Consent Agreement, concur
10 that additional preventative steps must ensue to
11 prevent similar occurrences in the future.

12 Therefore, the OEC requests that the Board approve
13 this Consent Agreement and Stipulation of Settlement
14 entered into between the parties.

15 The terms of the settlement include
16 that Rivers Philadelphia shall pay to the Board
17 \$2,500 for the costs incurred by OEC, BIE and other
18 related staff in connection with this matter within
19 five days of the Board's Order approving this
20 consent. Furthermore, the Consent Agreement provides
21 that Rivers Philadelphia shall provide the following:
22 Within 90 days, Rivers Philadelphia shall submit to
23 the Board for approval revised Internal Controls,
24 which address the specifics of how unattended minors
25 in vehicles or otherwise will be handled by Rivers

1 Philadelphia personnel.

2 The Internal Controls shall provide in
3 detail the Rivers Philadelphia plan to respond in
4 unintended minors cases and shall address the capture
5 and retention of video surveillance, and each involve
6 the Department's responsibility regarding the
7 surveillance footage. It shall cover details
8 regarding the types of information that will be
9 collected by Rivers Philadelphia in unattended minor
10 cases, and the specifics regarding the creation and
11 implementation of the reports that will be used to
12 record the collected data.

13 Each Rivers Philadelphia department
14 involved, in cases of this nature, shall create and
15 maintain a report. The Internal Controls shall
16 further provide for the creation and retention of
17 detailed phone logs in unattended minors cases by a
18 dispatcher or other designated personnel, not
19 physically responding to the incident.
20 The Internal Controls shall cover the notification
21 procedures utilized by Rivers Philadelphia in
22 unintended minors cases for the Pennsylvania State
23 Police, the Philadelphia Police Department, emergency
24 - emergency medical personnel, if required, and the
25 Pennsylvania Gaming Control Board staff.

1 It should be noted that Rivers
2 Philadelphia has reached an agreement with
3 Philadelphia Police Department. The agreement
4 provides for a police presence at the facility.
5 However, Rivers Philadelphia shall submit a plan to
6 increase its roving security presence in its parking
7 garage and parking lot when the Philadelphia Police
8 are not present to provide additional security.

9 This plan will be submitted to the
10 Board or its designee for approval. Rivers
11 Philadelphia shall also submit a plan to provide
12 roving security in its parking garage and parking lot
13 when the Philly - Philadelphia Police are present and
14 providing additional security, this plan shall be
15 submitted to the Board or its designee for approval.

16 Additionally, Rivers Philadelphia
17 shall submit schematics or drawings of its parking
18 garage and its parking lot detailing the location of
19 all surveillance cameras to the Board or its
20 designee, and if requested shall provide surveillance
21 coverage of any area that is not currently covered by
22 its current surveillance system.

23 Finally, Rivers Philadelphia shall
24 post signage throughout its parking garage, surface
25 parking lots and entrance to the gaming floor, which

1 at a minimum, clearly advises Rivers patrons that
2 children are not to be left unattended in vehicles
3 for any reason.

4 Additionally, the signage shall
5 indicate that leaving a child unattended is illegal,
6 subject to criminal prosecution and patrons that do
7 so will be permanently evicted from the property.
8 This signage will be submitted to the Board or its
9 designee for approval. If you have any questions,
10 we'd be happy to address them at this time.

11 CHAIRMAN: Before we get to our
12 questions, does SugarHouse have anything they wish to
13 add to that?

14 ATTORNEY DONNELLY: Yes, please. John
15 Donnelly.

16 A couple of things. One, I'll start
17 where Mr. Roland started, at the beginning. This is
18 not - this has to do with the recordation and
19 procedures of surveillance and security. I think
20 it's appropriate to note the response in this case
21 was vigorous and appropriate.

22 The children were found, they were
23 found within minutes of being alerted to this event.
24 Surveillance was alerted, the Pennsylvania State
25 Police - or Philadelphia City Police were alerted

1 within about four minutes or five minutes of the
2 report of the child involved.

3 The CCRs were alerted. Surveillance
4 was alerted. The property has EMTs on property 24/7
5 and EMTs are hooked into the radio system. So they
6 were alerted immediately, within minutes to -.

7 MR. LOGAN: Mr. Donnelly?

8 ATTORNEY DONNELLY: Yes.

9 MR. LOGAN: Respectfully, this is
10 Commissioner Logan. If everybody was alerted within
11 minutes, how did the kids stay in the car for 30
12 minutes? Were you ever locked in the car for 30
13 minutes at 93 degrees?

14 ATTORNEY DONNELLY: No, I wasn't. But
15 the kids were - we were alerted at 11:40, within four
16 minutes we - what happened - here's what happened.
17 And here's what happens in these cases. Security
18 Guard called Dispatch, Dispatch alerted the State
19 Police, the City Police, the CCRS and surveillance.

20 And what happened was essentially a
21 patron said that, I think, I saw a car, I'm making
22 this up a blue Ford in lot A. Surveillance then
23 tries - immediately goes to look -.

24 MR. LOGAN: If you have to make stuff
25 up, maybe you're not the person to be talking about

1 this.

2 ATTORNEY DONNELLY: Well, I didn't
3 know the exact vehicle.

4 MR. LOGAN: Well, maybe you should.

5 ATTORNEY DONNELLY: Well -.

6 MR. LOGAN: Again, we're talking about
7 two individuals locked in a car, albeit with the
8 window down, two and four for 30 minutes. So don't
9 make stuff up. If you don't know, just pass this on
10 to somebody else.

11 ATTORNEY DONNELLY: Well, I didn't -
12 we don't know. I don't have in the reports, the color
13 of the car. I'm just saying to you that when we were
14 - when we became aware of it, within -.

15 MR. LOGAN: It's just offensive to
16 purport that everything worked well and within
17 minutes everybody was notified, but yet a two year
18 old and a four year old were in a car for 30 minutes.
19 So everything didn't work well, everybody wasn't
20 notified, or somebody should have just ran out.

21 If somebody's notified within minutes,
22 somebody get off their ass and run out.

23 ATTORNEY DONNELLY: With all due
24 respect, they did run out. They were there at the
25 car within minutes, the car was locked and then

1 surveillance had to find the patron.

2 MR. LOGAN: No, you don't. Bust the
3 window open. You don't have to find the patron.
4 Bust the window open.

5 ATTORNEY DONNELLY: The -.

6 MR. LOGAN: If the window is down - if
7 what you're purporting is the window was down, put
8 your hand in there and open it up.

9 ATTORNEY DONNELLY: They tried to -
10 the incident reports, that they could not open the
11 vehicle -.

12 MR. LOGAN: Then the window wasn't
13 down enough.

14 ATTORNEY DONNELLY: Yes, that's right.
15 The - the - the adult -.

16 MR. LOGAN: Which only makes it worse.

17 ATTORNEY DONNELLY: They considered
18 --- the EMTS were present, again, within minutes.
19 I'm talking less than five minutes.

20 MR. LOGAN: Well, shame on them that
21 they didn't bust the goddamn window.

22 ATTORNEY DONNELLY: They thought about
23 that. That was discussed. And it was determined
24 that the children were not in extreme - or not in
25 harm's way at that time. And so they - and they were

1 fearful that if they broke the window, it would
2 terrify the children. They had water there and so
3 on. I think the response was fine.

4 What - what - what the complaint was
5 about -.

6 MR. LOGAN: Well, I don't.

7 ATTORNEY DONNELLY: Well, Your Honor,
8 I - I submit that within minutes of being involved
9 with this, there were two supervisors and an EMT
10 present and all the proper authorities have been
11 alerted. And we - we obtained all the information
12 with regard to the person. He was found within eight
13 minutes or - yeah, eight minutes of being -
14 surveillance being advised.

15 And we got all the information and he
16 was turned over to the - all that information was
17 given to the police and to - to the Pennsylvania
18 Gaming Control Board, they put him on the Exclusion
19 List. Interestingly, the man came back in March and
20 attempted to enter and we caught him and turned him
21 in again.

22 MR. LOGAN: Was there ever an attempt
23 to hold him there?

24 ATTORNEY DONNELLY: No. No, they
25 didn't. They took -.

1 MR. LOGAN: Everybody's there. You
2 said everybody's there -

3 ATTORNEY DONNELLY: The police didn't
4 come.

5 MR. LOGAN: - within minutes and there
6 was no ability to hold him?

7 ATTORNEY DONNELLY: We're not
8 authorized to - we're not police enforcement. The
9 city police had been called immediately. State
10 Police had been advised immediately. They had not
11 shown up. We got his ID, we got his car, we got his
12 license plate and all the information with him,
13 turned it over to the police, and ultimately to the -
14 you know, he, he was - there was nothing that
15 prevented him from being charged with a crime.

16 And he took it upon himself to leave.
17 We can't restrain him. We're not law enforcement
18 officers, we're were not permitted to restrain people
19 from leaving the property.

20 MS. REGAN: Mr. Donnelly, this is Fran
21 Regan. So am I understanding you correctly that
22 there - within minutes several individuals were on
23 the scene, that you are more or less monitoring to
24 see the condition of the children in the car, and I
25 am assuming that had anybody determined that they

1 were in danger, someone was going to definitely, at
2 that point, take some kind of action?

3 Is that correct?

4 ATTORNEY DONNELLY: They would have
5 broken - they would have broken the window. And
6 that's what people recited. If they thought that if
7 they believed - and again, I want to emphasize we had
8 an EMT. It wasn't just security, but in the security
9 we're both supervisors. But if the EMT and the
10 supervisors had determined, the children are in
11 danger of significant harm, they would've broken the
12 window out.

13 There was a determination made that it
14 would have been more traumatic to do that, given the
15 status of the kids at the time, then it would be to
16 await for the security or surveillance to find the
17 guy. And he found him in eight minutes and have him
18 unlock the car. They tried to get the kids to unlock
19 the car as well, but the kids were - didn't know how
20 to do that.

21 MS. REGAN: Thank you.

22 ATTORNEY DONNELLY: I want to say one
23 other thing in response to your concern that you
24 expressed, Board Member Logan. I'm glad you raised
25 this at the last meeting. We took - we take it very

1 seriously, and I think it's important this - to have
2 this hearing out in the public.

3 We've turned this man in for
4 prosecution. It can be a felony in - in
5 Pennsylvania. Now, there's a summary proceeding. To
6 my knowledge, he hasn't yet been charged. I'd like
7 to see him charged. We want to see them charged, but
8 he hasn't been charged, to the best of our knowledge.
9 And we're - we're putting additional signs up. We
10 are - I'm very happy that we were able to work with
11 Cyrus's group, because we went through all of
12 surveillance, and mainly what we're going to come
13 back with is lot more more detail on our reports as
14 to when timing and so on.

15 And we're also going to put more
16 robust signs up to advise people that if they do
17 this, they're going to get prosecuted and evicted.
18 And we're also going to increase our roving and so on
19 in the property - or on the property.

20 This particular instance was a good -
21 a good item to raise those issues and raise them to
22 the public. I do not think in this particular, I - I
23 - what's the positive, I believe in this instance,
24 the property responded in a very robust and
25 appropriate way. And thank God the children weren't

1 harmed. And you know, but again, I wish Mr. Harper
2 would suffer some consequences, and apparently, he
3 has not yet.

4 MR. LOGAN: I agree. Attorney Roland,
5 can you - you did mention the window was down and I
6 don't - I don't think you gave a - kind of quantified
7 it. Can we tell by surveillance how far down the
8 window was? I mean, it just - I'm just grappling
9 with if the window was even down two inches, somebody
10 could get their hand in there and open it. I mean,
11 it's just - we've all done it. Can we tell - I guess
12 Tom is the surveillance person. Sorry, Tom, I didn't
13 write your last name down.

14 Can you - can you tell how far the
15 window was down? Is this lot - does some of your
16 equipment hit this particular car and that particular
17 spot on the lot?

18 MR. SCOTT: Yeah, it's Tom Scott.

19 MR. LOGAN: Thank you.

20 MR. SCOTT: We used a fixed camera to
21 identify it's quicker to - for us. So once we
22 identified the vehicle, we did not - we did not look
23 at the window. Our intention is to find the - the
24 responsible adult who left the individuals in the
25 car, find them immediately.

1 We leave that up to the outside
2 security people to do their documentation out there.
3 We just want to make sure that we catch the
4 individual.

5 MR. LOGAN: Yeah, I guess I mean
6 after, after the fact in this review, Attorney Roland
7 or Tom, can we determine how far the window was down.
8 I just - I'm just - I just don't know why there
9 wasn't a reasonable person on the ground there that
10 if the window was down two or three inches that
11 somebody didn't -.

12 MS. REGAN: Excuse me, Sean, I -.

13 ATTORNEY DONNELLY: Your Honor, on
14 page eight of the stipulation -

15 ATTORNEY PITRE: Approximately a half
16 inch.

17 ATTORNEY DONNELLY: - states that -

18 ATTORNEY PITRE: Approximately a half
19 inch.

20 ATTORNEY DONNELLY: - the window was
21 done a half inch.

22 MS. REGAN: Cracked.

23 ATTORNEY DONNELLY: So they couldn't
24 reach their hands in. And as was recited in the
25 Consent, this - the outside Security Guard who

1 reported this, one of the best people we have, and
2 two Security Supervisors, an EMT, all responded. Had
3 they been able to get in the car, they would have
4 done it immediately.

5 And they tried to get a - recite
6 again. They tried to get the kids to do it. They
7 couldn't - and the kids couldn't figure out how to do
8 it. And then the discussion was whether we break the
9 window or not.

10 And you know, it's - it's - I guess
11 anyone can make a judgment as to whether it's
12 appropriate or not appropriate to do that. They
13 elected not to do it, given what they saw on the
14 scene. And in eight minutes, Mr. Harper was found
15 and he was back at the car and - and thank God all
16 went well. And they have water there for the kids.

17 MR. LOGAN: Okay.

18 See, maybe we should stop discussing
19 this because I just get more questions every time you
20 open your mouth, Attorney Donnelly. And again, I'm
21 being - I'm trying to be as respectful as possible.

22 If he was found in eight minutes, how
23 does the kids stay in the car for 30 minutes? I'm
24 just - listen, I - I'm just of the school that one
25 plus one is two, we can never try to make it three.

1 ATTORNEY PITRE: Commissioner -.

2 MR. LOGAN: So how in the world - if
3 he's found in eight minutes, does the kid stay in the
4 car for 30 minutes? I just can't - I can't get your
5 hands around that.

6 ATTORNEY PITRE: Hold on. Hold on,
7 John. Hold on, John. Hold on. If I could clear it
8 up.

9 The investigation revealed that the
10 patron who reported the answer delayed in reporting
11 the incident. So the patron didn't report the -
12 obviously contemplated because he was concerned about
13 snitching on someone and reported the incident at
14 11:40.

15 Before that, while the kids were in
16 the car, he was contemplating whether or not to
17 report the incident, best we can tell from his
18 comments to the Security Officer on scene.

19 So that where - that was the major
20 part of the delay in all of this.

21 MR. LOGAN: Okay.

22 So the kids weren't found in eight
23 minutes. It's just a little disingenuous to the
24 report that they were found in eight minutes.
25 There's a delay that, so the kids weren't found in

1 eight minutes.

2 ATTORNEY PITRE: Correct?

3 MR. LOGAN: The father was not found
4 in eight minutes.

5 ATTORNEY DONNELLY: No, he was found.
6 He was found.

7 ATTORNEY PITRE: After the reporting,
8 after the patron reported to Security and Security
9 responded, and it took eight minutes from the time it
10 was reported to the Security Officer for the patron
11 to be located, the father.

12 MS. REGAN: So absent this - absent
13 this other patron not reporting it though, how long
14 would it have been until anybody noticed?

15 ATTORNEY DONNELLY: That is -.

16 ATTORNEY PITRE: I think that's the
17 issue that Commissioner Logan is getting at, is that
18 patrons are - you know, he's made this comment in the
19 past that patrons are finding these people, and it
20 should be Security finding these people, or
21 surveillance rather than depending on patrons to find
22 these incidents occurring.

23 ATTORNEY DONNELLY: And if I might
24 add. We don't know what - if - if security - we
25 don't know what the kids were doing, whether they

1 were laying on the seat or anything like that.

2 In this particular case, Security -
3 patron found them before Security did. In other
4 cases, security finds people when this happens, so
5 it's - we have rovers and, you know, if some
6 irresponsible parent is going to tell the kids to lay
7 down on the seat, or daddy's going to go in and be
8 back in two minutes, we don't know.

9 But my response is the minute we knew
10 this - immediately upon notice that there was an
11 extremely robust response, a serious response. And
12 I'm not trying to minimize anything. I'm glad that
13 this got raised it, it should be raised. And I urge,
14 again, that maybe everybody in this - in the
15 Commonwealth should look about how - how it is that
16 the parents can do this and not really suffer any
17 consequences from it.

18 MS. REGAN: Right.

19 MS. SMYLER: Mr. Donnelly, that sort
20 of gets to my point, I guess, the casino doesn't have
21 the ability to secure these people and hold them. So
22 is that part of the reason they have partnered with
23 the Philadelphia Police to be there seven days a week
24 so that the police department and law enforcement
25 could have held Mr. Harper.

1 ATTORNEY DONNELLY: They could.
2 Usually - usually - there's generally State Police
3 there except for certain hours. And sometimes the
4 Philadelphia Police are there.

5 I will say the Philadelphia Police,
6 since this issue was raised, have become much more -
7 quickly respond to a number of items. And generally
8 speaking, we're able to have police enforcement
9 there. So this is kind of unusual that - that there
10 wasn't a law enforcement response until, you know,
11 well after he left.

12 I do hasten to add, though, we
13 obtained all the information to prosecute the person
14 in question. And so it isn't as if he's unknown or
15 what happened. That's on videotape so on.

16 MS. REGAN: Any idea why that
17 prosecution did not happen?

18 ATTORNEY DONNELLY: None. In fact,
19 when he returned - well, when he returned on March
20 2nd, after - after you all had put him on the
21 Exclusion List - he was put on the Exclusion List, I
22 believe in December. This happened in August. I
23 think he hit this Exclusion List in December.

24 Came back on March 2nd. We caught him
25 - the casino caught him when he came in and we gave

1 him to the police, State Police and they were going
2 to issue a written summons to him, and the process is
3 a kind of a summary process, unless someone - well,
4 he was being issued a summons in that case for
5 violating the Exclusion List.

6 CHAIRMAN: Are there any other - I
7 have a question, but any other comments from other
8 Board members on this matter at the moment?

9 I just have one observation to make,
10 Mr. Donnelly. Everything that can be done should be
11 done, because you're probably aware - maybe you're
12 not aware of it - over the last couple of years, your
13 casino has been responsible for 25 percent of all the
14 unattended child issues that have come before this
15 Board.

16 So there's clearly a, a particular
17 problem. If you're accounting for 25 percent of all
18 the unattended children cases that are coming to this
19 Board's attention. I just make that point that I
20 don't think you want to be responsible for 25 percent
21 of all the cases like this in the entire Commonwealth
22 that are happening at 14 casinos. I just put that
23 out there.

24 And I guess that's why there's such a
25 robust response in terms of increasing your

1 surveillance and arrest in this Consent Decree. But
2 I would just - for my two cents, I'd say this is not
3 something you want to be at the top of the pack for.
4 And I don't really understand why one casino should
5 be responsible for 25 percent of all the incidences.
6 That's just an observation.

7 If there are other -.

8 MR. LOGAN: Mr. Chairman, can I just
9 ask one follow-up question? Sorry.

10 Do you have temporary signage up right
11 now?

12 ATTORNEY DONNELLY: We do.

13 MR. LOGAN: What's it say?

14 ATTORNEY DONNELLY: I don't have a
15 copy of it. It says something about don't know
16 unattended children are a crime. What the - we've
17 submitted the -

18 MR. LOGAN: How many?

19 ATTORNEY DONNELLY: - we've already
20 submitted the proposed new sign.

21 MR. LOGAN: How many are up?

22 MR. LOGAN: I don't know. As I
23 understand it -.

24 MR. LOGAN: Where are they located?
25 Where are they located?

1 ATTORNEY DONNELLY: At the gates as
2 you come in.

3 MR. LOGAN: Does anybody on the call
4 know what it says?

5 MS. HARDESTY: Yes, sir. Hi, this is
6 Angela Hardesty, Director of Compliance. I know from
7 my own personal experience being in the parking lots,
8 we do have signage in every lot, in every level of
9 the garage that basically says to the effect, if you
10 brought your children with you today, then you need
11 to come back tomorrow without them.

12 MR. LOGAN: Okay. Thanks.

13 MS. HARDESTY: Sure.

14 CHAIRMAN: I think if you brought
15 children with you today, you need to leave, not come
16 back without them tomorrow.

17 MR. LOGAN: Yeah, I didn't want to go
18 there.

19 CHAIRMAN: That's okay.

20 MR. LOGAN: It's nice to be cute, but
21 it's not nice to be locked in a car for 30 minutes at
22 93 degrees. And I - just - somebody just look at who
23 was on the ground there and who made the decision not
24 to break the window, because I think that's a no
25 brainer.

1 CHAIRMAN: Okay.

2 Any other comments at this time? If
3 if not is there a motion here?

4 MR. DERMODY: Mr. Chairman,
5 Commissioner Dermody moves that the Board approve the
6 Consent Agreement between the OEC and SugarHouse HSP
7 Gaming, LP, doing business as Rivers Casino
8 Philadelphia, as described by the OEC.

9 MS. SMYLER: Commissioner Smyler
10 seconds.

11 CHAIRMAN: All in favor.

12 AYES REPSOND

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

15 ATTORNEY PITRE: The next matter on
16 the Agenda for the Board's consideration is a Consent
17 Agreement between the OEC and Category 1 Licensee,
18 PID, LLC doing business as Presque Isle Downs and
19 Casino. The matter will be presented by Senior
20 Enforcement Counsel Michael Roland.

21 Representatives for Presque Isle Downs
22 and Casino are present. And at this time I would
23 request that those individuals please introduce
24 themselves for the record.

25 ATTORNEY FRASCOGNA: This is Lou

1 Frascogna, Corporate Counsel, Churchill Downs on
2 behalf of Presque Isle Downs. With me is Kevin
3 O'Sullivan, Vice President and General Manager at
4 Presque Isle, as well as the Presque Isle Downs
5 Director of Compliance, Roseane Paligo.

6 For the court reporter, our names are
7 Lou Frascogna, that is L-O-U F-R-A-S-C-O-G-N-A.
8 Kevin O'Sullivan, that's K-E-V-I-N O-S-U-L-L-I-V-A-N.
9 And Roseane Paligo, R-O-S-E-A-N-E P-A-L-I-G-O.

10 ATTORNEY ROLAND: Once again, Mr.
11 Chairman, Mike Roland with the OEC. The next
12 proposed Consent Agreement involves procedure
13 violations and the violation of health rules at PID,
14 LLC, doing business as Presque Isle Downs and Casino.

15 On July 16th, 2020, to protect the
16 public from the spread of COVID-19, the Governor of
17 Pennsylvania ordered that all bars were prohibited
18 from conducting operations, unless they offer sit
19 down dine-in meals or takeout sales of alcoholic
20 beverages. Alcohol could only be served for on-
21 premises consumption when in the same transaction as
22 a meal. All service was required to be at a table or
23 booth and bar service was prohibited.

24 On October 5th, 2020 the Bureau of
25 Casino Compliance was notified of a patron ejection

1 due to the patron consuming alcohol on the gaming
2 floor. The ejection was later overturned by Presque
3 Isle's General Manager, Kevin O'Sullivan.

4 At approximately 7:33 p.m. the patron,
5 M.D., was observed with a beer in his hand while
6 located in the lower level of the Bourbon and Brew
7 restaurant. M.D. proceeded to the gaming floor with
8 his beverage. MD was observed periodically consuming
9 the beverage while engaging in table games play on
10 the gaming floor.

11 At approximately 8:08 p.m. a Presque
12 Isle Security Supervisor responded to Craps Table 13
13 and approached M.D. about having alcohol on the
14 gaming floor. M.D. became very boisterous and
15 animated with a Security Supervisor and used
16 threatening language.

17 After M.D. refused to leave, the
18 Security Supervisor requested Pennsylvania State
19 Police assistance. At approximately 8:09 p.m., M.D.
20 called Presque Isle's General Manager, Kevin
21 O'Sullivan to complain about the Security Supervisor.
22 The Pennsylvania State Police responded to the
23 incident and attempted to deescalate the situation.

24 At approximately 8:28 p.m. M.D.
25 received a phone call from general manager, Kevin

1 O'Sullivan. And upon completion of the call M.D.
2 remained at Craps Table 13. M.D. remained at the
3 facility, continued to wager and continued to
4 verbally berate Presque Isle staff. At approximately
5 8:59 p.m., an unknown member - male member of M.D.'s
6 party was observed approaching the Bourbon and Brew
7 bar on the second floor of the casino. The male was
8 observed speaking with a Presque Isle server.
9 Subsequently the server was observed pouring two
10 shots, gave them to the male patron, and then she
11 walked away.

12 At approximately 9:03 p.m. the male
13 left money on the table and carried the shots towards
14 the escalator area, attempting to conceal them. The
15 male patron was observed consuming one of the shots
16 while going down the escalator to the gaming floor.
17 Eventually another unknown male was observed taking
18 and consuming the shot at the gaming table.

19 Therefore on or about October 5th,
20 2020 Presque Isle was in violation of the Governor's
21 Order regarding alcohol service. Patrons were
22 observed consuming alcoholic beverages on the Presque
23 Isle Downs gaming floor. M.D. was first approached
24 on the gaming floor regarding violations at
25 approximately 8:08 p.m. He was permitted to remain

1 at the facility and gamed, approximately, three
2 additional hours and cash out at the cage at
3 approximately 11:08 p.m.

4 The OEC requests that the Board
5 approve the Consent Agreement and Stipulation of
6 Settlement entered into between the parties. The
7 terms of the settlement include that Presque Isle
8 shall pay a civil penalty in the amount of \$25,000 to
9 the Board within five days of the Board's Order
10 approving this Consent Agreement. Also within five
11 days, Presque Isle shall pay to the Board \$2,500 for
12 the costs incurred by OEC, BIE and other related
13 staff in connection with the matter.

14 Further Presque Isle shall immediately
15 review policies and controls and provide training and
16 guidance to its employees, which will minimize the
17 opportunity for the occurrence of a similar incident
18 in the future.

19 And at this point, if you have any
20 questions, we'd be happy to take them. Thank you.

21 CHAIRMAN: Well, before we get to
22 questions, does Presque Isle have anything they wish
23 to say at this point.

24 ATTORNEY FRASCOGNA: Yeah. Mr.
25 Chairman, this is Lou Frascogna. Thank you and the

1 Board for the opportunity to appear before you today
2 on this matter. Presque Isle Downs agrees and
3 accepts the stipulated facts in terms of the
4 agreement.

5 I want to reiterate that the - the
6 health, safety and welfare of our patrons is always
7 with the utmost importance and we recognize that
8 obligation to each of our guests. I will say that
9 already following this incident, the property set up
10 reinforcement training on COVID protocols for the
11 security and food and beverage team members and also
12 additional training for team members on handling
13 difficult patrons.

14 Additionally, following this training,
15 we did change procedures and security began engaging
16 patrons with alcohol earlier before they were able to
17 reach the floor. And this largely remediated the
18 recurrence of similar incidents. I will also allow
19 Mr. O'Sullivan and Mrs. Paligo to speak if they have
20 any additional comments.

21 MR. O'SULLIVAN: This Kevin
22 O'Sullivan. Good afternoon, Mr. Chairman, Board
23 members. Lou actually said pretty much what I was
24 going to say. I have no further comment.

25 CHAIRMAN: Okay.

1 Well, I - before I open this up, I
2 have a couple kind of questions here, listening to
3 the facts recitation. I don't need to know who M.D.
4 is, but I'd like to know, because apparently Mr. M.D.
5 called you Mr. O'Sullivan and - and so he obviously
6 had some relationship with you, and I'd like to know
7 why something wasn't done about him immediately?
8 Because he obviously had already been confronted
9 about the alcohol. He calls you and then apparently
10 - I don't know, you can tell me what happened, but it
11 sounds to me like no steps were taken by you to make
12 sure he didn't continue to violate the rules.

13 MR. O'SULLIVAN: Yes, sir, Mr.
14 Chairman, to start with prior to being General
15 Manager here at Presque Isle Downs, I was actually
16 the Assistant General Manager, and prior to that, I
17 was the Director of Table Games and Slot Operations.
18 At that time, some of the patrons, as a hospitality
19 measure actually did have my phone number, obviously
20 for better service, if they could not reach the host.

21 This player was one of those. And
22 then on the night in question, this player actually
23 had a horse running on the track that night, and he
24 would share with 15 other of his friends and guests
25 of himself. When I received the phone call the guest

1 was highly upset, obviously. And my whole intention
2 was always just to deescalate the situation rather
3 than cause more of a disturbance.

4 You know, I do understand and
5 apologize that allowing a patron to bring alcohol
6 onto the floor was a violation. I wanted to ensure
7 the safety of the other guests and of course, my team
8 members.

9 CHAIRMAN: Well -.

10 MS. REGAN: Excuse me. This is Fran
11 Regan. Mr. O'Sullivan, does it not say that there
12 were Troopers that responded?

13 MR. O'SULLIVAN: There was, ma'am, yes

14 MS. REGAN: Who were ready, I would
15 assume, to take action against this - the egregious
16 behaviors of this individual had you not decided to,
17 as you say, deescalate and allow him to continue to
18 do virtually whatever he wanted.

19 MR. O'SULLIVAN: Actually, ma'am, I
20 don't have any control over what the Pennsylvania
21 State Police do or don't do. I only - I wasn't at
22 the property. I got the phone call. I called my
23 duty director of security. He informed me what was
24 going on. I then told the guest in question that he
25 needs to calm down so we can understand the

1 situation. And then I said, if he stays, he has to
2 behave himself because I cannot control what PSP
3 would do.

4 I was very concerned at the time, but
5 obviously he had - if you would read the report,
6 there was a number of people actually getting
7 involved and being very difficult. And I just felt
8 the best thing was to do was to deescalate it.

9 MS. REGAN: But yet he continued to be
10 abusive towards other patrons and members of the
11 staff there.

12 MR. O'SULLIVAN: Yes, ma'am. But
13 however, unfortunately, nobody called me right away
14 after that and informed me of that. That was only
15 found after the fact when he had already left.

16 My next phone call from my Director,
17 he had just informed me that the guest was back
18 playing at the table and the situation was calm.

19 MS. REGAN: And I wonder how the other
20 employees feel who were trying hard to do their jobs
21 only to have you tell them to look the other way.

22 MR. O'SULLIVAN: Actually, you know
23 what? I can actually see how that looks and I do
24 apologize. However, I cannot have a big fight or a
25 ruckus start in the pit. It would have probably been

1 a much worse outcome.

2 Since that time, the guest in question
3 has been spoken to. There were two more incidents
4 where he actually handled himself much better and as
5 a gentleman, and there was an issue at the Craps
6 table, and he just took himself outside, had a
7 cigarette came in and no further incident. So I hope
8 that he has learned his lesson, and because he has
9 been told any more outbursts, he won't be able to
10 play here.

11 CHAIRMAN: I just - I just have to say
12 this.

13 MS. REGAN: I don't understand.

14 CHAIRMAN: My gut tells me if he
15 wasn't running horses at your track and didn't have
16 15 people with him, I think an average citizen,
17 number one, wouldn't have been calling you. And
18 number two, an average citizen would have been thrown
19 out of the casino.

20 It does not look like de-escalation.
21 It looks to me like the rules were bent for somebody.
22 And I think that's a terrible precedent in terms of
23 your own staff about whether they should be enforcing
24 their own rules. That's just my observation.

25 MR. O'SULLIVAN: Yes, sir. I

1 understand. And looking at the big picture
2 afterwards, I will absolutely agree with you.
3 However, at the time I thought that was probably the
4 best decision. However, understanding the situation
5 now I can see that it was not.

6 CHAIRMAN: Okay.

7 Are there other -?

8 MS. REGAN: So the other - I'm sorry.
9 The other concern I would -.

10 CHAIRMAN: No, go ahead, Frances. I'm
11 sorry, Fran. You please speak.

12 MS. REGAN: The other, Mr. Chairman,
13 concern that I would have is it appears that there
14 are absolutely no steps that have been taken or that
15 will result in any different action should this
16 happen again. And in addition, I'm still surprised
17 that this individual's allowed back in that casino
18 and that he had to be, again, warned on a subsequent
19 visit that his behavior was inappropriate. And that
20 we're relying on him to take himself outside and calm
21 down with a cigarette.

22 Who is this person and why does he
23 have the ability to act like this?

24 MR. O'SULLIVAN: Okay.

25 So let me try and emphasize and just

1 add a little bit on that. So following the incident
2 later on, when we found out that his behavior was a
3 little bit more than we understood, I actually spoke
4 to him and said we're not going to put up with that.

5 Then when he was playing on the dice
6 table, when he had been in again, he was pretty upset
7 And he said, well, if you guys can't change the dice
8 for me, I'm going to go outside and smoke. Normally
9 those things would get him a little agitated.

10 So it's a very small thing. But for
11 us who see him very often, we realize that he is
12 trying to be a better person while he's on property.

13 MS. SMYLER: This is Commissioner
14 Smyler. I'm not into horses and horse racing, but
15 you said he had a horse running. So I'm assuming
16 M.D. owns a horse. Is that what you meant by he had
17 a horse running?

18 MR. O'SULLIVAN: Yes, ma'am.

19 MS. SMYLER: He only owns one horse
20 and it runs at your track?

21 MR. O'SULLIVAN: I believe he owns
22 more than one horse, and I think he runs at more than
23 one track.

24 MS. SMYLER: So when it comes to your
25 casino, it's because he has a horse running.

1 Is that what you're saying, Mr.
2 O'Sullivan?

3 MR. O'SULLIVAN: No, ma'am, I have to
4 be honest. He rarely is - he's probably - he's more
5 one of our regular Craps players. And not - actually
6 now sportsbook, too, but he doesn't come as often for
7 the horses.

8 MS. SMYLER: Thank you.

9 MR. KERNODLE: This is Commissioner
10 Kernodle, and I just have just one observation. I
11 just think next time he calls you, don't pick up the
12 phone. Let your staff handle the situation,
13 especially when you weren't even there in the first
14 place.

15 I believe we all have people that we
16 like and respect that we would do that, but I will
17 just tell you, just from the observation, stop
18 picking up his phone and let your staff that you hire
19 to do their job, do their job. And that's all.

20 MR. O'SULLIVAN: I agree with you,
21 sir. And understood.

22 CHAIRMAN: Any other questions or
23 comments from Board at this time? Are we -?

24 MS. SMYLER: Chairman, this is
25 Commissioner Smyler. I would ask that we move into

1 Executive Session to further discuss this matter
2 prior to having any motion made.

3 CHAIRMAN: Okay.

4 Let's - let me just take a quick look
5 at something. I'd suggest we do that right now, as
6 opposed to going to the last couple of things here,
7 and then we'll get lost in what we're discussing.

8 So let's do this now. We're going to
9 break and go into Executive Session and we will
10 return. Everybody can standby. We will be back.

11 ---

12 (WHEREUPON A PAUSE IN THE RECORD WAS HELD.)

13 --- 38:29

14 CHAIRMAN: Okay.

15 We spent the last number of minutes
16 reviewing and discussing this Consent Decree. And
17 I'd have to say that from my perspective, I do not
18 believe that this proposed Consent Decree is adequate
19 - is an adequate reaction to what was an egregious
20 situation.

21 Not only did this behavior undermine
22 the authority of the staff at Presque Isle to make
23 sure that rules and regulations were followed. It's
24 sending a terrible message to other - other customers
25 about, oh my goodness, people can act out here and no

1 one does anything about it. I just find this an
2 inadequate response and whatever the motion is, I'm
3 going to vote to reject this Consent Agreement.

4 So let's get on back onto this record.
5 Is there a motion here? And then people can comment
6 on the motion.

7 MS. SMYLER: Mr. Chairman, this is
8 Commissioner Smyler. Commissioner Smyler moves that
9 the Board reject the Consent Agreement between the
10 OEC and PID, LLC, doing business as Presque Isle
11 Downs and Casino as described by the OEC.

12 MS. REGAN: Commissioner Regan
13 seconds.

14 CHAIRMAN: Okay.

15 Before we vote, any other comments
16 from anybody? Or I'll just call the question.

17 Okay.

18 MS. REGAN: I agree, Mr. Chairman,
19 with what you indicated. There is nothing in that
20 Consent Decree that makes mention of any changes or
21 anything that would be done differently in the
22 future.

23 I think that it is inadequate just to
24 tell this individual that he should try to act better
25 next time.

1 CHAIRMAN: Thank you, Fran. Okay.

2 In that case, I'm not saying what the
3 next Consent Decree should be or whether we should go
4 ahead and go through formal litigation on the matter,
5 but I find it inadequate in - in many respects. And
6 we'll believe it at that. I believe Fran, you have
7 seconded the motion already.

8 MS REGAN: Correct.

9 CHAIRMAN: Okay.

10 All in favor of the motion.

11 AYES RESPOND

12 CHAIRMAN: Any opposed? I hear none.
13 The motion is unanimously adopted. Thank you.

14 ATTORNEY PITRE: Next matter on the -.

15 CHAIRMAN: Okay, go ahead. I'm sorry,
16 go ahead.

17 ATTORNEY PITRE: The next matter on
18 the Agenda for the Board's consideration is a Consent
19 Agreement between the OEC and Category 3 affiliate
20 licensee, Boyd Gaming Corporation. The matter will
21 be presented by Deputy Chief Enforcement Counsel
22 Dustin Miller, representatives for Boyd Gaming
23 Corporation are present.

24 And at this time I request that those
25 individuals please introduce themselves for the

1 record.

2 ATTORNEY FABIOUS: Good afternoon, Mr.
3 Chairman Michael Fabius from Ballard Spahr with you
4 again. Also with me on site is Adrian King from the
5 Law Firm Ballard Spahr. Virtually with me today on
6 Zoom from his Nevada office is Uri Clinton. Uri
7 joined earlier this year as his Executive Vice
8 President, General Counsel and Secretary. I'll ask
9 him just to say hi real quick.

10 So his video pops up and then we'll
11 turn it back to OEC.

12 ATTORNEY CLINTON: Hello. Uri
13 Clinton, C-L-I-N-T-O-N.

14 CHAIRMAN: Thank you. Welcome Mr.
15 Clinton.

16 ATTORNEY MILLER: Good afternoon,
17 Chairman Barasch, members of the Board, Dustin Miller
18 on behalf of the OEC. At this time the OEC has a
19 Consent Agreement prepared for the Board's approval.
20 This Consent Agreement is between the OEC and Boyd
21 Gaming Corporation.

22 This Consent Agreement arises from an
23 incident whereby Boyd failed to disclose information
24 impacting the suitability of one of its Principals to
25 the Board. On or about April 1st, 2020, while

1 reviewing meeting minutes for Boyd's Board of
2 Directors meeting, from December 5th, 2019, the BIE
3 Specialized Section Unit noted that those minutes
4 referred to a special committee, which conducted an
5 internal investigation and proposed recommendations
6 to Boyd's Board of Directors.

7 Subsequently on May 4th, 2020, the
8 specialized section unit requested additional
9 information from Boyd related to the Special
10 Committee dating back to July 1st, 2019.

11 On May 7th, 2020, the Specialized
12 Section Unit received the requested information,
13 which revealed that Boyd failed to disclose
14 information relating to the suitability of one of its
15 Principals to the Board.

16 The Specialized Section Unit's review
17 of the information revealed that Boyd had received a
18 letter from a law firm representing a female
19 executive of the company seeking a separation
20 agreement. The letter cited several complaints
21 regarding the female's compensation and her treatment
22 in an earlier internal investigation that resulted in
23 her being stripped of some of her job
24 responsibilities. Further, the female executive
25 indicated that she was forced to engage in

1 inappropriate sexual activity with a male executive
2 of Boyd.

3 It was following receipt of this
4 letter, that the Board of Directors formed the
5 Special Committee to look into the matter and to make
6 recommendations. On July 9th, 2019 Boyd agreed to
7 the Separation Agreement with the female executive,
8 and per the terms of the agreement the female
9 executive disclosed to Boyd the identity of the male
10 executive, who was the subject of her allegations of
11 inappropriate sexual activity.

12 The male executive was, at the time, a
13 Board Licensed Principal. Initially during the
14 course of Boyd's internal investigation, the accused
15 Principal denied any sexual relationship with the
16 woman. However, in September of 2019, the accused
17 Principal disclosed to the President and CEO of Boyd
18 that he did have a sexual relationship with a woman
19 approximately ten years ago. Further, the accused
20 Principal indicated his intent to retire from Boyd.

21 The President and CEO of Boyd
22 immediately disclosed the conversation with the
23 accused Principal, to the Chairwoman, of the Special
24 Committee Investigating the matter.

25 The Special Committee released its

1 findings to the Board of Directors at the December
2 5th, 2019 Board of Directors meeting. The Special
3 Committee did not resolve whether the sexual activity
4 between the executives was consensual or pressured.

5 However, the Board of Directors
6 conclusively determined that the activity was in
7 violation of Boyd's non-fraternization policy. On
8 December 9th, 2019, the accused Principal announced
9 his retirement from Boyd effective December 15th,
10 2019. Boyd did not pay the male executive, his
11 annual bonus, and he did not receive stock at the
12 time of his retirement.

13 Subsequently, on December 24th, 2019
14 Boyd, through Valley Forge, filed a Surrender
15 Petition with the Board's OHA for the accused
16 Principal's license and cited the accused Principal's
17 retirement as the reason for the surrender. As Boyd
18 had failed to disclose information related to the
19 internal investigation of the Principal, as it was
20 required to do, OEC was unaware of the facts
21 surrounding the accused Principal's retirement and
22 did not object to the surrender of the Principal
23 license without prejudice, which was granted by the
24 Board.

25 Due to Boyd's failure to disclose the

1 OEC was deprived of the opportunity to assess the
2 facts surrounding the surrender when determining
3 whether to object to the Petition. Boyd did not
4 think that it needed to disclose the information it
5 had regarding the allegation of inappropriate sexual
6 activity, as it felt that the allegations related to
7 internal workplace harassment and discrimination and
8 were not criminal in nature.

9 However, Boyd now realizes that it
10 should have disclosed the allegation and the accused
11 Principal's, false denial of the allegation. As such
12 Boyd denied the Board the opportunity to make a
13 suitability determination as to whether the accused
14 Principal's license should be surrendered with or
15 without prejudice.

16 The Act, Board regulations in Valley
17 Forge's executed Statement of Conditions require that
18 information impacting the suitability of a Principal
19 should be disclosed to the Board as soon as possible.

20 On June 3rd, 2021, the parties entered
21 into a Consent Agreement to settle this outstanding
22 violation. The terms of this agreement include a
23 provision that Boyd Gaming Corporation shall
24 immediately implement policies and provide training
25 and guidance to minimize the opportunity for a

1 similar incident to occur in the future. Further
2 Valley Forge and/or Boyd Gaming Corporation shall pay
3 a total fine of \$150,000 and an administrative fee of
4 \$2,500 to the Board.

5 The fine and administrative fee shall
6 be paid within five days of the Consent Agreement
7 being approved by the Board.

8 Counsel for Boyd Gaming Corporation is
9 in attendance today to answer any questions you may
10 have. Otherwise, the OEC asks the Board to entertain
11 a motion to approve the Consent Agreement.

12 CHAIRMAN: Thank you, Dustin.

13 Does representatives of Boyd have
14 anything they wish to add at this point?

15 ATTORNEY FABIOUS: Yes, Mr. Chairman.
16 At the outset, let me say that Boyd acknowledges
17 responsibility for the failure to disclose the
18 broader context for the departure of the former
19 Principal.

20 Consistent with OEC's description,
21 Boyd received an allegation that - from a female
22 executive of an inappropriate sexual activity by a
23 male executive that she initially declined to
24 identify until Boyd entered into the separation
25 agreement with her. The male executive, whom she

1 eventually identified, now a former Principal
2 initially denied the allegation and maintained this
3 denial through much of the independent investigation.

4 Eventually he acknowledged the sexual
5 relationship with the female executive and chose to
6 resign from Boyd. As you see from Dustin's
7 explanation in the Consent Agreement, Boyd did not-
8 the regulatory implications arising from this
9 acknowledgement were not adequately appreciated at
10 the time. And we - and the company failed to
11 disclose the context for the former Principal's
12 departure.

13 Without minimizing or even excusing
14 that failure to disclose, I want to speak to the
15 structure of the independent investigation to offer
16 an assurance to the Board that Boyd responded to the
17 allegation of inappropriate sexual activity with the
18 seriousness that you should expect from it.

19 Boyd's Board of Directors approve the
20 requested Separation Agreement with the female
21 executive and authorized a Special Committee
22 consisting of four independent directors to
23 investigate the allegation. The Special Committee
24 was further authorized to engage its own Counsel
25 independent from the company's Counsel to advise and

1 assist the Special Committee in the investigation.

2 Structuring the investigation in this
3 manner serve to exclude the company's executive team
4 from participation in the investigation or receiving
5 reports from the Special Committee's Counsel.

6 Since the female executive initially
7 declined to identify the applicable male executive,
8 the investigation was structured so that male
9 executives of the company who might be perceived to
10 have a conflict of interest, were not able to
11 influence the investigation or even entitled to
12 information from the investigation.

13 Structuring the investigation in this
14 matter also vested control of the investigation and
15 four non-executive directors, who each qualified as
16 independent from the company and its management under
17 the listing requirements for the New York Stock
18 Exchange.

19 These four independent directors were
20 authorized to engage separate outside counsel,
21 independent of Boyd's traditional legal counsel, and
22 the outside counsel advised and took direction from
23 the Special Committee, not the company's Executive
24 Management Team or inside Directors on the Board.

25 Empowering independent directors and

1 engaging separate independent counsel in this matter,
2 avoided appearances that those in control of the
3 investigation could be conflicted by any desire to
4 protect the Executive Management Team. We continue
5 to believe structuring the investigation in this
6 matter was the right response. Given the nature of
7 the allegation, it was important for the - for the
8 investigation to be independent and free from
9 appearances of a potential conflict.

10 We believe that structure ultimately
11 contributed to the eventual acknowledgement of the
12 sexual relationship by the former Principal.
13 Nevertheless, we also recognize a significant
14 shortcoming in this structure and our response,
15 because excluding the Executive Management Team left
16 the company vulnerable for a breakdown in the
17 regulatory compliance function like we've seen.

18 This vulnerability was exacerbated by
19 the fact that the head of the Company's Regulatory
20 Compliance function was identified as the subject of
21 the allegation. And at the time the regulatory
22 disclosure should have been made. The head of the
23 Company's Regulatory Compliance function had
24 acknowledged the sexual relationship admitted that
25 his prior denials were false and determined to leave

1 the county.

2 Before we take your questions, I'd
3 like to turn the floor over to Uri to also speak - to
4 introduce himself as new to Boyd, but also address
5 how we plan to improve our practices in the future
6 should there be a need for a similar independent
7 investigation outside the control or influence of the
8 Executive Management Team.

9 Uri?

10 ATTORNEY CLINTON: Okay. Good
11 afternoon. I'm happy to be here and to get a chance
12 to introduce myself to this regulatory body.

13 On March 8th, 2021, I joined Boyd as
14 the new Executive Vice President and General Counsel.
15 On May 6th, 2001 I was formally named as Boyd's
16 Corporate Secretary. It's in my capacity as an
17 Officer for Boyd Gaming Corporation that I'm here
18 today.

19 Prior to joining Boyd Gaming, I spent
20 almost 20 years as an attorney, Senior Vice
21 President, General Counsel and our Senior Executive
22 at several of the largest and most innovative gaming
23 operating companies, development companies, and our
24 equipment system manufacturers in the industry.

25 Over the course of my career, I have

1 had the privilege of representing gaming interests in
2 every major gaming jurisdiction in the United States
3 and several international gaming jurisdictions. I
4 have always advised transparency and full compliance.
5 I think is a must when we're interacting with gaming
6 regulators. Full disclosure with regulators, it's
7 not just the best practice, but it's essential as a
8 requirement for a gaming licensee.

9 As you've already heard, Boyd stands
10 by the key elements of the independent investigation,
11 the independent counsel, the exclusion of senior
12 executives.

13 But I want to point out some
14 additional points, that not only did the Special
15 Committee have its full authority, but there was an
16 adoption of key recommendations made by the Special
17 Committee.

18 One, adoption of a claw back policy
19 that allows for Boyd to claw back unvested equity
20 awards for executives who engage in inappropriate
21 conduct. That's new, as a result of this
22 investigation. Also knew is a - a policy that
23 requires certain activities to go directly to the
24 Board of Directors for review, thus streamlining the
25 ability of the Board to engage and review

1 questionable conduct by executives.

2 Additionally, there's a requirement
3 that all senior executive candidates for roles prior
4 to being hired as part of their interview process be
5 asked about prior claims of workforce harassment as
6 part of that interviewing process. And then, also
7 the creation of a centralized database for all
8 reports of inappropriate conduct at the workplace.

9 Prior to this recommendation,
10 individual properties had their database, the
11 corporate had their database and it would've made it
12 more difficult to track what was really going on in
13 the aggregate as far as workplace harassment goes.

14 And so while we stand by the structure
15 and the integrity and the framework of the
16 investigation, we clearly now recognize that we
17 should have done better in informing Pennsylvania
18 Gaming regulators about the scope and the reasons
19 behind the underlying investigation itself. As such
20 Boyd's committed to all future special committees
21 will be required to engage outside regulatory
22 counsel, our Regulatory Compliance professionals to
23 provide independent oversight and input as to what
24 findings should be shared with which regulators. And
25 that is something that we take pride in now,

1 understanding that we missed the mark with this last
2 investigation.

3 I thank you for your consideration.
4 It is our hope that the body today will approve the
5 Consent Agreement and Stipulation of Settlement
6 that's been put forth before it. It sets out how
7 seriously Boyd has taken the underlying investigation
8 and the requirement to disclose along the way to, to
9 regulators.

10 I'd also like to publicly thank the
11 OEC staff and leadership for working through this
12 process with us. I'll to turn it back over to Mike.

13 CHAIRMAN: Thank you. Well, Mr.
14 Clinton, I find your comments and your approach to
15 both - to be both refreshing and candid. And we look
16 - we hope to never talk to you again, but having said
17 that I find your presence to be a breath of fresh air
18 considering some of the matters that this Board has
19 looked at already today.

20 Were there further comments from
21 Counsel?

22 ATTORNEY FABIUS: Not from me, Mr.
23 Chairman.

24 CHAIRMAN: Okay.

25 In that case, unless Dustin has

1 anything to add, I would - any questions or comments
2 from the Board on this? Hearing none, is there a
3 motion.

4 MS. REGAN: Mr. Chairman, Commissioner
5 Regan moves that the Board approve the Consent
6 Agreement between the OEC and Boyd Gaming Corporation
7 as described by the OEC.

8 MR. MUSTIO: Commissioner Mustio
9 seconds.

10 CHAIRMAN: Thank you.

11 All in favor?

12 AYES REPSOND

13 CHAIRMAN: All opposed? The motion is
14 adopted.

15 ATTORNEY PITRE: Next matter on the
16 Agenda for the Board's consideration is a Consent
17 Agreement between the OEC and Video Gaming Terminal
18 Establishments, Snow Shoe Travel Plaza, Inc. and Pit
19 Stop Travel Plaza, Inc. and the associated
20 principals, Joginder Grewal and Karamjeet Grewal.

21 The matter will be presented by
22 Assistant Senior Enforcement Counsel David Tepper,
23 the legal representative for the establishment and
24 Principals are present. And at this time I would
25 request that everyone introduce themselves for the

1 record.

2 MR. GREWAL: Hi, this is Joginder
3 Grewal. J-O-G-I-N-D-E-R, last name G-R-E-W-A-L.

4 CHAIRMAN: Thank you.

5 ATTORNEY GREENLAND: Good afternoon,
6 Mr. Chairman, Board members. Madison Greenland here,
7 Counsel for Snow Shoe Plaza, Pit Stop Travel Plaza
8 and Joginder and Karamjeet Grewal.

9 CHAIRMAN: Okay.

10 Is there anybody else on the call?
11 Apparently not.

12 Okay.

13 Why don't you proceed, Mr. Tepper.

14 ATTORNEY TEPPER: Good afternoon,
15 Chairman Barasch, members of the Board. David Tepper,
16 T-E-P-P-E-R, with the OEC.

17 The proposed Consent Agreement is
18 between the OEC and VGT Establishment Licensees Snow
19 Shoe Travel Plaza, Inc., Pit Stop Travel Plaza, Inc.
20 as well as VGT Principals, Joginder Grewal and
21 Karamjeet Grewal.

22 Joginder Grewal and Karamjeet Grewal
23 are husband and wife and are a hundred percent owners
24 of Snow Shoe and Pit Stop and the land upon which
25 Snow Shoe and Pit Stop are located.

1 Snowshoe and Pit Stop each hold VGT
2 Establishment Licenses and Karamjeet Grewal and
3 Joginder Grewal each hold VGT Principal licenses
4 related to Snow Shoe and Pit Stop. On January 1,
5 2021 Mr. and Mrs. Grewal entered into a commercial
6 lease with their daughter, Kiran Grewal, and her
7 company Mountaintop Pit Stop, Inc. for the land and
8 buildings where Snow Shoe Travel Plaza are located.

9 Mr. and Mrs. Grewal did not notify the
10 Board or Board staff prior to entering into this
11 lease. And from January 4th, 2021 until January
12 11th, 2021 VGTs were operated on the premises of Snow
13 Shoe Travel Plaza while the establishment was under
14 the control of an unlicensed entity Mountaintop Pit
15 Stop, Inc., and an improperly licensed individual,
16 Kiran Grewal.

17 On January 11th, 2021, Mr. Grewal
18 instructed Kiran Grewal to unplug the VGTs located at
19 Snow Shoe Travel Plaza after Kiran Grewal at
20 Mountaintop Pit Stop, Inc. were unable to come to an
21 agreement with Snow Shoe Travel Plaza's Terminal
22 Operator, Commonwealth Gaming, regarding the
23 continued operation of VGTs.

24 Additionally in March 2021, Kiran
25 Grewal and Mountaintop Pit Stop caused seven

1 unregulated unapproved gaming devices to be placed
2 into play on the premises of Snow Shoe Travel Plaza,
3 Inc., and Mr. and Mrs. Grewal had actual knowledge
4 that Kiran Grewal and Mountaintop Pit Stop, Inc. had
5 placed these unregulated and unapproved gaming
6 devices on the premises on Snow Shoe Travel Plaza,
7 Inc.

8 In regard to Pit Stop Travel Plaza,
9 Inc., Mr. and Mrs. Grewal are in the process of
10 completing a change of control with VGT Establishment
11 License applicant, PJ Travel Plaza, LLC.

12 This change of control was voted upon
13 by the Board in February 2021 and the Board's
14 February 2021 Order on this subject required Joginder
15 Grewal and Karamjeet Grewal and Pit Stop to remain
16 licensed until the incoming establishment and its
17 principals are fully licensed by the Board.

18 Following a final determination as to
19 PJ Travel Plaza, LLC's application for an
20 establishment license, Pit Stop Travel Plaza, Inc.,
21 intended to surrender its VGT Establishment License
22 and Mr. and Mrs. Grewal intended to surrender their
23 respective VGT principal licenses.

24 At this time, the OEC requests that
25 the Board approve the Consent Agreement between the

1 parties. The terms of the Consent Agreement provide
2 that Snow Shoe Travel Plaza, Inc. will surrender its
3 VGT Establishment License with prejudice, Joginder
4 and Karamjeet Grewal will surrender all VGT Licenses,
5 which they hold with prejudice.

6 And additionally, the parties
7 collectively requests that the Board amend their
8 February 11th, 2021 Order to permit Pit Stop to
9 surrender its VGT Establishment License without
10 prejudice at this time. And if you have any
11 questions, we would be happy to address them.

12 CHAIRMAN: Does Counsel have anything
13 to add at this point, Counsel for Snow Shoe Travel
14 Plaza?

15 ATTORNEY GREENLAND: No, Mr. Chairman,
16 we agree to and concur with the recitation of facts
17 that have been stated by Mr. Tepper.

18 CHAIRMAN: Thank you. Are there any
19 questions or comments from the Board in this matter?
20 Hearing none, is there a motion here?

21 MR. MUSTIO: Yes, Mr. Chairman.
22 Commissioner Mustio moves that the Board approve the
23 Consent Agreement between the OEC and Snow Shoe
24 Travel Plaza, Inc., Pit Stop Travel Plaza, Inc.,
25 Joginder Grewal Grewal and Karamjeet Grewal, as

1 described by the OEC.

2 MR. LOGAN: Commissioner Logan
3 seconds.

4 CHAIRMAN: Thank you.
5 All in favor.

6 AYES RESPOND

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

9 ATTORNEY PITRE: The next four matters
10 on the Agenda consists of Enforcement actions in
11 which the OEC filed complaints seeking the suspension
12 of Gaming Employee Occupation Permits issued by the
13 Board.

14 The complaints have been filed with
15 the Board's OHA and properly served upon an
16 individual named in each complaint. The individual
17 named in each complaint failed to respond within 30
18 days as required by Board regulation. As a result,
19 the OEC filed the requests for default judgment in
20 each instance, and properly serve the same upon each
21 Respondent.

22 Therefore, the facts in each complaint
23 are deemed admitted. All following documents have
24 been provided to the Board and the matters are
25 presently ripe for the Board's consideration.

1 Deputy Chief Enforcement Counsel,
2 Dustin Miller will provide a brief summary of the
3 facts and make a request for the appropriate Board
4 action in each matter.

5 ATTORNEY MILLER: Good afternoon,
6 Chairman Barasch, members of the Board, Dustin Miller
7 on behalf of the OEC.

8 Once again, the next matter on the
9 Agenda for the Board's consideration is the
10 suspension of the Gaming Employee Occupation Permit
11 issued to Holly Goodman.

12 The Bureau of Casino Compliance
13 received notification that Ms. Goodman was arrested
14 and charged with felony access device fraud and
15 misdemeanor theft for fraudulent using the debit card
16 and credit cards of another person to withdraw money
17 and make purchases.

18 These charges are currently pending.
19 Ms. Goodman has been suspended from her employment at
20 Presque Isle Downs and Casino in the position of a
21 Drop/Count Team Member due to these criminal charges.

22 At this time, the OEC requested the
23 Board suspend the Gaming Employee Occupation Permit
24 issued to Holly Goodman.

25 CHAIRMAN: Questions or comments from

1 the Board? Hearing none, is there a motion?

2 MR. LOGAN: Yes. Mr. Chairman,
3 Commissioner Logan moves that the Board approve the
4 suspension of Holly Goodman's Gaming Employee
5 Occupation Permit for the conduct described by the
6 OEC.

7 MR. KERNODLE: Commissioner Kernodle
8 seconds.

9 CHAIRMAN: Thank you.

10 All in favor?

11 AYES REPSOND

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

14 ATTORNEY MILLER: The next matter on
15 the Agenda for the Board's consideration is the
16 suspension of the Gaming Employee Occupation Permit
17 issued to Noah Hurrle.

18 Mr. Hurrle was formerly employed as a
19 Table Games Dealer at Rivers Casino Pittsburgh. The
20 BIE was notified that Mr. Hurrle was arrested by the
21 Pennsylvania State Police for physically assaulting
22 and strangling another individual.

23 As a result, the Pennsylvania State
24 Police charged him with felony strangulation,
25 misdemeanor simple assault and summary harassment.

1 The charges remain pending in McKean County. Mr.
2 Hurrle is not currently employed in Pennsylvania's
3 gaming industry.

4 At this time, the OEC requested the
5 Board suspend the Gaming Employee Occupation Permit
6 issued to Noah Hurrle.

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

9 MR. KERNODLE: Commissioner Kernodle
10 moves that the Board approve the suspension of Noah
11 Hurrle to the Gaming Employee Occupation Permit for
12 the conduct described by the OEC.

13 CHAIRMAN: Is there a second?
14 Somebody might be on mute.

15 Frank Dermody, are you there?

16 MR. LOGAN: Commissioner Logan
17 seconds.

18 CHAIRMAN: Thank you, Sean.
19 All in favor?

20 AYES RESPOND

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

23 ATTORNEY MILLER: The next matter on
24 the Agenda for the Board's consideration is the
25 suspension of the Gaming Employee Occupation Permit

1 issued to Thomas Jones.

2 Mr. Jones was previously employed as a
3 Table Games Dealer at Harrah's Philadelphia Casino
4 and Racetrack. The BIE received notification that
5 Mr. Jones was arrested and charged with felony and
6 misdemeanor firearms charges. These charges are
7 currently pending.

8 Mr. Jones is not currently employed in
9 Pennsylvania's Gaming industry. At this time, the
10 OEC requests the Board suspend the Gaming Employee
11 Occupation Permit issued to Thomas Jones.

12 CHAIRMAN: Questions or comments from
13 the Board? Hearing none, is there a motion?

14 MR. DERMODY: Mr. Chairman,
15 Commissioner Dermody moves that the Board approve the
16 suspension of Thomas Jones Gaming Employee Occupation
17 Permit for the conduct described by the OEC.

18 CHAIRMAN: Thank you.

19 MS. SMYLER: Commissioner Smyler
20 seconds.

21 CHAIRMAN: Thank you.

22 All in favor?

23 AYES RESPOND

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

1 ATTORNEY MILLER: The next matter on
2 the Agenda for the Board's consideration, is the
3 suspension of the Gaming Employee Occupation Permit
4 issued to Hung Nguyen. Mr. Nguyen had been employed
5 as a sportsbook writer for Harrah's Philadelphia
6 Casino and Racetrack.

7 The BIE was notified that Mr. Nguyen
8 was arrested by the Philadelphia Police Department
9 and charged with felony aggravated assault, felony
10 firearms not to be carried without a license and
11 related misdemeanor offenses as a result of Mr.
12 Nguyen hitting another person with a loaded firearm
13 multiple times.

14 The charges remain pending in
15 Philadelphia County. Mr. Nguyen is not currently
16 employed in Pennsylvania's gaming industry. At this
17 time, the OEC requests that the Board suspend the
18 Gaming Employee Occupation Permit issued to Hung
19 Nguyen.

20 CHAIRMAN: Questions or comments from
21 the Board? Hearing none, is there a motion?

22 MS. SMYLER: Mr. Chairman,
23 Commissioner Smyler moves that the Board approve the
24 suspension of Hung Nguyen's Gaming Employee
25 Occupation Permit for the conduct described by the

1 OEC.

2 MS. REGAN: Commissioner Regan
3 seconds.

4 CHAIRMAN: Thank you.
5 All in favor?

6 AYES RESPOND

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

9 ATTORNEY PITRE: The remaining matters
10 on the Agenda consist of Enforcement actions in which
11 the OEC filed a Petition seeking the Involuntary
12 Exclusion of individuals whose presence in a licensed
13 facility are inimical to the interest of the
14 Commonwealth and their licensed gaming therein.

15 In each instance, the Petition for
16 Exclusion has been filed with the Board's OHA and
17 properly served upon the individual named in the
18 Petition. The individual named in the Petition,
19 failed to respond within 30 days as required by Board
20 regulation. As a result, the OEC filed a request for
21 default judgment in each instance, and properly
22 served the same upon each named individual.
23 Therefore, all facts in each Petition are deemed
24 admitted.

25 All filed documents have been provided

1 to the Board and the matters are presently ripe for
2 the Board's consideration. In each instance, if the
3 Board orders a proposed exclusion, each individual's
4 photo, personal identifiers and a summary of the
5 inimical conduct, may be placed in the Board's public
6 website.

7 Once again, Deputy Chief Enforcement
8 Counsel, Dustin Miller, will provide a brief summary
9 of the facts and make a request for the appropriate
10 Board action in each matter.

11 ATTORNEY MILLER: Dustin Miller, once
12 again, on behalf of the OEC.

13 The next matter on the Agenda for the
14 Board's consideration is the request to place Travis
15 Appleton on the Board's Involuntary Exclusion List.

16 The Bureau of Casino Compliance was
17 notified that Mr. Appleton physically assaulted a
18 Table Games Dealer at Parx Casino. When Security
19 attempted to restrain Mr. Appleton, he got out of the
20 restraint and continued assaulting the Dealer until
21 his associates stepped in.

22 As Mr. Appleton left the area, he
23 pushed another Dealer, which caused the Dealer to hit
24 a nearby patron. Mr. Appleton and his associates
25 left Parx and returned approximately 90 minutes later

1 to the facility's parking lot, where he was located
2 and arrested.

3 As a result, Mr. Appleton was charged
4 by the Pennsylvania State Police with misdemeanor
5 simple assault and related charges. The charges are
6 pending in Bucks County.

7 At this time, the OEC requests that
8 the Board place Travis Appleton on the Involuntary
9 Exclusion List.

10 CHAIRMAN: Questions or comments from
11 the Board? Hearing none, is there a motion?

12 MS. REGAN: Mr. Chairman, Commissioner
13 Regan moves that the Board approve the addition of
14 Travis Appleton to the PGCB Involuntary Exclusion
15 List for the conduct described by the OEC.

16 MR. MUSTIO: Commissioner Mustio
17 seconds.

18 CHAIRMAN: Thank you.

19 All in favor?

20 AYES RESPOND

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

23 ATTORNEY MILLER: The next matter for
24 the Board's consideration is a Petition to place
25 Donta Jamaal Parks on the Board's Involuntary

1 Exclusion List.

2 The Bureau of Casino Compliance was
3 notified that Donta Jamaal Parks stole a purse that
4 contained seven credit cards, \$200 in cash, a \$2,000
5 check and car keys from a Parx Casino employee while
6 working as an unlicensed temporary worker at Parx,
7 and as a result, plead guilty to misdemeanor theft
8 and misdemeanor receiving stolen property.

9 This time the OEC requested the Board
10 place Donta Jamaal Parks on the Involuntary Exclusion
11 List.

12 CHAIRMAN: Questions or comments from
13 the Board? Hearing none, is there a motion?

14 MR. MUSTIO: Mr. Chairman,
15 Commissioner Mustio moves that the Board approve the
16 addition of Donta Jamaal Parks to the PGCB
17 Involuntary Exclusion List for the conduct described
18 by the OEC.

19 MR. LOGAN: Commissioner Logan
20 seconds.

21 CHAIRMAN: Thank you.

22 All in favor?

23 AYES RESPOND

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

1 ATTORNEY MILLER: Next on the Agenda
2 is a request to place Dirrone Stansbury on the
3 Board's Involuntary Exclusion List.

4 The Bureau of Casino Compliance was
5 notified that Dirrone Stansbury was verbally
6 combative and made threatening statements to
7 Pennsylvania State Police and Rivers Philadelphia
8 staff while on the gaming floor. Mr. Stansbury
9 brandished brass knuckles, and after being arrested,
10 continued making violent threats, broke a computer in
11 the Pennsylvania State Police office, exposed himself
12 and urinated in the Pennsylvania State Police office.

13 At this time the OEC requested the
14 Board place Dirrone Stansbury on the Involuntary
15 Exclusion List.

16 CHAIRMAN: Questions or comments from
17 the Board? Hearing none, is there a motion?

18 MR. LOGAN: Mr. Chairman, Commissioner
19 Logan moves that the Board approve the addition of
20 Dirrone Stansbury to the PGCB Involuntary Exclusion
21 List for the conduct described by the OEC.

22 MR. KERNODLE: Commissioner Kernodle
23 seconds.

24 CHAIRMAN: Thank you.

25 All in favor.

1 AYES RESPOND

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

4 ATTORNEY MILLER: Okay.

5 The next matter for the Board's
6 consideration is a Petition to place Dion Wright on
7 the Board's Involuntary Exclusion List.

8 The Bureau of Casino Compliance was
9 notified that Dion Wright was arrested at Rivers
10 Pittsburgh for assaulting Rivers staff and being
11 aggressive with Pennsylvania State Police after being
12 denied entry to the gaming floor. As a result, she
13 plead guilty to harassment.

14 At this time, the OEC requests that
15 the Board place Dion Wright on the Involuntary
16 Exclusion List.

17 CHAIRMAN: Questions or comments from
18 the Board? Hearing none, is there a motion?

19 MR. KERNODLE: Commissioner Kernodle
20 moves that the Board approves the addition of Dion
21 Wright to the PGCB Involuntary Exclusion List for the
22 conduct described by the OEC.

23 MR. DERMODY: Commissioner Dermody
24 seconds.

25 CHAIRMAN: Thank you.

1 All in favor?

2 AYES REPSOND

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

5 ATTORNEY MILLER: The next two matters
6 on the Board's Agenda involving Rashan Mosley and
7 Nafis Nelson are related. With the Board's
8 permission, I will read one set of facts for both
9 cases, and then request that each individual be
10 placed on the Board's Involuntary Exclusion List.

11 The Bureau of Casino Compliance was
12 notified that Rashan Mosley, Nafis Nelson and three
13 other associates were caught trying to pass
14 counterfeit \$100 bills at Rivers Philadelphia Casino,
15 Parks Casino, Harrah's Philadelphia Casino and
16 Racetrack and Valley Forge Casino Resort.

17 Relative to Mr. Mosley he attempted to
18 buy into a roulette game using two counterfeit \$100
19 bills at Rivers Philadelphia casino.

20 Mr. Nelson attempted to buy in to a
21 banked poker game at Valley Forge Casino Resort using
22 nine counterfeit hundred dollar bills. In each
23 instance, the counterfeit bill was used by Mr.
24 Mosley, Mr. Nelson and their associates containing
25 the same serial number.

1 In each instance, Mr. Mosley, Mr.
2 Nelson and their associates were taken into custody
3 by Pennsylvania State Police and the counterfeit
4 currency was seized. However, to date, no criminal
5 charges have been filed against Mr. Mosley or Mr.
6 Nelson relative to these incidents.

7 The Board has previously placed the
8 other three associates of Mr. Mosley and Mr. Nelson
9 on the Board's Involuntary Exclusion List.

10 At this time, the OEC now requests
11 that the Board place Rashan Mosley on the Involuntary
12 Exclusion List.

13 CHAIRMAN: Questions or comments from
14 the Board? Hearing none, is there a motion?

15 MR. DERMODY: Mr. Chairman
16 Commissioner Dermody moves at the Board approve the
17 addition of Rashan Mosley to the PGCB Involuntary
18 Exclusion List for the conduct described by the OEC.

19 MS. SMYLER: Commissioner Smyler
20 seconds.

21 CHAIRMAN: Thank you
22 All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed? The motion's
25 adopted. You're on mute.

1 MR. DERMODY: Yeah, I saw.

2 Finally, the OEC requests the Board
3 place Nafis Nelson on the Involuntary Exclusion List.

4 CHAIRMAN: Questions or comments from
5 the Board? Hearing none, is there a motion.

6 MS. SMYLER: Mr. Chairman,
7 Commissioner Smyler moves that the Board approve the
8 addition of Nafis Nelson to the PGCB Involuntary
9 Exclusion List for the conduct described by the OEC.

10 MS. REGAN: Commissioner Regan
11 seconds.

12 CHAIRMAN: Thank you.

13 All in favor?

14 AYES RESPOND

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

17 ATTORNEY PITRE: That concludes our
18 business. Thank you.

19 CHAIRMAN: Thank you.

20 I believe that concludes all the
21 business before the Board today. The next public
22 session of this Board will be held on Wednesday, July
23 14th at 10:00 a.m. Given these uncertain times, I
24 advise that all interested parties continue to
25 monitor the Board's website for the latest

1 information as to how that meeting will be conducted.

2 I want to thank everybody for their
3 patience and participation through this rather long
4 set of hearings today. And with that, may have a
5 motion to adjourn.

6 MS. REGAN: Commissioner Regan moves
7 to adjourn.

8 MR. MUSTIO: Commissioner Mustio
9 seconds.

10 CHAIRMAN: Thank you ever so much.
11 Very important second, Mark. All in
12 favor?

13 AYES REPSOND

14 CHAIRMAN: All opposed? The motion is
15 adopted and we are adjourned.

16 * * * * *

17 MEETING CONCLUDED AT 1:36 P.M.

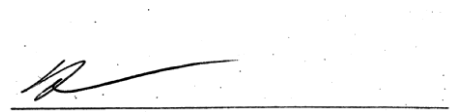
18 CERTIFICATE

19 I hereby certify that the foregoing proceedings,
20 public meeting was reported by me on 6/16/2021 and
21 that I, Brian D. O'Hare, read this transcript and
22 that I attest that this transcript is a true and
23 accurate record of the proceeding.

24 Dated the 23 day of August 2021

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Brian D. O'Hare
Court Reporter