

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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PUBLIC MEETING

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BEFORE: DAVID M. BARASCH, CHAIR

Dante Santoni, Jr., Sean Logan, Richard G. Jewell, Anthony C. Moscato, William H. Ryan, Jr., Kathy M. Manderino, Members, Fred Strathmeyer, representing Russell Redding, Secretary of Agriculture; Jennifer Langan, representing Joseph Torsella, State Treasurer; Robert P. Coyne, representing C. Daniel Hassell, Secretary of Revenue

HEARING: Wednesday, August 9, 2017

10:00 a.m.

LOCATION: PA Gaming Bureau of Hearing & Appeals

303 Walnut Street

Strawberry Square Complex

Harrisburg, PA 17101

Reporter: Bernadette M. Black

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OFFICE OF CHIEF COUNSEL

R. DOUGLAS SHERMAN, ESQUIRE

Chief Counsel

STEVEN S. COOK, ESQUIRE

Deputy Chief Counsel

OFFICE OF ENFORCEMENT COUNSEL

CYRUS PITRE, ESQUIRE

Chief Enforcement Counsel

JOHN CROHE, ESQUIRE

Assistant Enforcement Counsel

DAVID TEPPER, ESQUIRE

Assistant Enforcement Counsel

GLEN STUART, ESQUIRE

Assistant Enforcement Counsel

DUSTIN MILLER, ESQUIRE

Assistant Enforcement Counsel

SARAH KOLESAR, ESQUIRE

Assistant Enforcement Counsel

TAMARA HAKEN, ESQUIRE

Assistant Enforcement Counsel

JAMES ARMSTRONG, ESQUIRE

Assistant Enforcement Counsel

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

2

3 PA Gaming Control Board

4 P.O. Box 69060

5 Harrisburg, PA 17106-9060

6 Counsel for the Pennsylvania Gaming Control Board

7

8 RICHARD A. SPRAGUE, ESQUIRE

9 BROOKE SPIGLER COHEN, ESQUIRE

10 Sprague & Sprague

11 The Wellington Building

12 135 South 19th Street

13 Suite 400

14 Philadelphia, PA 19103

15 Counsel for SugarHouse Casino

16

17 KEVIN J. MCKEON, ESQUIRE

18 Hawke, McKeon & Sniscak, LLP

19 100 North 10th Street

20 Harrisburg, PA 17101

21 Counsel for Stadium Casino

22

23

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25

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

SARAH C. STONER, ESQUIRE
Eckert, Seamans, Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101
Counsel for Mohegan Sun Pocono

ALSO PRESENT:

MR. BILL DOWNEY, Market East Associates
MR. JOHN GUTKOWSKI, Director of Operational
Accounting, Mohegan Sun
MR. SUNIL MUKUL, Director of Table Games, Mohegan Sun
MR. TODD JOHNSON, Placement on Involuntary Exclusion
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CHAIRMAN: Good morning.

I'm David Barasch, Chairman of the Pennsylvania Gaming Control Board. Before we begin, as always I'd ask for people to put their electronic equipment on silent which I have forgotten to do so I'll do that as well. There we go.

MR. LOGAN: Good thing you reminded yourself.

CHAIRMAN: I even reminded myself.

Joining us today, Fred Strathmeyer representing Russell Redding, the Secretary of Agriculture. Jennifer Langan representing Joe Torsella, the State Treasurer and Bob Coyne representing Revenue Secretary Daniel Hassell. Thanks for your involvement.

I'd also like at this time to welcome to the Board our newest Board member, Kathy Manderino.

MS. MANDERINO: Thank you.

CHAIRMAN: A quorum of the Board members being present, I will call today's proceedings to order. First order is the Pledge of Allegiance.

1

2

(WHEREUPON, THE PLEDGE OF ALLEGIANCE WAS RECITED.)

3

4

CHAIRMAN: By way of announcements,

5

the Board held an Executive Session yesterday,

6

August 8th, to conduct quasi-judicial deliberations

7

regarding to matters that are being considered by

8

the Board today as well as to discuss certain

9

personnel matters.

10

Before get into the particulars of

11

today's meeting, I must sadly announce that today is

12

probably going to be Commissioner Moscato's last

13

meeting with us. Tony's been on the Board for quite

14

a while. There's been so much turn over here that

15

me with two years tenure and Dick with a little bit

16

more than that I guess the people that - well,

17

sorry. Obviously, Bill, you've worked with him

18

longer as well.

19

I'd just like to say that it's been a

20

pleasure to know you, Tony, and it's been a pleasure

21

to work with you. And over the last two years I

22

think we've become good friends and great colleagues

23

and I would say that to me Tony represents the best

24

of a person dedicated to the public interest in the

25

way he's approached everything the time I've been

1 working with him and overall dedication. But I
2 think the biggest thing we're going to lose is your
3 sense of humor, Tony, and because you particularly
4 enjoy being the whipping boy of everybody else on
5 the Board and we'll have to come up with somebody
6 new. But we wish you all the best and - in your new
7 job and go in peace my friend.

8 And I don't know if anybody else has
9 any comments they want to make?

10 MR. RYAN: Mr. Chairman, Tony, I
11 can't believe - I really can't believe that of the
12 six other people who were on this Board when I came
13 on, you're the only one left. And thinking about
14 the past almost six years for me, I've been able to
15 spend all that time on this Board with you and I
16 know that the work of this Board has been really
17 good, really positive, really strong and the people
18 of this Commonwealth has benefitted, the industry
19 has benefitted and there's no question in my mind
20 that you have been a real major part in our success
21 during that time.

22 You always bring your rural good
23 judgment, your rural Pennsylvania common sense and
24 as Dave has alluded to, your great sense of humor.
25 And your contributions to every meeting, everything

1 we do, every decision has been great across the
2 Board and you should be proud of the accomplishments
3 of this Board and you should be proud about how much
4 you contributed to this Board while you were here.
5 We're all going to miss you. I'm certainly going to
6 miss you and I guess at this time all I can say in
7 addition is that on behalf of the other five who
8 aren't here, I just want to say thanks and best of
9 luck to you in the future.

10 CHAIRMAN: Any other comments?

11 MR. JEWELL: Yes, Mr. Chairman.

12 I would second all of those comments
13 my colleagues have made but I'd like to comment just
14 very briefly on the aspect of Tony that I think is
15 most important and that is his role as a public
16 servant. For many years a County Commissioner in
17 Cambria County served many years here on this Board
18 and continuing his public service on another key
19 Board here in the Commonwealth beginning shortly.
20 And so, truly as a public servant you have
21 distinguished yourself, your humor has been noted
22 and you and I have polished off many of cigars over
23 all kinds of questions and matters not related to
24 Board business, but thank you.

25 CHAIRMAN: Anything else?

1 MR. LOGAN: Tony, I have to say when I
2 left the Turnpike Commission my fellow Board members
3 didn't say such nice things about me.

4 Mr. Chairman, I'm honored to move that
5 the Board adopt Resolution 2017-4-EXE honoring
6 Commissioner Anthony C. Moscato for his service to
7 the Board.

8 MR. SANTONI: And Mr. Chairman, I'm
9 honored to second that motion.

10 CHAIRMAN: Thank you, both.

11 All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed?

14 The motion's adopted.

15 Thank you so much, Tony.

16 MR. MOSCATO: I joke that often I
17 think I'm the Clarence Thomas of the Board because I
18 don't say a lot in public meetings but that's mostly
19 because I don't like to hear myself talk. To say
20 that I've enjoyed the last six years would almost be
21 an understatement. It has been a wonderful place to
22 work. I have thoroughly loved working for the
23 people of the Commonwealth and look forward to doing
24 that again starting tomorrow. But I need to thank a
25 few people before I leave.

1 First I need to thank my parents. My
2 mother, who gave me her work ethic and who told me
3 that any job worth doing is worth doing well. My
4 father, who gave me his sense of humor. I'm really
5 glad it wasn't reversed because my father's work
6 ethic was questionable and my mother's sense of
7 humor was non-existent so it really worked out well.

8 I would like to thank Senator Joe
9 Scarnati for having the confidence and faith in me
10 to put me on this Board. It means a lot to me to
11 know that he has that kind of confidence in me. I'd
12 like to thank the Board members that I worked with,
13 those that are here with me today and those that as
14 Bill alluded to have left the Board.

15 I remember when I first came on the
16 Board and I told my cousin, who's like a sister to
17 me, that I was going on this Board and she of course
18 was at home and she, I didn't know this at the time,
19 was Google searching the Pennsylvania Gaming Control
20 Board. And she called me about 20 minutes later and
21 she said I'm looking at the website. And I said
22 yeah. And she said, you know, the guy that's the
23 Chairman is a former Chief of Staff to the governor.
24 I said yeah, I know that. And another one was a
25 former speaker of the House and another one clerked

1 for Supreme Court Justice and was the AT&T northern
2 division president, I'm not sure what Jim's title
3 was. And another one is president emeritus of
4 Bucknell. I said, yeah. She said what the hell are
5 you doing there?

6 I'm lucky I guess. And I truly am
7 lucky and I truly have been blessed and I'm a little
8 melancholy today leaving the Board but as they say,
9 all good things must come to an end and
10 unfortunately this must come to an end. And those
11 of you that may or may not know, by training I am a
12 secondary social studies teacher but I realized
13 there was no way I could spend 35 years in a
14 classroom. I'd be a mean, miserable, little old man
15 beaten down by thousands of students by this point
16 in time.

17 But keeping that in mind, today marks
18 the, I believe, 43rd anniversary of Richard Nixon's
19 resignation from the presidency at noon today. And
20 I don't know if you've ever had a chance to watch
21 his farewell speech from the east room to the staff.
22 It's really worth watching because I think that went
23 a long way to begin redeeming myself and making
24 himself an elder statesman. But somewhere in that -
25 in that speech, and I remember it, he says to -

1 something to the effect of I'm here to say goodbye
2 to you, the staff of the White House, and he says
3 although there's not a good word for it in English,
4 the French have the best word. Au revoir, I'll see
5 you again.

6 So, thank you very much.

7 CHAIRMAN: How do you follow up on
8 that?

9 MR. MOSCATO: Nixon's good material.

10 CHAIRMAN: Next we have consideration
11 of motion to approve the minutes and transcripts of
12 the June 7th meeting.

13 May I have a motion? That's yours.

14 MR. MOSCATO: That's me.

15 Mr. Chairman, I move that the Board
16 approve the minutes and transcript of the June 7th,
17 2017 meeting.

18 MR. RYAN: Second.

19 CHAIRMAN: All in favor?

20 AYES RESPOND

21 CHAIRMAN: All opposed?

22 The motion's adopted.

23 Under new business, Kevin O'Toole.

24 MR. O'TOOLE: Good morning, Chairman
25 Barasch. Good morning members of the Board.

1 On behalf of all the staff, I would
2 like to welcome Commissioner Manderino. Our staff
3 looks forward to working with you. And also on
4 behalf of all the staff, we wish Commissioner
5 Moscato the best of luck in your new position and we
6 thank you very much for your significant
7 contributions to the success of this Board.

8 Today for the public meeting I would
9 like to recognize the fact that we have updated a
10 new 2017/2018 Equal Employment Opportunity Plan. We
11 have had an EEO Plan in place since we began as an
12 agency over 11 years ago and that plan is
13 periodically reviewed and updated. So, stated
14 briefly through our EEO Plan, the Board establishes
15 the foundation for an open and equitable personnel
16 system for all employees and job applicants. Our
17 Administrative Director, Claire Yantis, and I will
18 be meeting with the Board's Executive Management
19 staff to ensure their full participation in equal
20 employment opportunity implementation, planning and
21 monitoring for their assigned areas.

22 The Board remains committed to equal
23 employment opportunity and the EEO Plan implements
24 that commitment. So, our 2017/2018 EEO plan will be
25 posted to our website for anyone interested in

1 reviewing that plan. Thank you.

2 CHAIRMAN: Thank you, Kevin. Claire?

3 MS. YANTIS: Good morning, Chairman,
4 Board members.

5 The Office of Human Resources has one
6 motion for your consideration today relative to the
7 hiring of Michelle Martinez. Ms. Martinez has been
8 selected as a Casino Compliance Representative at
9 the Sands Casino. Ms. Martinez has completed the
10 PGCB interview process, background investigation and
11 drug screening and is recommended for hire by
12 Director of Casino Compliance Jerry Stoll.

13 Unless you have any questions, I ask
14 that the Board consider a motion to hire Ms.
15 Martinez as indicated.

16 CHAIRMAN: May I have a motion?

17 MR. RYAN: Mr. Chairman, I move that
18 the Board approve the Applicant as proposed by the
19 Administrative Director.

20 MR. SANTONI: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed?

24 The motion's adopted.

25 MS. YANTIS: Thank you.

1 CHAIRMAN: Thank you.

2 Dave Rhen, Director of the Office of
3 Financial Management. Good morning, Dave.

4 MR. RHEN: Good morning.

5 Today I will provide a final report of
6 fiscal year 2016/'17 expenditures. The fiscal year
7 concluded on June 30th and although the year is
8 complete we continue to process a few final
9 invoices. So, this report would include some
10 accounts payable.

11 For the fiscal year, the Board's
12 appropriation was \$40.2 million. Expenditures for
13 the year totaled \$39.1 million. That leaves us with
14 a potential surplus of approximately \$1.1 million.
15 Most of the surplus is the result of carrying more
16 vacancies than we had anticipated.

17 For the year overall, expenses
18 increased by \$829,000 or 2.2 percent. By expense
19 category, personal expenses accounted for 85 percent
20 of overall expenses at \$33.4 million. Despite
21 carrying six fewer positions than in the prior year,
22 the personnel expenses were up by \$123,000 from
23 fiscal year 2015/'16. This is primarily due to a
24 contractual and management salary and benefit
25 increases during the year. For the year, benefits

1 have a percentage of salary. Expenses were 69
2 percent versus 67 percent in the prior year.

3 Operating fiscal expenses totaled \$5.7
4 million, about 15 percent of total agency expenses.
5 This was up about \$700,000 from the prior year. The
6 increase was primarily due to the purchase of PCs
7 for all staff which occurs approximately once every
8 five years, the acquisition of new servers and
9 firewalls to replace end of life equipment and other
10 non-recurring and intermittent IT initiatives
11 necessary to update infrastructure systems and
12 security.

13 Rentals and leases of office and
14 parking spaces, vehicles and office equipment was
15 the largest operating expense accounting for \$1.8
16 million, or over 30 percent of the operating
17 expenses. Another 28 percent went for specialized
18 services which include interagency buildings,
19 fingerprints utilized in background investigations
20 and some technology support services.

21 And finally the third largest
22 operating expense category at \$722,000 was for other
23 operating expenses which primarily includes database
24 services utilized in background investigation.

25 That concludes my report.

1 CHAIRMAN: Any questions from the
2 Board?

3 MR. MOSCATO: No.

4 CHAIRMAN: Thank you, Dave.

5 MR. RHEN: Thank you.

6 CHAIRMAN: Next up, Chief Counsel Doug
7 Sherman.

8 ATTORNEY SHERMAN: Good morning,
9 Chairman, members of the Board.

10 Today we have six matters before you
11 for consideration. These matters include five
12 Petitions, which are presented upon the documentary
13 record. In each of those matters, the Board has in
14 advance of this meeting been provided with all
15 documents filed of the record and comprising the
16 entire record in advance of this meeting.

17 Additionally, the matter of the
18 Supreme Court's partial remand regarding Stadium
19 Casino's licensure is before you for consideration
20 today and that's the matter for which an evidentiary
21 hearing in the matter was heard by the Board on July
22 31st.

23 Before I get to the individual matters
24 I believe Commissioner Manderino would like to make
25 a statement.

1 MS. MANDERINO: Thank you.

2 Yes, Mr. Chairman. Just want to put
3 that I've been on the Board since August 1st, that I
4 have reviewed all of the pertinent materials
5 relevant to all the issues that will come before us
6 today for decision and that I am prepared to fully
7 participate in today's meeting.

8 CHAIRMAN: Thank you very much.

9 ATTORNEY SHERMAN: The first matter
10 before the Board for consideration today is
11 SugarHouse HSP Gaming's Petition to Intervene in the
12 proceedings on remand regarding the application of
13 Stadium Casino for a Category 2 License. As
14 mentioned, the Board took evidence on the remand
15 matter on July 31st.

16 Prior to the evidentiary hearing,
17 SugarHouse filed a Petition on July 25th, 2017
18 requesting the Board to allow an intervention full
19 party status in the matter of the Supreme Court's
20 partial remand regarding Stadium's licensure.
21 SugarHouse's Petition essentially requested that in
22 the event Market East Associates, who is a party to
23 the remand matter, does not participate and
24 adequately represent SugarHouse's interest in the
25 remand proceedings, that SugarHouse had a right to

1 intervene.

2 On July 27th, SugarHouse filed a
3 supplemental, an amended Petition to Intervene,
4 following the filing of Market East prehearing
5 memorandum in which SugarHouse stated the Market
6 East memos shows that the interest to SugarHouse
7 will not be represented and to protect their
8 immediate interest, intervention should be granted.
9 Because the other parties had not yet responded to
10 the SugarHouse Petition, since it was filed just six
11 days before the evidentiary hearing, the Board took
12 evidence at the hearing and held the record open
13 pending consideration of this matter.

14 SugarHouse has twice previously sought
15 to intervene in the Board's licensing proceedings
16 relative to the application of statutory eligibility
17 and suitability criteria to Stadium Casino and has
18 twice been denied by this Board. In both instances
19 the Supreme Court has upheld the Board's actions,
20 the most recent time being on June 20th of 2017 when
21 the court ruled that the law of the case is
22 applicable here and established conclusively that
23 SugarHouse Casino does not have standing to
24 intervene to contest issues of ownership under
25 Section 1330.

1 SugarHouse has argued in its filings
2 that the law of the case does not apply in a
3 subsequent matter constituting exceptional
4 circumstances such as where there's been an
5 intervening change in the controlling law, a
6 substantial change in the facts or evidence giving
7 rise to the dispute in the matter or where the prior
8 holding was already erroneous and would create a -
9 or clearly erroneous and create a manifest injustice
10 if followed.

11 SugarHouse has asserted that there has
12 been a substantial change in circumstances between
13 the original licensing proceedings and this
14 proceeding because Market East has declined to
15 participate and OEC has failed to adequately
16 represent SugarHouse's interest. OEC and Stadium
17 have filed responses objecting to this contention as
18 well as to SugarHouse's Intervention Petition as a
19 whole. The Sugar House Petition, amended Petition
20 and statement along with relevant filings and
21 presentations of OEC and Stadium, including the
22 answers subjecting to both SugarHouse's Petition and
23 amended Petition have been provided to you as part
24 of the record in advance of this meeting.

25 Additionally yesterday, although not

1 contemplated by the Board's regulations, SugarHouse
2 filed an application for leave to file a reply to
3 Stadium's answer as well as the answer itself, which
4 has also been provided to the Board as part of the
5 record. The pleadings in the matter are now closed
6 and it's ready for the Board's consideration. I do
7 note that there are representatives of the parties
8 here today should they desire to provide brief
9 argument to the Board.

10 CHAIRMAN: Thanks, Doug.

11 Well, having heard that summary, the
12 first thing we're going to do as Board is we're
13 going to accept into the record SugarHouse's reply
14 to Stadium's answer on the intervention request. I
15 would not - that that filing is not contemplated
16 normally by the Board's regulations but in this
17 particular case we will grant an exception and
18 accept it and make it part of the record.

19 Having done so, next we will hear from
20 SugarHouse, OEC and Stadium if any of them wish to
21 make a brief comment regarding the Petition to
22 Intervene, specifically each party will be allotted
23 up to five minutes and whoever is speaking I would
24 ask you identify yourself for the court reporter.
25 SugarHouse, you have an opportunity to present five

1 minutes if you wish to.

2 ATTORNEY SPRAGUE: Yes.

3 CHAIRMAN: Before you begin, Mr.
4 Sprague, if you'd identify yourself for the court
5 reporter.

6 ATTORNEY SPRAGUE: Yes, Richard
7 Sprague and with me, Brooke Cohen from my office, on
8 behalf of SugarHouse. And first I want to thank the
9 Chairman and members of the Board for the
10 opportunity to appear and I will comply with that
11 five minutes.

12 CHAIRMAN: Thank you.

13 ATTORNEY SPRAGUE: The basic position
14 that we are stating is that this Board has the duty
15 to see that the law is upheld. And we know the law
16 here requires that a person who owns and has an
17 interest in one casino certain circumstances is
18 limited not to own more than one-third in another
19 casino. It is very easy for somebody to come before
20 this Board and just say I've given a gift to my
21 children. And it's very easy to say that's money of
22 my own.

23 However, I submit that if you really
24 examine the record in this case, and this is with
25 all due respect to my friend Mr. Pitre who I think

1 very highly of in terms of his ability, the
2 inquiries have not been complete. I suggest to you
3 and I will give you some examples of that in order
4 to determine whether there's financial control that
5 exists. And this Board has an absolute obligation
6 before it gives somebody approval for a License to
7 make sure that the law is complied with.

8 Now I know there's argument that we
9 have no standing. I'd like to bring to the Board's
10 attention a case of mine from many years ago,
11 Sprague v. Casey which is where the Republican and
12 Democratic Parties agreed on a certain process for
13 selection of judges. Under the normal rules for
14 standing, just a private citizen would not have
15 standing to appear. But in this case since both
16 parties were aligned, the Supreme Court had the
17 opinion, and it's referred to in our papers, but I
18 think this language is important.

19 The Supreme Court said in this case, this
20 is where the two parties were aligned. So, the
21 issue was who can be heard to object. In this case
22 we believe, said the Supreme Court, that the special
23 circumstances involved warrant the grant of standing
24 to Petitioner under the exception articulated in a
25 particular case. And I say that principle applies

1 here.

2 Who is it that has appeared in front
3 of you who was asked to obtain the emails that
4 existed in terms of what was the planning, what was
5 the consideration from the original plan to then
6 changing it to a gift in this case? What's the
7 source of money? I bring to your attention that
8 Stadium was asked but frankly did not answer what
9 was the exact source of the funds. And I would read
10 to you when that question was asked in front of you
11 on July 31st.

12 Do you know, or does Mr. Manoukian
13 know, the source that he will utilize to make that
14 \$34 million gift? Answer, he has the financial
15 resources available to do so for multiple sources.
16 That's no answer. And I could go on with other
17 examples. This case calls for what we ask for in
18 our papers that we filed. Somebody should have the
19 right to take depositions, depositions of the sons
20 in this case whether these are sons who when their
21 father says jump will jump. If I dare say President
22 Trump had given -.

23 CHAIRMAN: Mr. Sprague, you have 30
24 seconds, please.

25 ATTORNEY SPRAGUE: Pardon?

1 CHAIRMAN: Try to wrap it up. We're
2 getting down to 30 seconds.

3 ATTORNEY SPRAGUE: I'm sorry, my -.

4 ATTORNEY COHEN: Thirty (30) seconds.

5 ATTORNEY SPRAGUE: Four minutes have
6 gone by?

7 CHAIRMAN: Oh, yeah. Five minutes
8 have gone by, sir.

9 ATTORNEY SPRAGUE: My basic position,
10 and I ask for this Board to reconsider, there really
11 has not been the thorough examination of the parties
12 in this case, getting their e-mails and opportunity
13 to take discovery. That is what is required.

14 Thank you.

15 CHAIRMAN: Thank you very much.

16 OEC, do you have an argument or wish
17 to make a presentation to the Board?

18 ATTORNEY PITRE: Cyrus Pitre,
19 P-I-T-R-E. Chief Enforcement Counsel. In brief
20 response, the Office of Enforcement Counsel (OEC)
21 believes that SugarHouse sole purpose in this
22 intervention - seeking this intervention is to do
23 the job of this Board, to do the job of the OEC, to
24 attempt to do the job of the Bureau of
25 Investigations and Enforcement (BIE) and to make the

1 arguments on behalf of Market East that it does not
2 feel that Market East is presenting.

3 While I am not overly insulted by
4 those overtures I think that it's - it borders on
5 complete arrogance to think that this Board, that my
6 office, that the BIE would not be doing its job in
7 ensuring that all Applicants and Licensees comply
8 with the Act. 1330 is very simple, the Supreme
9 Court has spoken, they've given additional - a
10 different definition of financial interest. Quite
11 frankly, Stadium is in a much better position for us
12 to ensure that they comply than it - than some of
13 the owners of SugarHouse own parts of SugarHouse and
14 Rivers. Because we'll have to ensure that they
15 comply with that new definition also.

16 So, while I understand Mr. Sprague's
17 position, I completely disagree with that position.
18 I believe it's our job to ensure that the Act is
19 complied with. We plan on doing that. The License
20 has not been issued. It's simply been awarded.
21 Before that License is issued we will ensure that
22 the sources of funds come from an independent means
23 as Mr. Manoukian testified.

24 We've completed the background
25 investigation. We've done a couple of background

1 investigations of Mr. Manoukian and I have no reason
2 to doubt that if need be he can independently
3 provide that gift. Our job is to ensure that the
4 source of - it's a trace of source of that gift and
5 we plan on doing that.

6 So, with that I would - I would urge
7 the Board to not allow SugarHouse to intervene
8 because it serves no role other than to do the job
9 of my office, the Bureau and this Board. Thank you.

10 CHAIRMAN: Thank you, Cyrus.

11 Stadium have a presentation?

12 ATTORNEY MCKEON: Yes, Chairman.

13 Good morning, Mr. Chairman, Board
14 members. My name is Kevin McKeon. That's,
15 M-C-K-E-O-N, and I'm appearing today on behalf of
16 Stadium Casino, LLC. I just have some brief
17 comments to supplement Mr. Pitre's.

18 As you can imagine, we - and know from
19 our papers, we oppose SugarHouse's intervention. We
20 oppose SugarHouse's intervention for essentially two
21 reasons. The first was well summarized by my
22 colleague Mr. Sherman. He gave the procedural
23 history of SugarHouse's attempts to intervene in
24 this proceeding and this Board has decided twice and
25 the Supreme Court has decided twice that SugarHouse

1 doesn't have the appropriate interest in the 1330
2 issue to intervene and to the extent to the
3 attenuated extent that it might, that interest is
4 represented by OEC and by others, including Market
5 East. SugarHouse is - so, the Supreme Court has
6 held clearly that the law of this case is that
7 SugarHouse does not get to intervene on the 1330
8 issue.

9 So, SugarHouse's point now is grasping
10 onto the straw of footnote 21 of the Supreme Court's
11 opinion in SugarHouse 2 in which is in a scholarly
12 way indicated that a lot of the case doctrine is not
13 absolute. So, Mr. Sprague's point is that something
14 has changed, the facts have changed. But the short
15 answer to that is nothing has changed. OEC is just
16 as involved now as it has always been. We had the
17 hearing on July 31st. OEC was very active. Mr.
18 Sprague asked who can be heard to object. Well, we
19 know that Market East has objected and Market East
20 filed a brief and I'd like if I have the opportunity
21 to make a few comments later in the presentation on
22 that.

23 But the fact of the matter is OEC has
24 fulsomely represented the Board's interest and the
25 Commonwealth's interest and has inquired into all

1 the questions that need to be inquired into that the
2 Supreme Court sent back to the Board and is now a
3 remand. There's the question what is the source of
4 the funds. Well, as Mr. Pitre well said, first of
5 all, the Board knows very well the source of Mr.
6 Manoukian's funds. They monitor Mr. Manoukian's
7 funds on a regular basis and to the extent that
8 there would be any question, the Board is going -
9 OEC is going to follow up with that with the
10 licensure.

11 So, really there - nothing has
12 changed. There are no questions to answer and I
13 would just conclude my presentation on this with
14 what the Supreme Court said in SugarHouse 1 which is
15 the Board doesn't need SugarHouse to quote, remind
16 the Board of the need for it to consider these
17 questions, closed quotes. Thank you.

18 CHAIRMAN: Thank you very much.

19 Small technical point, Doug. Market
20 East here to comment on the intervention?

21 ATTORNEY SHERMAN: Market East did not
22 file anything and with respect to the intervention
23 it would be our position that they have not actively
24 participated and therefore would not be entitled to
25 be heard with respect to the intervention as opposed

1 to the second issue on the merits.

2 CHAIRMAN: Thank you.

3 Are there any questions or comments
4 from the Board on this intervention question? None?

5 Now the pleadings are closed and we've
6 heard the arguments, may I have a motion on this
7 matter?

8 MR. SANTONI: Mr. Chairman, I move
9 that the Board deny SugarHouse HPS Gaming LP's
10 amended Petition to Intervene.

11 MR. JEWELL: Second.

12 CHAIRMAN: All in favor?

13 AYES RESPOND

14 CHAIRMAN: All opposed?

15 The motion's adopted. An Order and
16 Adjudication on this matter will be issued in the
17 coming days. Thank you very much.

18 ATTORNEY SHERMAN: The next matter
19 before the Board's consideration pertains to the
20 Stadium Casino, LLC's -.

21 CHAIRMAN: One second. I think - now
22 that the request for intervention's been denied, I
23 think it's appropriate that we're going to close the
24 evidentiary record in this remand proceeding and
25 take up the underlying Stadium licensing matter. I

1 think that's where we're at technically, Doug. So,
2 now you can proceed.

3 ATTORNEY SHERMAN: All right.

4 CHAIRMAN: The record is closed.

5 ATTORNEY SHERMAN: With the
6 intervention decided, the next matter pertains to
7 Stadium Casino's Category 2 License. Per the
8 direction of the Supreme Courts partial remand
9 regarding the Category 2 Licensure of Stadium, an
10 evidentiary hearing was, in fact, held by this Board
11 on July 31st to provide additional information and
12 to gain additional information as to whether
13 Stadium's equity financing structure violates
14 Section 1330 of the Gaming Act which prohibits an
15 owner of the Pennsylvania casino from possessing
16 more than a 33.3 percent ownership or financial
17 interest in another Pennsylvania Casino.

18 The record in that matter is now
19 closed and it's ready for the Board's consideration
20 relative to whether Watche Manoukian possesses a
21 financial interest in excess of 33 and a third
22 percent in the Stadium Casino entity.

23 CHAIRMAN: Recognizing the Board gave
24 each party to the proceeding an opportunity to make
25 argument at the close of the evidentiary proceeding

1 last week, I don't know whether any party wishes to
2 make a further argument at this time. In the event
3 any party does, they are to come forward and again I
4 would ask - I would ask that they limit their
5 comments to five minutes. Mr. McKeon?

6 ATTORNEY MCKEON: Thank you, Chairman
7 Barasch. My comments will be directed to primarily
8 the brief that Market East filed - post hearing
9 brief and to just correct for the record a couple of
10 points.

11 The first is that it - Market East's
12 essential argument is that the July 20, 2017 funding
13 agreement is not enforceable and that the 2012
14 commitment letter that Mr. Manoukian gave the Board
15 was enforceable. And that's just simply not
16 correct. The commitment letter is not enforceable.
17 It's - it was a promise to the Board to the extent
18 that the Board needs that kind of a promise.

19 It has it in the testimony of Mr.
20 Manoukian from July 31st, 2017 on this very record.
21 It's at page 17 of the transcript. Mr. Manoukian
22 made it very clear and he promised to the Board that
23 he would fund the trust to the degree that the trust
24 needs to be funded up to the level that previously
25 was stated. So, that will happen and that

1 commitment is on the record.

2 With respect - and so to the extent
3 that Market East is making an issue that the funding
4 agreement has been - or the funding agreement
5 supersedes the commitment letter, you have before
6 you and on the record something even better than the
7 commitment letter. You have Mr. Manoukian's
8 statement from last week, July 31st, 2017, telling
9 the Board that he will fund the trust and promising
10 to do it. So, that is - that addresses that issue.

11 With respect to the funding agreement
12 and whether it is enforceable, it's generally
13 accepted common law that agreements to make gifts
14 such as the July 20, 2017 funding agreement are
15 enforceable if there's consideration given or if
16 there's reliance. Here we have both. There was
17 consideration, there is consideration in that
18 agreement.

19 The trustee agreed to limit its
20 trustee fees as part of the consideration. And in
21 other covenants in that agreement that I'm sure you
22 will take another look at it, but there are
23 covenants in that agreement by persons other than
24 Mr. Manoukian that are part of the consideration if
25 you will in the agreement. As far as reliance goes,

1 the parties expressly stated in that agreement
2 that's now part of the record that they are relying
3 on the funding agreement for Stadium Casino's
4 transaction and in pursuit of the licensing with
5 this Board, there's the reliance.

6 That is why Mr. Everett testified at
7 the July 31 hearing that the funding agreement is
8 binding and enforceable, he's correct. The whole
9 point behind Market East's brief on this issue is
10 that there's now a reason to revisit Section 1313's
11 determination on financial fitness. I think I've
12 covered that point. There's no reason to resurrect
13 any inquiry into Section 1313.

14 Finally, Market East has made a point
15 that the funding agreement modifies the trust but it
16 does not. There are separate agreements in the
17 funding agreement between the fiduciary and the
18 settlor of the trust that the fiduciary will limit
19 its trustee fees to levels lower than otherwise
20 permitted by the trust. But that doesn't modify the
21 trust. So, it's just again misdirection in the
22 argument.

23 As to everything else, we stand on our
24 - on the brief - the post hearing brief that we
25 submitted on the issues that are actually the very

1 narrow issues that are actually before the Board for
2 consideration.

3 CHAIRMAN: Thank you. Cyrus?

4 ATTORNEY PITRE: We'll stand by our
5 briefs submitted in this matter.

6 CHAIRMAN: Thank you.

7 And Market East is - there we go.

8 MR. DOWNEY: Good morning, Mr.

9 Chairman. Bill Downey, D-O-W-N-E-Y, from Market
10 East Associates. Mr. Chairman, I had anticipated
11 coming up here and simply asking that we rely on our
12 papers. I would offer one comment though and that
13 is that in respect of the changes that we cite to
14 the trust, we would acknowledge that while they
15 might not affect a technical change to the document
16 describing the establishment of the trust, I think
17 it's essentially beyond argument that there are
18 operate elements of that trust that are changed by
19 subsequent writings. And I think that's the point
20 we were driving there.

21 With that, we have - we have no
22 further -

23 CHAIRMAN: Okay. Thank -.

24 MR. DOWNEY: - and rely on our papers.

25 CHAIRMAN: Thank you very much.

1 MR. DOWNEY: Thank you.

2 CHAIRMAN: Are there any questions or
3 comments?

4 MR. JEWELL: Just make one comment.
5 We have been tasked with looking and considering
6 both written representations and oral
7 representations, written representations from the
8 20th of July or oral representations from our
9 hearing a week ago yesterday. And as I understand
10 it, there is an ongoing duty which we have as a
11 Board and which Mr. Pitre and his colleagues have in
12 carrying that duty out to look carefully at the
13 execution of all of the promises, written and oral,
14 at the time they occur. And I'm assured and I know
15 that that will happen and that will occur.
16 Suitability, too, is not an issue that just stops
17 dead once a decision is made. Suitability is always
18 open for review and concerns and that, too, will
19 occur I'm sure.

20 CHAIRMAN: Any other questions or
21 comments? I just have one for Cyrus, please. Mr.
22 McKeon made the point about the commitment to
23 provide these funds. If the funds do not come from
24 an appropriate source or do not come, what's - what
25 are - what are your options?

1 ATTORNEY PITRE: It's simply to
2 recommend that the Board not issue a License and to
3 - we've been down this road before where we've had
4 to ensure that funds were there. It's the whole -
5 was the whole hold up behind Rivers Casino being
6 built. We've had to go through this previously with
7 the Category 2 - Category 2 applicant in the past
8 with Foxwoods in Philadelphia. So, there are
9 methods for us to determine whether or not those
10 funds come from a reputable source that the
11 applicants are all suitable and that the funds come
12 from sources to ensure that there's no violation of
13 the - of the Act.

14 So, while it will - what will occur is
15 that once there's a final resolution on the
16 application, the BIE will - before any License is
17 issued will request one last time to go through the
18 funding mechanisms for Stadium Casino. We have been
19 tracking all money spent and the sources of those
20 monies on Stadium thus far because there has been
21 some money spent and we've been tracking those
22 sources. However, the money has not been towards
23 the outright funding of building the project and
24 that remains to be done prior to the issuance of a
25 License.

1 CHAIRMAN: Thanks for clarifying that.
2 Is there a motion?

3 MR. JEWELL: Mr. Chairman, I move that
4 the Board find that Watche Manoukian does not
5 maintain a financial interest in Stadium Casino, LLC
6 through either the Sterling Investors Trust or
7 Sterling Fiduciary Services, Inc. and that the Board
8 issue an adjudication outlining the basis for that
9 finding.

10 MR. LOGAN: Second.

11 CHAIRMAN: In this matter I'd like us
12 to take a roll call if that's okay. Pam, could you
13 please call the roll?

14 MS. LEWIS: Commissioner Jewell?

15 MR. JEWELL: Aye.

16 MS. LEWIS: Commissioner Logan?

17 MR. LOGAN: Aye.

18 MS. LEWIS: Commissioner Manderino?

19 MS. MANDERINO: Aye.

20 MS. LEWIS: Commissioner Moscato?

21 MR. MOSCATO: Aye.

22 MS. LEWIS: Commissioner Ryan?

23 MR. RYAN: Aye.

24 MS. LEWIS: Commissioner Santoni?

25 MR. SANTONI: Aye.

1 MS. LEWIS: Chairman Barasch?

2 CHAIRMAN: Aye.

3 MS. LEWIS: Thank you.

4 CHAIRMAN: With the vote being seven
5 to zero, the motion is adopted and the adjudication
6 on this matter will be issued shortly. Order and
7 adjudication will be issued shortly.

8 ATTORNEY SHERMAN: The next Petition
9 before the Board today pertains to the OEC's request
10 to place Mira Bishawi on the Involuntary Exclusion
11 List. The uncontested facts in the matter show that
12 on April 21st, 2017, Ms. Bishawi, who was 20 years
13 of age, attempted to enter Mount Airy Casino's
14 gaming floor by presenting a fake driver's license
15 to security. As a result of her action she was
16 permanently evicted from Mount Airy and was charged
17 and pled guilty to carrying a false ID.

18 In June of 2017 the OEC filed a
19 Petition requesting that she be placed on the
20 Involuntary Exclusion List. Ms. Bishawi answered
21 OEC's Petition admitting to all of the allegations
22 against her and apologizing for her actions. As a
23 result, the record is closed and the Board can
24 decide the matter based upon the documents and
25 that's the matter ready for the Board's motion.

1 CHAIRMAN: Thank you.

2 Questions or comments from the Board?

3 May I have a motion?

4 MR. LOGAN: Mr. Chairman, I move that
5 the Board grant OEC's request to place Mira Bishawi
6 on the PGCB Involuntary Exclusion List and place her
7 on the list for at least one year after which she
8 may be petitioned to be removed.

9 MS. MANDERINO: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed?

13 The motion's adopted.

14 ATTORNEY SHERMAN: The next matter is
15 the OEC's request to place Todd Johnson on the
16 Involuntary Exclusion List. The uncontested facts
17 in the matter show that on January 13th, 2017, Mr.
18 Johnson vandalized a slot machine at Sands BethWorks
19 Casino by jamming a cigarette into the bill
20 validator, lighting the cigarette and then using his
21 key to try to pry the cigarette out of the machine.

22 Upon being interviewed by Sands
23 security and the Pennsylvania State Police, Mr.
24 Johnson admitted to his actions and paid for the
25 damage to the machine. He was not criminally

1 charged and he is permanently excluded from Sands.

2 In February 2017, the OEC filed a
3 complaint to place Mr. Johnson on the Involuntary
4 Exclusion List. After requesting a hearing, Mr.
5 Johnson subsequently decided to waive his right to a
6 hearing and have the Board decide the matter based
7 upon the documents filed of record and that's the
8 matter currently ready for the Board's motion.

9 MR. LOGAN: Mr. Chairman, before we
10 take up a motion, we've just been notified that Mr.
11 Johnson is on his way. He wishes to address the
12 Board but he's been held up.

13 CHAIRMAN: Okay.

14 Let's defer this for later. Any idea
15 how -?

16 MR. LOGAN: He's just getting off the
17 turnpike apparently, so -.

18 CHAIRMAN: Okay. Fine.

19 Let's move on to the next one for the
20 moment.

21 ATTORNEY SHERMAN: And then we'll move
22 on to -.

23 CHAIRMAN: Just remind me to go back
24 there. Okay?

25 ATTORNEY SHERMAN: Willis Towers

1 Watson Public Limited Company's Petition for Removal
2 from the Board's Prohibited Gaming Service Provider
3 List is the next matter for the Board today. Willis
4 Towers Watson is a global Human Resources and
5 consulting company covering health and benefits,
6 executive compensation, technology and
7 administration.

8 In August 2007, Willis Towers Watson
9 predecessor company, Watson Wyatt and Company, filed
10 a Gaming Service Provider application with the
11 Board. In March of 2009, that entity had been
12 placed on the Board's Prohibited Gaming Service
13 Provider List for failure to cure deficiencies in
14 its application. Before being placed on the list,
15 Watson Wyatt and Company provided services to
16 several Pennsylvania casinos totaling \$56,000 in
17 compensation. Since their 2007 application, the
18 company's been a party to mergers resulting in the
19 formation of the current party, Willis Towers Watson
20 Public Limited Company.

21 Consequently, Willis Towers Watson has
22 now filed a request that their predecessor company,
23 Watser Wyatt - Watson Wyatt be removed from the
24 Prohibited Gaming Service Provider List. The OEC
25 has no objection to the request provided that there

1 is a payment of a \$1,500 civil penalty and that a
2 complete application package be filed by the new
3 Willis Towers Watson Public Limited Company and
4 that's the matter before the Board.

5 CHAIRMAN: Questions or comments from
6 the Board?

7 May I have a motion?

8 MR. MOSCATO: Mr. Chairman, I move
9 that the Board grant Willis Towers Watson Public
10 Limited Company's Petition to be removed from the
11 Prohibited Gaming Service Provider List upon payment
12 of a \$1,500 civil penalty as described by the Office
13 of Chief Counsel (OCC).

14 MR. RYAN: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed?

18 The motion's adopted.

19 ATTORNEY SHERMAN: Final Petition
20 before the Board is that of Tajidin McGough's
21 request for reconsideration of the Denial of his
22 Gaming Permit Renewal Application.

23 By way of background, in September
24 2016 Mr. McGough submitted a Renewal Application for
25 his Gaming Permit which would allow him to continue

1 working as a table game dealer at Greenwood Gaming
2 and Entertainment. In December of 2016, the OEC
3 issued a notice recommending Mr. McGough's Renewal
4 Application be denied based on his non-compliance
5 with his Commonwealth tax obligations and his
6 failure provide copies of three years of federal tax
7 returns.

8 On April 5th, 2017, the Board denied
9 the Renewal Application as requested. On - 15 days
10 later on April 20th, Mr. McGough requested
11 reconsideration of the Board's Denial of his Renewal
12 Application. As often happens, the Denial caused
13 him to come into compliance rather quickly and he is
14 represented - two Board staff and the Bureau of
15 Licensing has confirmed that Mr. McGough is now
16 compliant with his tax obligations. Based on the
17 circumstances, the OCC believes it would be
18 appropriate to grant the reconsideration and renew
19 his Gaming Employee Permit contingent upon his
20 successful completion of the criminal background
21 check.

22 CHAIRMAN: Thank you.

23 Mr. Coyne, does that - does that
24 comply with Revenue Department's understanding?

25 MR. COYNE: Yes, sir. We got his

1 attention. All clear.

2 CHAIRMAN: Thank you very much.

3 Any other questions or comments from
4 the Board?

5 May I have a motion?

6 MR. RYAN: Mr. Chairman, I move that
7 the Board grant Tajidin McGough's request for a
8 reconsideration of the Denial of his Gaming Employee
9 License Renewal and that his License be renewed upon
10 the successful completion of a criminal history
11 record check.

12 MR. SANTONI: Second.

13 CHAIRMAN: All in favor?

14 AYES RESPOND

15 CHAIRMAN: All opposed?

16 The motion's adopted.

17 ATTORNEY SHERMAN: Next presenting
18 Reports and Recommendations is Deputy Chief Counsel
19 Steve Cook.

20 ATTORNEY COOK: Good morning.

21 The Board has received three Reports
22 and Recommendations from the Office of Hearings and
23 Appeals (OHA). In each of these matters the
24 complete evidentiary hearing as well as the Report
25 and Recommendation have been provided to the Board

1 in advance of this meeting and additionally in each
2 case the individual that is subject to the Report
3 and Recommendation has been advised that the Board
4 would be taking the matter up today and that they
5 could briefly address the Board if they so chose.
6 If any of these individuals are present, I'd ask
7 them to come forward when the matter is called.

8 The first Report and Recommendation
9 before the Board today pertains to Peter Bucci. On
10 July 6th, 2011 Mr. Bucci was issued a Gaming
11 Employee Occupation Permit and worked as a table
12 games dealer at the Lady Lucky Casino at Nemaquin.
13 Subsequently Mr. Bucci was promoted and submitted a
14 G2 Permit Application to work as a table games
15 supervisor. Upon the filing of that application he
16 was issued a Temporary G2 Permit and began working
17 in that capacity.

18 In August of 2014, Mr. Bucci was
19 terminated from his employment with Lady Luck Casino
20 and his G2 Permit Application was withdrawn after it
21 was discovered that he was involved in illegal
22 sports wagering with a bookmaker. The Gaming
23 Employee Occupation Permit Mr. Bucci possessed
24 relative to his prior employment as a table games
25 supervisor thereafter - or not thereafter,

1 previously expired on July 5th, 2014.

2 Approximately a year later in July of
3 2015 Mr. Bucci was offered a table games dealer
4 position at the Meadows Racetrack and Casino and
5 again applied for it and was issued a Gaming
6 Employee Occupation Permit. Just short of a year
7 after that he was again offered a promotion, this
8 time at the Meadows, to work as a table games
9 supervisor and submitted a G2 Permit Application
10 because of that promotion and was also once again
11 issued a Temporary G2 Permit.

12 The OEC however subsequently issued a
13 Notice of Recommendation of Denial of the G2 Permit
14 Application based upon Mr. Bucci's prior involvement
15 with an illegal sports wagering operation. He - Mr.
16 Bucci requested a hearing on this matter and it was
17 held on May 2nd, 2017. Both the OEC and Mr. Bucci
18 appeared at that hearing and offered evidence. Mr.
19 Bucci at the hearing conceded that he continues to
20 place sports wager bets even after his leaving the
21 Nemaquin - Lady Luck Casino at Nemaquin but
22 indicated he would stop doing so if he was granted
23 the G2 Permit.

24 The Report and Recommendation
25 subsequently issued by the Hearing Officer in this

1 matter is that his G2 Permit Application be denied
2 at that is the recommendation before the Board.

3 CHAIRMAN: Any questions or comments
4 from the Board?

5 May I have a motion?

6 MR. SANTONI: Mr. Chairman, I move
7 that the Board adopt the Report and Recommendation
8 issued by the OHA regarding Peter Bucci's G2
9 Employee Occupation Permit Application as described
10 by the OCC.

11 MR. JEWELL: Second.

12 CHAIRMAN: All in favor?

13 AYES RESPOND

14 CHAIRMAN: All opposed?

15 The motion's adopted.

16 ATTORNEY COOK: The next matter before
17 the Board pertains to a Report and Recommendation
18 issued involving Gary Rosenberg.

19 On January 25th, 2017 the OEC filed a
20 complaint requesting that Mr. Rosenberg be placed on
21 the Board's Exclusion List after it was discovered
22 that on August 1st, 2016 at about noon he left two
23 of his grandchildren, aged nine and ten, unattended
24 in his vehicle at the Mount Airy Casino for
25 approximately 30 minutes. It's noteworthy for the

1 record that the high temperature on the day in
2 question was approximately 70 degrees. Mr.
3 Rosenberger was - or Rosenberg was criminally
4 charged for this conduct and later pled guilty to
5 disorderly conduct.

6 The hearing in this matter was held
7 before our OHA. Both the OEC and Mr. Rosenberg
8 appeared and participated at the hearing offering
9 testimony and other evidence. Mr. Rosenberg
10 testified that he went to the casino on the date in
11 question to take advantage of a promotion,
12 specifically a free sunglasses giveaway and while
13 there he determined or was informed that he had some
14 free play on his Player's Club Card but it had to be
15 used that day. As a result, he subsequently played
16 a slot machine for a brief period of time before
17 attempting to cash out and return to his vehicle.

18 He also presented an argument that the
19 Pennsylvania Motor Vehicle Code allows children to
20 be left in a vehicle if they are over six years of
21 age. The OCC reviewed the Motor Vehicle Code
22 section cited and it does, in fact, have a six year
23 bright line rule, however the statute also has a
24 test indicating that notwithstanding the child's
25 age, if the circumstances create a danger to the

1 health, safety or welfare of the child, a person can
2 still be cited under that provision.

3 After hearing all of the evidence and
4 argument, the Hearing Officer issued a Report and
5 Recommendation recommending that Mr. Rosenberg be
6 placed on the Board's Exclusion List and that is the
7 recommendation before the Board.

8 CHAIRMAN: Questions or comments from
9 the Board?

10 May I have a motion?

11 MR. JEWELL: Mr. Chairman, I move that
12 the Board adopt in part the Report and
13 Recommendation as described by the OCC and that Mr.
14 Gary Rosenberg be placed on the Board's List of
15 Excluded Persons for six months.

16 MR. LOGAN: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed?

20 The motion's adopted.

21 ATTORNEY COOK: The final Report and
22 Recommendation pertains to Anthony Smith. On
23 October 13th, 2016 the OEC filed a Petition to place
24 Mr. Smith on the Board's Involuntary Exclusion List
25 after it was found that from October 2014 through

1 July of 2016, Mr. Smith was involved in at least
2 seven incidents at the Parx Casino which included
3 stealing a patron's cell phone, capping bets on at
4 least one occasion and stealing items from a car
5 parked in the casino's parking lot. He also
6 continually trespassed in the Parx property after
7 that property had evicted him.

8 Mr. Smith's actions led to him being
9 convicted of defiant trespass and theft from motor
10 vehicle charges. The hearing in this matter was
11 held on April 25th, 2017 as Mr. Smith had requested
12 a hearing. The OEC appeared and put evidence into
13 the record but Mr. Smith did not appear. The Report
14 and Recommendation that was issued recommends that
15 Mr. Smith be placed on the Board's Involuntary
16 Exclusion List and that is the recommendation to the
17 Board.

18 CHAIRMAN: Questions or comments from
19 the Board?

20 May I have a motion?

21 MR. LOGAN: Mr. Chairman, I move that
22 the Board adopt the Report and Recommendation as
23 described by the OCC and that Mr. Anthony Smith be
24 placed on the Board's List of Excluded Persons.

25 MS. MANDERINO: Second.

1 CHAIRMAN: All in favor?

2 AYES RESPOND

3 CHAIRMAN: All opposed?

4 The motion's adopted.

5 ATTORNEY SHERMAN: And that would
6 conclude the matters of the OCC except for the
7 matter of Todd Johnson and I don't know whether he
8 has come yet or not but we will come back to it.

9 CHAIRMAN: Okay.

10 We'll just wait to see if he shows.
11 Sue Hensel, Director of Licensing?

12 MS. HENSEL: Chairman Barasch and
13 members of the Board, before the Board today will be
14 834 Principal Key Gaming and Non-Gaming Employee
15 Applicants. In addition, there will be the
16 consideration of 20 Gaming Service Provider
17 Applicants. The first matter for your consideration
18 is the approval of Principal and Key Employee
19 Licenses. Prior to this meeting, the Bureau of
20 Licensing provided you with a proposed Order for six
21 Principal and nine Key Employees. I ask that the
22 Board consider the Order approving these Licenses.

23 ATTORNEY PITRE: Enforcement Counsel
24 has no objection.

25 CHAIRMAN: Questions or comments from

1 the Board?

2 May I have a motion?

3 MS. MANDERINO: Mr. Chairman, I move
4 the Board approve the issuance of the Principal and
5 Key Employee Licenses as described by the Bureau of
6 Licensing.

7 MR. MOSCATO: Second.

8 CHAIRMAN: All in favor?

9 AYES RESPOND

10 CHAIRMAN: All opposed?

11 The motion's adopted.

12 MS. HENSEL: Next there are Temporary
13 Principal and Key Employee Licenses. Prior to this
14 meeting the Bureau of Licensing provided you with an
15 Order regarding the issuance of temporary licenses
16 for two Principal and eight Key Employees. I ask
17 that the Board consider the Order approving these
18 Licenses.

19 ATTORNEY PITRE: Enforcement Counsel
20 has no objection.

21 CHAIRMAN: Questions or comments from
22 the Board?

23 May I have a motion?

24 MR. MOSCATO: Mr. Chairman, I move
25 that the Board approve the issuance of the Temporary

1 Principal and Key Employee Credentials as described
2 by the Bureau of Licensing.

3 MR. RYAN: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed?

7 The motion's adopted.

8 MS. HENSEL: In addition, there are
9 Gaming Permits and Non-Gaming Registrations. Prior
10 to this meeting, the Bureau of Licensing provided
11 you with a list of 498 individuals to whom the
12 Bureau has granted Temporary or Full Occupation
13 Permits and 258 individuals to whom the Bureau has
14 granted registrations under the authority delegated
15 to the Bureau of Licensing. I ask that the Board
16 consider a motion approving the Order.

17 ATTORNEY PITRE: Enforcement Counsel
18 has no objection.

19 CHAIRMAN: Questions or comments from
20 the Board?

21 May I have a motion?

22 MR. RYAN: Mr. Chairman, I move the
23 Board approve the issuance of the Gaming Employee
24 Occupation Permits and Non-Gaming Employee
25 Registrations as described by the Bureau of

1 Licensing.

2 MR. SANTONI: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed?

6 The motion's adopted.

7 MS. HENSEL: Also there are

8 Recommendations of Denial for four Gaming Employee
9 Applicants. In each case the Applicants were
10 notified that they were being recommended for denial
11 and failed to request a hearing within the specified
12 time period. The Bureau of Licensing has provided
13 you with Orders addressing these Applicants who the
14 OEC had recommended for denial. I ask that the
15 Board consider a motion approving the Denials.

16 ATTORNEY PITRE: Enforcement Counsel
17 continues to request denial in each instance.

18 CHAIRMAN: Thank you.

19 Questions or comments from the Board?

20 May I have a motion?

21 MR. SANTONI: Mr. Chairman, I move
22 that the Board deny the Gaming Employee Applications
23 as described by the Bureau of Licensing.

24 MR. JEWELL: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed?

3 The motion's adopted.

4 MS. HENSEL: Next for your
5 consideration are Withdrawal Requests for Gaming and
6 Non-Gaming Employees. In each case the Permit or
7 Registration is no longer required. For today's
8 meeting I have provided the Board with a list of 40
9 Gaming and nine Non-Gaming Employee Withdrawals for
10 approval. I ask that the Board consider the Orders
11 approving the list of Withdrawals.

12 ATTORNEY PITRE: Enforcement Counsel
13 has no objection.

14 CHAIRMAN: Questions or comments from
15 the Board?

16 May I have a motion?

17 MR. JEWELL: Mr. Chairman, I move the
18 Board approve the Withdrawals as described by the
19 Bureau of Licensing.

20 MR. LOGAN: Second.

21 CHAIRMAN: All in favor?

22 AYES RESPOND

23 CHAIRMAN: All opposed?

24 The motion's adopted.

25 MS. HENSEL: Next we have an Order to

1 certify the following Gaming Service Providers,
2 Connexions SM Ventures, LLC, Landcare, USA, LLC,
3 Mascaro Construction Company, LP and Starlite
4 Productions International, Inc. doing business as
5 Starlite Productions. I ask that the Board consider
6 the Order approving the - these Gaming Service
7 Providers for certification.

8 ATTORNEY PITRE: Enforcement Counsel
9 has no objection.

10 CHAIRMAN: Questions or comments from
11 the Board?

12 May I have a motion?

13 MR. LOGAN: Mr. Chairman, I move that
14 the Board approve the applications for Gaming
15 Service Provider Certification as described by the
16 Bureau of License.

17 MS. MANDERINO: Second.

18 MR. LOGAN: Licensing, sorry.

19 CHAIRMAN: There's a second?

20 MS. MANDERINO: Second.

21 CHAIRMAN: Thank you.

22 All in favor?

23 AYES RESPOND

24 CHAIRMAN: All opposed?

25 The motion's adopted.

1 MS. HENSEL: Finally for your
2 consideration are Gaming Service Provider
3 Registrations. The Bureau of Licensing provided you
4 with an Order and an attached list of 16 registered
5 Gaming Service Provider Applicants. I ask that the
6 Board consider the Order approving these Gaming
7 Service Providers for registration.

8 ATTORNEY PITRE: Enforcement Counsel
9 has no objection.

10 CHAIRMAN: Questions or comments from
11 the Board?

12 May I have a motion?

13 MS. MANDERINO: Mr. Chairman, I move
14 the Board approve the applications for the Gaming
15 Service Provider Registrations as described by the
16 Bureau of Licensing.

17 MR. MOSCATO: Second.

18 CHAIRMAN: All in favor?

19 AYES RESPOND

20 CHAIRMAN: All opposed?

21 The motion's adopted.

22 MS. HENSEL: That concludes the Bureau
23 of Licensing's matters.

24 CHAIRMAN: Thank you, Susan.

25 Next up, OEC. As we begin with these

1 items I would ask anyone addressing the Board to
2 state and spell their name for the court reporter.
3 Also anyone other than attorneys must be sworn in
4 before speaking. Cyrus?

5 ATTORNEY PITRE: The OEC will present
6 21 matters today for the Board's consideration
7 consisting of two Consent Agreements, one
8 Revocation, three Suspensions and 15 Involuntary
9 Exclusions. The next matter on the agenda for the
10 Board's consideration is a Consent Agreement between
11 the OEC and Category 1 Licensee Downs Racing, LP
12 doing business as Mohegan Sun Pocono. The Consent
13 Agreement will be presented by Assistant Enforcement
14 Counsel John Crohe. Representatives for Downs
15 Racings are present and at this time I would request
16 they introduce themselves into the record and if
17 anyone needs to be sworn, please stand and be sworn.

18 ATTORNEY STONER: Mr. Chairman and
19 members of the Board, I am Sarah Stoner, S-A-R-A-H,
20 S-T-O-N-E-R, of Eckert Seamans and I am here on
21 behalf of Mohegan Sun Pocono. With me is Mohegan
22 Sun Pocono's Director of Table Games and it's
23 Director of Operational Accounting. Do you want to
24 introduce yourselves?

25 MR. GUTKOWSKI: Good morning, Mr.

1 Chairman. John Gutkowski, G-U-T-K-O-W-S-K-I,
2 Director of Operational Accounting.

3 MR. MUKUL: Good morning, Mr.
4 Chairman, members of the Board. First name Sunil,
5 S-U-N-I-L, last name Mukul, M-U-K-U-L.

6 CHAIRMAN: Thank you.

7 Would you both please stand and be
8 sworn by the court reporter?

9 ---

10 (WHEREUPON, WITNESSES SWORN EN MASSE.)

11 ---

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

15 The next matter on the agenda for the
16 Board's consideration is this Consent Agreement
17 reached between Mohegan Sun Pocono and the OEC
18 regarding an incident wherein the Board's
19 regulations governing the game of poker and the
20 requirements to notify Casino Compliance when a deck
21 is discovered the - contain the incorrect cards were
22 violated.

23 On July 4th, 2016 a table games dealer
24 discovered two eight of clubs in the same deck while
25 dealing poker. The dealer stopped play and reported

1 the incident to the lead supervisor. The dealer
2 further reported that the deck had been in play at
3 multiple tables. The deck had been in play for at
4 least 4 hours and 25 minutes before the error was
5 discovered. The lead supervisor collected the deck,
6 negated the hand and returned all bets from the hand
7 to the players at the table. It was then discovered
8 that the compromised deck was also missing a nine of
9 spades.

10 The lead supervisor reported the
11 incident to the poker shift manager by way of e-mail
12 and advised - who advised the lead supervisor - and
13 advised the lead supervisor who was relieving him at
14 the coinciding shift change of the matter. The
15 subsequent lead supervisor immediately examined all
16 replacement decks and insured that they were
17 constructed properly. A card, dice and tile
18 discrepancy report was not generated and notice was
19 not given to Casino Compliance. This incident was
20 not discovered by the Board until July 23rd, 2016
21 when a patron sent a letter of complaint to Mohegan
22 and copied the Board.

23 The OEC and Mohegan Sun respectfully
24 request that the Board approve the Consent Agreement
25 and stipulations of settlement which require that

1 Mohegan Sun implement policy and procedure to
2 prevent similar incidents in the future, that
3 Mohegan Sun pay a civil penalty of \$12,500 as well
4 as \$2,500 for cost incurred by the Board staff in
5 connection with the investigation into this matter.

6 CHAIRMAN: Any comments from Downs?

7 ATTORNEY STONER: Yes, Mr. Chairman.

8 Mohegan Sun Pocono acknowledges and
9 agrees to the facts as stated in the Consent
10 Agreement. It regrets that this incident occurred
11 and has taken steps to address this situation and
12 prevent future occurrences of similar incidents. As
13 outlined in the Consent Agreement, Mohegan Sun
14 Pocono has altered its procedures for issuing cards
15 for a card change and has reemphasized reporting
16 obligations to the Bureau of Casino Compliance and
17 Mohegan Sun Pocono Surveillance Department.

18 In addition, Mohegan Sun Pocono has
19 imposed employee disciplinary measures for employees
20 that were involved in this situation. If you have
21 any questions we will do our best to answer them.

22 CHAIRMAN: Thank you.

23 Are there any questions or comments
24 from the Board in this matter?

25 MR. JEWELL: What was the nature of

1 the disciplinary actions taken?

2 MR. MUKUL: The involved team members
3 were issued written warnings, and you know, reminded
4 of the requirements notified surveillance and the
5 onsite Gaming Control Board.

6 MR. JEWELL: This matter was not
7 self-reported; was it?

8 MR. MUKUL: It was not, no.

9 MR. JEWELL: And a serious - that's a
10 serious matter.

11 MR. MUKUL: That is correct. And you
12 know, I myself as a Director of Table Games only
13 found out when, you know, the letter came to
14 Harrisburg and then it was, you know, brought
15 forward to our Casino Compliance Supervisor at
16 Pocono. But yeah, you know, since that time all the
17 personnel have been, you know, instructed about the
18 importance of reporting.

19 MR. JEWELL: In fact, you had in place
20 those reporting obligations.

21 Is that correct?

22 MR. MUKUL: That is correct.

23 MR. JEWELL: And were not followed?

24 MR. MUKUL: That is correct.

25 CHAIRMAN: Any other questions?

1 MR. RYAN: Mr. Chairman, if I can.
2 Can you explain where the breakdown was, sir, in the
3 self-reporting process?

4 MR. MUKUL: Yeah so, you know, what
5 happened was once it was discovered that there was,
6 you know, a compromise deck in play, once the lead
7 supervisor was notified they immediately, you know,
8 removed the deck, put a proper deck into play, you
9 know. As far as the reporting, the lead supervisor
10 said they were unaware that they had to call
11 surveillance. You know, what they did is once they
12 brought that bad deck to the pit stand they
13 reconciled it with another deck that was at the pit
14 stand that was a replacement discovered that the
15 replacement deck had the extra card and the other
16 one had the missing card. So, it was immediately
17 remedied and that's why, you know, they said that
18 they didn't notify anyone.

19 MR. RYAN: So, it was the shift
20 supervisor who had the obligation?

21 MR. MUKUL: That is correct.

22 CHAIRMAN: Ms. Manderino, did you have
23 a question?

24 MS. MANDERINO: I'm okay. Thank you.

25 MR. LOGAN: So, I'm sorry. Again, the

1 discipline for the employees, I didn't hear it.

2 MR. MUKUL: It was a written warning.

3 CHAIRMAN: Are there any other
4 questions or comments from the Board?

5 MR. JEWELL: I do have one.

6 On your disciplinary step process,
7 take me through a written warning. Is that the
8 least -?

9 MR. MUKUL: No, we have - we have
10 verbal warning, we have written warning and then we
11 have final written warning. So, it's like the
12 middle. Oh and then termination obviously is the
13 last, so -.

14 MR. JEWELL: Okay. Thank you.

15 CHAIRMAN: May I have a motion.

16 MR. MOSCATO: Mr. Chairman, I move
17 that the Board reject the Consent Agreement between
18 the OEC and Downs Racing, LP.

19 MR. RYAN: Second.

20 CHAIRMAN: All in favor?

21 AYES RESPOND

22 CHAIRMAN: All opposed?

23 The motion's adopted. Thank you.

24 ATTORNEY STONER: Thank you, Mr.
25 Chairman.

1 ATTORNEY PITRE: The next matter on
2 the agenda for the Board's consideration is a
3 Consent Agreement between the OEC and an individual
4 who will be referred to as D.H. for purposes of this
5 matter. The Consent Agreement will be presented by
6 Assistant Enforcement Counsel Sarah Kolesar.

7 ATTORNEY KOLESAR: Good morning,
8 Chairman, members of the Board. Sarah Kolesar,
9 K-O-L-E-S-A-R, Assistant Enforcement Counsel with
10 the OEC. The proposed Consent Agreement involves a
11 self-excluded individual, D.H., who holds an active
12 Non-Gaming Employee Registration. D.H. is currently
13 employed at a - at a Licensed Facility in the
14 Commonwealth.

15 On July 7th, 2015, the D.H. placed
16 himself on the Board's Self-Exclusion List for a
17 period of one year. On the evening of February 1st,
18 2017, D.H. entered the Meadows Casino and actively
19 gamed for approximately 50 minutes. At no time
20 prior to this incident did D.H. request to remove
21 from the Board's Self-Exclusion List. As a result,
22 D.H. was criminally charged.

23 At this time, the OEC requests that
24 the Board approve this Consent Agreement between the
25 parties. The terms of the settlement include that

1 D.H.'s Non-Gaming Employee Registrations shall be
2 suspended for a period of three consecutive calendar
3 days effective immediately. If you have any
4 questions we would be happy to address them at this
5 time.

6 CHAIRMAN: Thank you.

7 Is D.H. present?

8 ATTORNEY KOLESAR: I do not believe
9 so.

10 CHAIRMAN: Thank you.

11 Any questions or comments from the
12 Board?

13 If not, may I have a motion?

14 MR. RYAN: Mr. Chairman, I move that
15 the Board approve the Consent Agreement between the
16 OEC and D.H. as described by the OEC.

17 MR. SANTONI: Second.

18 CHAIRMAN: All in favor?

19 AYES RESPOND

20 CHAIRMAN: All opposed?

21 The motion's adopted.

22 ATTORNEY PITRE: The next four matters
23 on the agenda consist of enforcement actions in
24 which the OEC has filed complaints seeking the
25 revocation of one Gaming Employee Occupation Permit

1 and the suspension of three Non-Gaming Registrations
2 issued by the Board. Each complaint has been filed
3 with the Board's OHA and properly served upon the
4 person named in each complaint. The person named in
5 the complaint failed to respond within 30 days as
6 required by Board regulation.

7 As a result, the OEC filed a Request
8 for Default Judgment and properly served the same
9 upon each named individual. Therefore all the facts
10 in each complaint are deemed admitted. All filed
11 documents have been provided to the Board and the
12 matters are presently ripe for Board consideration.

13 ATTORNEY ARMSTRONG: Chairman,
14 Commissioners, James Armstrong from the OEC.

15 The - next on the agenda for the
16 Board's consideration is a complaint to revoke David
17 Bui's Gaming Employee Permit for cheating while
18 engaged in table game play at SugarHouse Casino.
19 When confronted by SugarHouse personnel Mr. Bui
20 admitted cheating and made restitution. Mr. Bui was
21 employed by Harrah's as a dealer at the time of the
22 incident. Mr. Bui was terminated from Harrah's and
23 is not presently employed in the gaming industry.

24 Accordingly, OEC requests the Board
25 revoke Mr. Bui's Gaming Employee Permit.

1 CHAIRMAN: Questions or comments from
2 the Board?

3 May I have a motion?

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

8 MR. JEWELL: Second.

9 CHAIRMAN: All in favor?

10 AYES RESPOND

11 CHAIRMAN: All opposed?

12 The motion's adopted.

13 ATTORNEY HAKEN: Good morning,
14 Chairman, members of the Board. Tamara Haken,
15 H-A-K-E-N, with the OEC.

16 The next matter on the agenda for the
17 Board's consideration is the suspension of the
18 Non-Gaming Employee Registration issued to Michael
19 Rosario-Clark who was arrested and originally
20 charged with one felony, three count of criminal use
21 of communication facility, one felony count of
22 manufacture, delivery or possession with intent to
23 manufacture or deliver and two drug related
24 misdemeanor counts.

25 Subsequently the felony charges and

1 one of the misdemeanor charges were withdrawn. A
2 drug related misdemeanor charge remains pending in
3 the Luzerne County Court of Common Pleas. As a
4 result, OEC requests that the Non-Gaming Employee
5 Registration issued to Michael Rosario-Clark be
6 suspended.

7 CHAIRMAN: Questions or comments from
8 the Board?

9 May I have a motion?

10 MR. JEWELL: Mr. Chairman, I move the
11 Board approve the suspension of Michael Rosario-
12 Clark's Non-Gaming Employee Registration until at
13 least resolution of his pending criminal charges.

14 MR. LOGAN: Second.

15 CHAIRMAN: All in favor?

16 AYES RESPOND

17 CHAIRMAN: All opposed?

18 The motion's adopted.

19 ATTORNEY KOLESAR: Once again, Sarah
20 Kolesar with the OEC.

21 The next matter on the agenda for the
22 Board's consideration is the suspension of the
23 Non-Gaming Employee Registration issued to Adam
24 Thomas who was arrested, criminally charged, entered
25 into a guilty plea and is currently serving a

1 sentence for stealing approximately \$2,270 from his
2 previous employer. At this time, the OEC requests
3 that the Board suspend the Non-Gaming Registration
4 issued to Adam Thomas.

5 CHAIRMAN: Questions or comments from
6 the Board?

7 May I have a motion?

8 MR. LOGAN: Mr. Chairman, I move that
9 the Board approve the suspension of Adam Thomas'
10 Non-Gaming Employee Registration until at least
11 complete resolution of his criminal charges.

12 MS. MANDERINO: Second.

13 CHAIRMAN: All in favor?

14 AYES RESPOND

15 CHAIRMAN: All opposed?

16 The motion's adopted.

17 ATTORNEY KOLESAR: The next matter on
18 the agenda for the Board's consideration is the
19 suspension of the Non-Gaming Employee Registration
20 issued to Timothy Rawlins for being arrested and
21 criminally charged with two felony offenses and a
22 misdemeanor that stem from a domestic dispute in
23 which he allegedly choked a female victim.

24 At this time, the OEC request that the
25 Board suspend the Non-Gaming Registration issued to

1 Timothy Rawlins.

2 CHAIRMAN: Questions or comments from
3 the Board?

4 May I have a motion?

5 MS. MANDERINO: Mr. Chairman, I move
6 the Board approve the suspension of Timothy Rawlins'
7 Non-Gaming Employee Registration until at least the
8 resolution of his criminal charges.

9 MR. MOSCATO: Second.

10 CHAIRMAN: All in favor?

11 AYES RESPOND

12 CHAIRMAN: All opposed?

13 The motion's adopted.

14 ATTORNEY PITRE: The remaining matters
15 on the agenda consist of enforcement actions in
16 which the OEC has filed Petitions seeking the
17 involuntary exclusion of individuals whose presence
18 in a licensed facility are inimical to the interests
19 of the Commonwealth and/or licensed gaming therein.
20 In each instance, the Petition For Exclusion has
21 been filed with the Board's OHA and properly served
22 upon each named individual. The individual named in
23 each Petition failed to respond within 30 days as
24 required by Board regulation.

25 As a result, the OEC filed a Request

1 for Default Judgment in each instance and properly
2 served the same upon each named individual.
3 Therefore, all facts in each Petition are deemed
4 admitted. All filed documents have been provided to
5 the Board and the matters are presently ripe for
6 Board's consideration. In each instance if the
7 Board orders the proposed exclusion, each
8 individual's photo, personal identifiers and a
9 summary of the inimical conduct will be placed on
10 the Board's public website.

11 ATTORNEY KOLESAR: The next matter for
12 the Board's consideration is the Involuntary
13 Exclusion of Mengrong Yuan for using an illegally
14 manufactured identification to access the gaming
15 floor at Rivers Casino while under the age of 21.
16 As a result, OEC request that the Board issue an
17 Order placing Mengrong Yuan on the Involuntary
18 Exclusion List.

19 CHAIRMAN: Questions or comments from
20 the Board?

21 May I have a motion?

22 MR. MOSCATO: Mr. Chairman, I move
23 that the Board approve the addition of Mengrong Yuan
24 to the PGBC Involuntary Exclusion List as described
25 by the OEC. I further move that Ms. Yuan may

1 petition for removal from the list after her 22nd
2 birthday.

3 MR. RYAN: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed?

7 The motion's adopted.

8 ATTORNEY HAKEN: Good morning again,
9 Tamara Haken with the OEC.

10 The next matter on the agenda for the
11 Board's consideration is the Involuntary Exclusion
12 of Toby Bonitz for cheating by illegally altering
13 his bets a total of five times at Hollywood Casino.
14 As a result, OEC request that the Board issue an
15 Order placing Toby Bonitz on the Involuntary
16 Exclusion List.

17 CHAIRMAN: Questions or comments from
18 the Board?

19 May I have a motion?

20 MR. RYAN: Mr. Chairman, I move that
21 the Board approve the addition of Toby Bonitz to the
22 PGBC Involuntary Exclusion List as described by the
23 OEC.

24 MR. SANTONI: Second.

25 CHAIRMAN: All in favor?

1 AYES RESPOND

2 CHAIRMAN: All opposed?

3 The motion's adopted.

4 ATTORNEY HAKEN: The next matter on
5 the agenda for the Board's consideration is the
6 Involuntary Exclusion of Malik Collins for knowingly
7 using illegitimate identification of another
8 individual to gain access to the gaming floor of
9 Hollywood Casino while under the age of 21. As a
10 result, OEC request that the Board issue an Order
11 placing Malik Collins on the Involuntary Exclusion
12 List.

13 CHAIRMAN: Questions or comments from
14 the Board?

15 May I have a motion?

16 MR. SANTONI: Mr. Chairman, I move
17 that the Board approve the addition of Malik Deion
18 Collins to the PGBC Involuntary Exclusion List as
19 described by the OEC. I further move that Mr.
20 Collins may petition for removal from the list after
21 his 22nd birthday.

22 MR. JEWELL: Second.

23 CHAIRMAN: All in favor?

24 AYES RESPOND

25 CHAIRMAN: All opposed?

1 The motion's adopted.

2 ATTORNEY HAKEN: The next matter on
3 the agenda for the Board's consideration is the
4 Involuntary Exclusion of Tanner Richardson for
5 knowingly using a legitimate identification of
6 another individual to gain access to the gaming
7 floor at Rivers Casino while under the age of 21.
8 As a result, OEC request that the Board issue an
9 Order placing Tanner Richardson on the Involuntary
10 Exclusion List.

11 CHAIRMAN: Questions or comments from
12 the Board?

13 May I have a motion?

14 MR. JEWELL: Mr. Chairman, I move that
15 the Board approve the addition of Tanner Richardson
16 to the PGBC Involuntary Exclusion List as described
17 by the OEC. I further move that Mr. Richardson may
18 petition for removal from the list after one year.

19 MR. LOGAN: Second.

20 CHAIRMAN: All in favor?

21 AYES RESPOND

22 CHAIRMAN: All opposed?

23 The motion's adopted.

24 ATTORNEY HAKEN: The next matter on
25 the agenda for the Board's consideration is the

1 Involuntary Exclusion of Samantha Shodd for
2 knowingly using an illegally manufactured
3 identification to attempt to gain access to the
4 gaming floor of Rivers Casino while under the age of
5 21. As a result, OEC request that the Board issue
6 an Order placing Samantha Shodd on the Involuntary
7 Exclusion List.

8 CHAIRMAN: Questions or comments from
9 the Board?

10 May I have a motion?

11 MR. LOGAN: Mr. Chairman, I move that
12 the Board approve the addition of Samantha Shodd to
13 the PGBC Involuntary Exclusion List as described by
14 the OEC. I further move that Ms. Shodd may petition
15 for removal from the list after her 22nd birthday.

16 MS. MANDERINO: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed?

20 The motion's adopted.

21 ATTORNEY HAKEN: The next matter on
22 the agenda for the Board's consideration is the
23 Involuntary Exclusion of Dahrayl Smith for drawing a
24 gun and pointing it at another patron at the Rivers
25 Casino. As a result, OEC requests that the Board

1 issue an Order placing Dahrayl Smith on the
2 Involuntary Exclusion List.

3 CHAIRMAN: Questions or comments from
4 the Board?

5 May I have a motion?

6 MS. MANDERINO: Mr. Chairman, I move
7 the Board approve the addition of Dahrayl Smith to
8 the PGBC Involuntary Exclusion List as described by
9 the OEC.

10 MR. MOSCATO: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed?

14 The motion's adopted.

15 ATTORNEY STUART: Glen Stuart for the
16 OEC, S-T-U-A-R-T. The facts of the next two matters
17 are - stem from the same incident so if it's okay
18 I'll read the facts and then ask for the relief
19 requested.

20 Next for the Board's consideration is
21 the placement of Brionna Powell and Shatya Garfield
22 on the Exclusion List. In January of 2017 Ms.
23 Powell and Ms. Garfield participated in a robbery of
24 two women in the parking garage of Harrah's
25 Philadelphia Casino and Racetrack. Ms. Powell and

1 Ms. Garfield were both charged with multiple crimes
2 including robbery, aggravated assault, simple
3 assault and receiving stolen property. All charges
4 remain pending against Ms. Powell and Ms. Garfield
5 at this time.

6 As such, the OEC respectfully request
7 that the Board issue an Order placing Shatya
8 Garfield on the Exclusion List.

9 CHAIRMAN: Questions or comments from
10 the Board?

11 May I have a motion?

12 MR. MOSCATO: Mr. Chairman, I move
13 that the Board approve the addition of Shatya
14 Garfield to the PGBC Involuntary Exclusion List as
15 described by the OEC.

16 MR. RYAN: Second.

17 CHAIRMAN: All in favor?

18 AYES RESPOND

19 CHAIRMAN: All opposed?

20 The motion's adopted.

21 ATTORNEY STUART: The OEC respectfully
22 requests the Board place an Order placing Brionna
23 Powell on the Board's Exclusion List.

24 CHAIRMAN: Questions or comments from
25 the Board?

1 May I have a motion?

2 MR. RYAN: Mr. Chairman, I move that
3 the Board approve the addition of Brionna Powell to
4 the PGBC Involuntary Exclusion List as described by
5 the OEC.

6 MR. SANTONI: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: All opposed?

10 The motion's adopted.

11 ATTORNEY MILLER: Good morning,
12 Chairman, members of the Board. Dustin Miller on
13 behalf of the OEC.

14 The next matter today is a request for
15 placement on the Board's Excluded Persons List
16 involving Rachel Doan. The OEC filed a Petition to
17 place Ms. Doan on the Exclusion List for accessing
18 the gaming floor and playing slot machines at Parx
19 Casino while under the age of the 21. Ms. Doan was
20 criminally charged for her actions. Based upon the
21 foregoing, the OEC asked that the Board place Rachel
22 Doan on the Board's Excluded Persons List.

23 CHAIRMAN: Questions or comments from
24 the Board?

25 May I have a motion?

1 MR. SANTONI: Mr. Chairman, I move
2 that the Board approve the addition of Rachel Doan
3 to the PGBC Involuntary Exclusion List as described
4 by the OEC. I further move that Ms. Doan may
5 petition for removal from the list after one year.

6 MR. JEWELL: Second.

7 CHAIRMAN: All in favor?

8 AYES RESPOND

9 CHAIRMAN: All opposed?

10 The motion's adopted.

11 ATTORNEY MILLER: The next matter
12 today is a request for placement on the Board's
13 Excluded Persons List involving Joel Simon. The OEC
14 filed a Petition to place Mr. Simon on the Exclusion
15 List for cheating while playing roulette at Parx
16 Casino. Mr. Simon was criminally charged for his
17 actions. Based upon the foregoing, the OEC asked
18 that the Board place Joel Simon on the Board's
19 Excluded Persons List.

20 CHAIRMAN: Questions or comments from
21 the Board?

22 May I have a motion?

23 MR. JEWELL: Mr. Chairman, I move that
24 the Board approve the addition of Joel Simon to the
25 PGBC Involuntary Exclusion List as described by the

1 OEC.

2 MR. LOGAN: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed?

6 The motion's adopted.

7 ATTORNEY MILLER: The next matter
8 today is a request for placement on the Board's
9 Excluded Persons List involving Raymond Smeragliuolo
10 for removing chips and currency from a Parx Casino
11 beverage server's tip cup without the beverage
12 server's knowledge or consent. Additionally, Mr.
13 Smeragliuolo had previously been ejected from Parx
14 Casino on three other occasions and has been
15 permanently evicted from Parx Casino. Mr.
16 Smeragliuolo was criminally charged for his actions.

17 Based upon the foregoing, the OEC
18 asked that the Board place Raymond Smeragliuolo on
19 the Board's Excluded Persons List.

20 CHAIRMAN: Questions or comments from
21 the Board?

22 May I have a motion?

23 MR. LOGAN: Mr. Chairman, I move that
24 the Board approve the addition of Raymond
25 Smeragliuolo to the PGBC Involuntary Exclusion List

1 as described by the OEC.

2 MS. MANDERINO: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed?

6 The motion's adopted.

7 ATTORNEY ARMSTRONG: Good morning
8 again, Chairman, Commissioners. James Armstrong for
9 the OEC. Next on the agenda for the Board's
10 consideration is the request to place Marqueil
11 Walker on the Exclusion List for accessing the
12 gaming floor at SugarHouse Casino while under the
13 age of 21 and gaming at craps. As a result, Mr.
14 Walker was permanently evicted from SugarHouse
15 Casino.

16 Accordingly, OEC request the Board
17 place Mr. Walker on the Board's Involuntary
18 Exclusion List.

19 CHAIRMAN: Questions or comments from
20 the Board?

21 May I have a motion?

22 MS. MANDERINO: Mr. Chairman, I move
23 that the Board approve the addition of Marqueil
24 Walker to the PGBC Involuntary Exclusion List as
25 described by the OEC. I further move that Mr.

1 Walker may petition for removal from the list after
2 his 22nd birthday.

3 MR. MOSCATO: Second.

4 CHAIRMAN: All in favor?

5 AYES RESPOND

6 CHAIRMAN: All opposed?

7 The motion's adopted.

8 ATTORNEY ARMSTRONG: Next on the
9 agenda for the Board's consideration is a request to
10 place Cosimo Ferrante on the Exclusion List for
11 utilizing a fraudulent identification to access the
12 gaming floor at SugarHouse Casino while under the
13 age of 21. As a result, Mr. Ferrante was arrested
14 by the Pennsylvania State Police.

15 Accordingly, OEC request that the
16 Board place Mr. Ferrante on the Board's Involuntary
17 Exclusion List.

18 CHAIRMAN: Questions or comments from
19 the Board?

20 May I have a motion?

21 MR. MOSCATO: Mr. Chairman, I move
22 that the Board approve the addition of Cosimo
23 Ferrante to the PGBC Involuntary Exclusion List as
24 described by the OEC. I further move that Mr.
25 Ferrante may petition for removal from the list

1 after one year.

2 MR. RYAN: Second.

3 CHAIRMAN: All in favor?

4 AYES RESPOND

5 CHAIRMAN: All opposed?

6 The motion's adopted.

7 ATTORNEY ARMSTRONG: Next on the
8 agenda is the request to place Justin Makkay on the
9 Exclusion List for utilizing a fraudulent
10 identification to access the gaming floor at
11 SugarHouse Casino while under the age of 21. As a
12 result, Mr. Makkay was arrested by the Pennsylvania
13 State Police. Accordingly, OEC request the Board
14 place Mr. Makkay on the Board's Involuntary
15 Exclusion List.

16 CHAIRMAN: Question or comments from
17 the Board?

18 May I have a motion?

19 MR. RYAN: Mr. Chairman, I move that
20 the Board approve the addition of Justin Makkay to
21 the PGBC Involuntary Exclusion List as described by
22 the OEC. I further move that Ms. Makkay may
23 petition for removal from the list after one year.

24 MR. SANTONI: Second.

25 ATTORNEY ARMSTRONG: The - and the

1 last matter on the agenda for the Board's
2 consideration is the request to place Max Raiken on
3 the Exclusion List for utilizing a fraudulent
4 identification to access the gaming floor at
5 SugarHouse Casino while under the age of 21. As a
6 result, Mr. Raiken was arrested by the Pennsylvania
7 State Police. Accordingly, OEC request the Board
8 issue place Mr. Raiken on the Board's Involuntary
9 Exclusion List.

10 CHAIRMAN: Questions or comments from
11 the Board?

12 May I have a motion?

13 MR. SANTONI: Mr. Chairman, I move
14 that the Board approve the addition of Max Raiken to
15 the PGBC Involuntary Exclusion List as described by
16 the OEC. I further move that Mr. Raiken may
17 petition for removal from the list after his 22nd
18 birthday.

19 MR. JEWELL: Second.

20 CHAIRMAN: All in favor?

21 AYES RESPOND

22 CHAIRMAN: All opposed?

23 The motion's adopted.

24 ATTORNEY PITRE: And that concludes
25 our business. Before I turn it over to Chief

1 Counsel Doug Sherman, Commissioner Moscato, we'd
2 like to thank you for your service and for all the
3 support you gave us over the years. Much
4 appreciated.

5 MR. MOSCATO: Thank you.

6 CHAIRMAN: Before we conclude this,
7 Doug, do we still have one more matter?

8 ATTORNEY SHERMAN: Commissioners,
9 earlier when we had called the matter of Todd
10 Johnson we were informed that Mr. Johnson was stuck
11 in traffic on the turnpike. He has navigated his
12 way to Harrisburg. He's here. Just briefly I - as
13 I explained earlier, this is the OEC's request to
14 place Todd Johnson on the Involuntary Exclusion List
15 arising from as I described earlier, conduct of a
16 vandalism nature in which he put a lit cigarette
17 into a bill validator of a slot machine then pried
18 it out causing damage to the machine. He was
19 interviewed by staff and security staff and the
20 State Police at Sands BethWorks Casino and he did
21 pay restitution for the damage.

22 Mr. Johnson is here if you would like
23 to address the Board. If you do please stand to be
24 sworn.

25

1 TODD JOHNSON,
2 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
3 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
4 FOLLOWS:

5 ---

6 MR. JOHNSON: Hi.

7 ATTORNEY SHERMAN: Lean into the
8 microphone so we can hear.

9 MR. JOHNSON: Yeah, I didn't - I
10 didn't come here to deny anything that happened. I
11 actually came here to own up to what I did. The
12 incident was a terrible lack of judgment and quite
13 frank I'm embarrassed by the situation. As soon as
14 I had the opportunity to - in fact, after I did it I
15 stuck around knowing full well that, you know, the
16 place is loaded with cameras and I was going to be
17 in trouble for that. I waited for the security to
18 come over. I took care of it. I went to the court
19 and I was - had the opportunity to pay the
20 restitution in full. I just did that to get - to
21 move forward and move past it.

22 So, really I mean, I just wanted to
23 come here. I certainly wouldn't insult anybody's
24 intelligence in this room, you know. I did do that
25 - do what I was alleged to do. I'm hoping that, you

1 know, again I just wanted to own up to it and I'm
2 hoping that I can move past this and maybe get some
3 type of warning. But I do know that that is in your
4 hand and, you know, I apologize to the people at the
5 Sands and I want to apologize to everybody here as
6 well. It's really not a represent - you know, a
7 representative of my overall character and I know I
8 don't have a whole lot of opportunity to show that
9 to you besides just come here in person and tell you
10 that.

11 CHAIRMAN: Well we certainly
12 appreciate you coming in. That's unusual and is
13 well appreciated.

14 Are there comments or questions of Mr.
15 Johnson from -?

16 MR. RYAN: If I can, Mr. Chairman.
17 Mr. Johnson, the recitation of the
18 facts we have is that you caused damage to a slot
19 machine by jamming a lit cigarette into the bill
20 validator.

21 Is that correct?

22 MR. JOHNSON: Uh-huh (yes).

23 MR. RYAN: And then used your lighter
24 to burn the cigarette?

25 MR. JOHNSON: Yes. No, at first I

1 tried to pry it out. I had no way to do that
2 because I originally - at first I was trying to see
3 if I could get it out of there quick, you know, so
4 maybe I didn't get in trouble for it. And then when
5 it didn't come out that's what I did and that's
6 where the damage really rose from. That's why it
7 was what it was.

8 MR. RYAN: But you were angry because
9 you didn't win?

10 MR. JOHNSON: Kind of. To be honest
11 with you, that time - I probably should have had
12 another hobby at that time. I was in a car accident
13 and I was out of work for a while so -. I mean,
14 this is not an excuse but I was up there spending
15 probably a little bit too much time (sic) at the
16 time than I should have.

17 MR. RYAN: Were you drinking that
18 night?

19 MR. JOHNSON: What's that?

20 MR. RYAN: Were you drinking?

21 MR. JOHNSON: No, I didn't drink. Not
22 at the casino. I mean, I had a beer at dinner but
23 it was just a - it was just a horrible lack of
24 judgment. I was going through just a bad period in
25 my life and probably wasn't the best idea to go that

1 night really and that's what it came down to.

2 MR. RYAN: Thank you, sir.

3 MR. JOHNSON: Yep.

4 CHAIRMAN: Any other questions or
5 comments?

6 MR. JEWELL: I have one question. Was
7 the cigarette - were you smoking, the cigarette was
8 lit and you put it in -

9 MR. JOHNSON: Yeah.

10 MR. JEWELL: - or you put the
11 cigarette in and then lit it?

12 MR. JOHNSON: It was already lit. The
13 - it was at the end of it so it wasn't very big so
14 that's why I wasn't able to get it out right away.
15 I didn't realize it had fallen in as far as it did.
16 So, as soon as I did it I knew it was pretty stupid.

17 MR. JEWELL: Okay. Thank you.

18 CHAIRMAN: Is there a motion?

19 MS. MANDERINO: Yes, Mr. Chairman. I
20 move that the Board grant for one year the OEC's
21 request to place Todd Johnson on the PGCB's
22 Involuntary List and that Mr. Johnson be placed on
23 that list for one year.

24 CHAIRMAN: And at the conclusion of
25 that?

1 MS. MANDERINO: And at the conclusion
2 of that -

3 CHAIRMAN: Does he automatically come
4 off?

5 MS. MANDERINO: - does he
6 automatically come off or -?

7 ATTORNEY SHERMAN: Without putting
8 other condition at the end of that one year from
9 today he would come off the list and would be free
10 to return.

11 CHAIRMAN: Automatically?

12 MS. MANDERINO: Automatically?

13 ATTORNEY SHERMAN: Yes.

14 CHAIRMAN: Thank you.

15 MS. MANDERINO: And that he
16 automatically be removed from the list in one year.

17 CHAIRMAN: Thank you.

18 MS. MANDERINO: Is that a proper
19 modification of my motion?

20 CHAIRMAN: No, I just was trying to
21 get clarification. That's just fine.

22 Is there a second?

23 MR. MOSCATO: I'll certainly second
24 that but I just wanted to point out to Mr. Johnson,
25 first of all, thank you for coming in and taking

1 ownership of what you did. You don't see that a lot
2 very often. And the distinction here is you're
3 being removed automatically. Most orders you have
4 to petition this Board to be removed so there is a
5 little bit of benefit there. I just wanted to make
6 that distinction for you.

7 CHAIRMAN: That's a second?

8 MR. MOSCATO: Yeah, I second. Yes,
9 sir.

10 CHAIRMAN: Just one comment I'll make
11 is, this motion obviously the Board could have
12 imposed a harsher penalty than this on you, sir, and
13 your presence and your - obviously contrition in
14 this matter is helping you.

15 MR. JOHNSON: Thank you for that as
16 well.

17 CHAIRMAN: Okay. So, given that, all
18 in favor?

19 AYES RESPOND

20 CHAIRMAN: All opposed?

21 The motion's adopted.

22 Thank you for coming.

23 MR. JOHNSON: Thank you, everybody.

24 ATTORNEY SHERMAN: And that concludes
25 all matters. Thank you.

1 CHAIRMAN: I believe that concludes
2 today's meeting. Our next public meeting will be
3 held on Wednesday, September 13th. The meeting will
4 be held at 10:00 a.m. in this room. Are there any
5 other final comments from the Board or ex-officio
6 members? If not, we wish Tony Moscato God speed and
7 that concludes today's meeting.

8 Is there a motion to adjourn?

9 MR. JEWELL: So moved.

10 MR. LOGAN: Second.

11 CHAIRMAN: All in favor?

12 AYES RESPOND

13 CHAIRMAN: All opposed?

14 The motion's adopted.

15 MR. MOSCATO: I don't want it to end.

16
17 * * * * *

18 HEARING CONCLUDED AT 11:41 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chairman Barasch was reported by me on 8/9/17 and that I, Bernadette M. Black, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Bernadette M. Black

Bernadette M. Black,
Court Reporter