#### Chairman DAVID M. BARASCH

Phone: (717) 346-8300 Fax: (717) 346-8350 www.gamingcontrolboard.pa.gov

## PENNSYLVANIA GAMING CONTROL BOARD P.O. BOX 69060 HARRISBURG, PENNSYLVANIA 17106-9060

#### **MEETING MINUTES**

WEDNESDAY, FEBRUARY 12, 2020 – 10:00 a.m. STRAWBERRY SQUARE COMPLEX, 2<sup>ND</sup> FLOOR, HARRISBURG

Commissioners
Obra S. Kernodle IV
Sean Logan
T. Mark Mustio
Merritt C. Reitzel
Dante Santoni, Jr.
Denise J. Smyler

Ex-Officio Members
C. Daniel Hassell
Russell C. Redding
Joseph M. Torsella

A meeting of the Pennsylvania Gaming Control Board was held at the Pennsylvania Gaming Control Board Office of Hearings and Appeals, Strawberry Square Complex, 2<sup>nd</sup> Floor, Harrisburg, PA.

#### **MEMBERS OF THE BOARD:**

David Barasch, Chairman
Obra S. Kernodle, IV
Sean Logan
T. Mark Mustio
Merritt C. Reitzel (via teleconference)
Dante Santoni, Jr.
Denise J. Smyler

### **EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE:**

Christin Heidingsfelder, Designee, Department of Revenue Jennifer Langan, Designee, Pennsylvania Treasury

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

Kevin O'Toole, Executive Director – present (no report)

Claire Yantis, Administrative Director – Administrative Matters

Elizabeth Lanza, Director, Office of Problem and Compulsive Gambling – Resolution

Danette Bixler-George, Director, Human Resources – New Hire and Temporary Delegation of Authority to Personnel Committee

R. Douglas Sherman, Chief Counsel – Petitions

Steve Cook, Deputy Chief Counsel – Withdrawals/Surrenders and Report and Recommendations Susan Hensel, Director, Bureau of Licensing - Applications, Licenses, Registrations and Certifications Cyrus Pitre, Chief Enforcement Counsel –Revocation, Placements on Involuntary Exclusion List and Placement on the Prohibited Gaming Service Provider List

### Office of Enforcement Counsel - Also presenting:

James Armstrong, Senior Enforcement Counsel

Michael Roland, Senior Enforcement Counsel

**Assistant Enforcement Counsel:** John Crohe and Thomas Monaghan

#### OTHER ATTENDEES FOR PUBLIC HEARINGS, ORAL ARGUMENT AND/OR MEETING:

CHESTER DOWNS & MARINA, LLC AND ELDORADO RESORTS, INC.

TOM REEG, CHIEF EXECUTIVE OFFICER - Eldorado Resorts, Inc.

ED QUATMANN, CHIEF LEGAL OFFICER - Eldorado Resorts, Inc.

STEPHEN D. SCHRIER, ESQUIRE, BLANK ROME, LLP – Eldorado Resorts, Inc.

CHRIS ALBRECHT, SVP & GENERAL MANAGER - Harrah's Philadelphia

LYNNE HUGHES, VP AND GENERAL COUNSEL OF REGIONAL OPERATIONS - Caesars

WILLIAM J. DOWNEY, ESQUIRE, Brownstein Hyatt Farber Schreck, LLP - Caesars MICHAEL FABIUS - BALLARD SPAHR LLP – VICI Properties

MOUNTAINVIEW THOROUGHBRED RACING ASSOCIATION, LLC ADRIAN R. KING, JR. – BALLARD SPAHR LLP MICHAEL FABIUS - BALLARD SPAHR LLP ALEX M. HVIZDA – DIRECTOR OF COMPLIANCE (PENNSYLVANIA)

CROWN GAMING PA INC., AND TFCF SPORTS ENTERPRISES, LLC KEVIN HAYES, ESQUIRE – DOHERTY HAYES FRANK DIGIACOMO – DUANE MORRIS

A quorum of the Board being present and Commissioner Reitzel participating via teleconference, Chairman Barasch called the meeting to order.

#### **ANNOUNCEMENTS**

Chairman Barasch announced that the Board held an Executive Session on January 31<sup>st</sup> to discuss litigation matters and held an additional Executive Session on February 11<sup>th</sup> to discuss personnel matters and to conduct quasi-judicial deliberations relating to matters coming before the Board on February 12<sup>th</sup>.

## **PUBLIC HEARINGS / ORAL ARGUMENT**

The Chairman stated that the first order of business on February 12<sup>th</sup> would be two public hearings and one Oral Argument. The first hearing involved Chester Downs & Marina, LLC and Eldorado Resorts, Inc.'s Joint Petition for Approval of a Change in Ownership, followed by a consolidated hearing regarding Mountainview Thoroughbred Racing Association, LLC's Petitions for Approval of Sports Wagering Certificates at Non-Primary Locations (Hollywood Casino York AND Hollywood Casino Morgantown). The remaining item involved an Oral Argument regarding Crown Gaming PA Inc. and TFCF Sports Enterprises, LLC's Joint Petition for a Waiver of the Qualification Requirements of Certain Entities.

The Public Hearings and Oral Argument were held and later addressed under the Office of Chief Counsel's section of the Board Agenda. A brief recess was taken following Oral Argument.

#### **MINUTES/TRANSCRIPT**

On a motion by Commissioner Logan, seconded by Commissioner Santoni, the Board unanimously approved the minutes and transcript of the December 18, 2019 meeting.

#### **ADMINISTRATIVE SERVICES**

#### PGCB RESOLUTION NO. 2020-1-CPG

Motions: 1st-Board Member Santoni / 2nd-Board Member Smyler

The Board hereby adopted **RESOLUTION 2020-1-CPG** recognizing March 2020 as Problem Gambling

Awareness Month.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-30 HR

**Motions:** 1st – Board Member Smyler / 2<sup>nd</sup> – Board Member Kernodle

The Board hereby approved the hiring of MARC MERCHIORE as a Bureau of Investigations and

Enforcement Investigator for the Southeast Regional Office.

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-31 HR

**Motions:** 1st-Board Member Mustio / 2nd-Board Member Santoni

The Board hereby approved the temporary **DELEGATION OF AUTHORITY** to the Personnel Committee

for vacancies at Wind Creek Bethlehem Casino. Board Decision: Passed by unanimous vote

#### **OFFICE OF CHIEF COUNSEL**

### PGCB MOTION NO. 2020-32 OCC

**Motions:** 1st-Board Member Logan / 2nd-Board Member Mustio

The Board hereby granted, with conditions requested by the Office of Enforcement Counsel, **CHESTER DOWNS & MARINA**, **LLC AND ELDORADO RESORTS**, **INC.'S** Joint Petition for Approval of a Change in Ownership. The Board also assessed a \$3.75 Million Change in Control Fee to be paid no later than three (3) business days after closing the ownership transaction. Petitioner's motion to maintain confidentiality for certain documents was granted.

Docket Number: 8678-2019

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-33 OCC

Motions: 1st – Board Member Mustio / 2nd – Board Member Kernodle

The Board hereby granted, with conditions requested by the Office of Enforcement Counsel, Mountainview Thoroughbred Racing Association, LLC's Petition for Approval to Conduct Sports Wagering at its Category 4 Licensed Facility, **HOLLYWOOD CASINO YORK**.

Docket Number: 8940-2019

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-34 OCC

**Motions:** 1st-Board Member Kernodle / 2nd-Board Member Santoni

The Board hereby granted, with conditions requested by the Office of Enforcement Counsel, Mountainview Thoroughbred Racing Association, LLC's Petition for Approval to Conduct Sports Wagering at its Category 4 Licensed Facility, **HOLLYWOOD CASINO MORGANTOWN**.

Docket Number: 8793-2019

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-35 OCC

**Motions:** 1st–Board Member Santoni / 2<sup>nd</sup>–Board Member Smyler

The Board hereby granted, with conditions to be outlined in the Board's Order, **CROWN GAMING PA INC. AND TFCF SPORTS ENTERPRISES, LLC'S** Joint Petition for a Waiver of the Qualification Requirements of Certain Entities. The Board also granted Joint Petitioner's Motion to Protect Confidential Information. The Version of the Petition filed with the confidentiality motion shall be part of the public file.

Docket Number: 8864-2019

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-36 OCC

**Motions:** 1st-Board Member Smyler / 2<sup>nd</sup>-Board Member Kernodle

The Board hereby granted **NAKIA JONES'** Petition for Removal from the PGCB Involuntary Exclusion List effective five (5) days from the date of the Board's Order.

Docket Number: 2787-2012

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-37 OCC

**Motions:** 1st-Board Member Kernodle / 2nd-Board Member Logan

The Board hereby approved, without prejudice, the following **WITHDRAWALS AND SURRENDERS** as follows:

- Gerard Hall Withdraw Gaming Service Provider Qualifier Application; 8936-2019
- Daniel Columbo Withdraw Gaming Service Provider Qualifier Application; 8891-2019
- Erik R. Massman Withdraw Gaming Service Provider Qualifier Application; 8815-2019
- Anna Helene Barnekow Withdraw Principal License Application; 8907-2019
- Ryan Dale Hammer Withdraw Principal License Application; 8897-2019
- Lancaster Travel Plazas, LLC d/b/a/ Lancaster Travel Plaza Withdraw Video Gaming Terminal Establishment License
   Application and Surrender Conditional Video Gaming Establishment License; 8910-2019
- Brian A. Larson Surrender Principal License; 8941-2019
- Invendium Limited Withdraw Gaming Service Provider Application; 8938-2019
- Dynamic Gaming Systems, LLC Surrender Table Game Manufacturer License; 8937-2019
- Larry A. Potts Surrender Principal License; 8911-2019
- Bradford Turner Surrender Principal License; 8955-2020

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-38 OCC

**Motions:** 1st-Board Member Logan / 2nd-Board Member Mustio

The Board hereby adopted the Report and Recommendation of the Office of Hearings and Appeals recommending that the suspension of **SHANNON DAVIS'** Gaming Employee Occupation Permit remain in effect.

Docket Number: 8773-2019

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-39 OCC

**Motions:** 1<sup>st</sup>–Board Member Mustio / 2<sup>nd</sup>–Board Member Santoni

The Board hereby adopted the Report and Recommendation of the Office of Hearings and Appeals recommending that **MELISSA MULLER'S** renewal application for a Gaming Level 2 Employee Occupation Permit be denied. The Board further ordered that certain exhibits which contain confidential information shall be redacted or sealed as outlined in the Board's Order.

Docket Number: 8396-2019

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-40 OCC

**Motions:** 1st–Board Member Logan / 2nd–Board Member Santoni

The Board hereby adopted, in result, the Report and Recommendation of the Office of Hearings and Appeals recommending the placement of **TONY TRAN** on the PGCB Involuntary Exclusion List. It is further ordered that exhibits which contain confidential information shall be redacted or sealed as outlined in the Board's Order.

Docket Number: 8054-2018

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-41 OCC

Motions: 1st-Board Member Santoni / 2nd-Board Member Smyler

The Board hereby adopted, in result, the Report and Recommendation of the Office of Hearings and Appeals recommending the placement of **JIAN CHEN** on the PGCB Involuntary Exclusion List. It is further ordered that exhibits which contain confidential information shall be redacted or sealed as outlined in the Board's Order.

Docket Number: 8050-2018

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-42 OCC

**Motions:** 1st\_Board Member Smyler / 2<sup>nd</sup>\_Board Member Kernodle

The Board hereby adopted, in result, the Report and Recommendation of the Office of Hearings and Appeals recommending the placement of **CORAN AUGUSTE** on the PGCB Involuntary Exclusion List. It is further ordered that exhibits which contain confidential information shall be redacted or sealed as outlined in the Board's Order.

Docket Number: 8468-2019

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-43 OCC

**Motions:** 1st-Board Member Kernodle / 2nd-Board Member Logan

The Board hereby adopted, in part, the Report and Recommendation of the Office of Hearings and Appeals and places **FRANCIS BUTLER**, **JR**. on the PGCB Involuntary Exclusion List for a period of one (1) year. At the conclusion of the year, Francis Butler, Jr. will automatically be removed from the list. It is further ordered that exhibits which contain confidential information shall be redacted or sealed as outlined in the Board's Order.

Docket Number: 8613-2019

Board Decision: Passed by unanimous vote

## **BUREAU OF LICENSING**

#### PGCB MOTION NO. 2020-44 BOL

**Motions:** 1<sup>st</sup>–Board Member Logan / 2<sup>nd</sup>–Board Member Mustio

The Board granted the Licensing of **ELDORADO RESORTS, INC.** regarding the Change of Control of Category 1 Slot Machine Licensee Chester Downs and Marina, LLC., Inc. shall pay the \$12,500 renewal license fee and any other outstanding fees as determined by the Board. The following Principals submitted applications for licensure in conjunction with Chester Downs and Eldorado's Petition along with required application fees:

- Colt Merger Sub, Inc.
- Caesars Growth Partners, LLC
- Caesars Resort Collection, LLC
- Carl Celian Icahn
- Beckton Corp.
- Icahn Enterprises L.P.
- Icahn Enterprises Holding L.P.
- IPHGPLLC
- Icahn Capital L.P.
- Icahn Onshore L.P.
- Icahn Offshore L.P.
- Icahn Partners L.P.
- Icahn Partners Master Fund L.P.
- James Nelson

- Keith Robert Cozza
- Janis L. Jones Blackhurst

Docket Number: 80792 and 8678-2019
Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-45 BOL

Motions: 1st-Board Member Mustio / 2nd-Board Member Smyler

The Board granted Video Gaming Terminal Establishment Licenses to C H R CORP., d/b/a RUTTER'S, Stores #17 (East Berlin), #77 (Duncannon), #81 (Leesport) and #96 (Milroy). C H R CORP., d/b/a Rutter's shall pay any outstanding fees as determined by the Board within 10 days and agrees to the Statement of Conditions evidenced by its signature. The following Principals and/or Key employees are the same for all Rutter Stores listed above. Applications and all applicable fees for licensure in conjunction with this application have been completed.

- Scott Hartman Docket # 111772
- Tim Rutter Docket # 111774-1
- Terrence Hartman Docket # 111777-1
- Todd Rutter Docket #111778-1
- Christopher Reed Docket # 111779-1
- Brian Roadarmel Docket #111780-1
- Jere Matthews Docket # 111781-1
- Robert Perkins Docket #111783-1

Docket Numbers: 1) Store 17 - 111788-1;

2) Store 77 - 125416-1; 3) Store 81 - 121379-1 and

4) Store 96 - 117852-1

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-46 BOL

**Motions:** 1st–Board Member Kernodle / 2nd–Board Member Santoni

The Board granted **EXTENSIONS** for the following Conditional Licenses:

- BETFAIR INTERACTIVE US, LLC—Conditional Sports Wagering Operator;
- GAN plc— Conditional iGaming Manufacturer;
- NETENT AMERICAS, LLC— Conditional iGaming Manufacturer;
- BETTER BETS VENTURES, LLC—Conditional VGT Operator;
- COMPASS GAMING, INC.—Conditional VGT Operator;
- M3 TECHNOLOGY SOLUTIONS, LLC—Conditional VGT Manufacturer and
- LOVE's TRAVEL STOPS & COUNTY STORE, INC., Store #324, Store #358, Store #366 and Store #407–Conditional VGT Establishments

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-47 BOL

**Motions:** 1<sup>st</sup>–Board Member Santoni / 2<sup>nd</sup>–Board Member Smyler The Board approved the following **PRINCIPAL** (2) **AND KEY** (2) Employee Licenses and a **GAMING SERVICE PROVIDER QUALIFIER** (1) as follows:

```
Chester Downs and Marina, LLC
Principal Affiliates
Initial

CIE Growth, LLC – Docket #110958-1

Caesars Interactive Entertainment, LLC - Docket #63022-1

Holdings Acquisition Co., L.P.
Key Employee
Initial

Mountainview Thoroughbred Racing Association, LLC
Key Employee
Initial

Endea Smith – Docket #111235-1

The Marshall Retail Group, LLC
Gaming Service Provider Qualifier
Initial

Matthew Alan Vonderahe, CFO – Docket #114141-1
```

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-48 BOL

**Motions:** 1st-Board Member Smyler / 2nd-Board Member Kernodle

The Board approved the issuance of TEMPORARY PRINCIPAL (7) AND TEMPORARY KEY (13) Employee

Credentials. (Note: information pertaining to the names of these individuals can be found in the Board Order.)

Board Decision: Passed by unanimous vote

### PGCB MOTION NO. 2020-49 BOL

**Motions:** 1st-Board Member Kernodle / 2nd-Board Member Logan

The Board approved the issuance of 537 GAMING EMPLOYEE OCCUPATION PERMITS and 129 NON-

**GAMING EMPLOYEE REGISTRATIONS.** (Note: information pertaining to the names of these individuals can be found in

the Board Order.)

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-50 BOL

**Motions:** 1st-Board Member Logan / 2nd-Board Member Mustio The Board **DENIED** the following Gaming Employee Applications:

**GAMING EMPLOYEES**Dion Schreirer – 122457-1
Brenda Gause – 123271-1

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-51 BOL

Motions: 1st-Board Member Mustio / 2nd-Board Member Smyler

The Board approved the WITHDRAWAL of the following G2 Employee Applications:

Facility/Entity/Name	App Type	Gaming ID #	App ID	OEC No Objection	BOL No Objection	Withdrawal Date
Sugarhouse HSP						
Adrienne Beato	G2	53797	3	x	x	10/2/2019
Lee Shamus	G2	65900	3	X	X	10/17/2019
Mount Airy #1, LLC						
William Greene	G2	48260	4	X	X	10/2/2019
Washington Trotting						
Joseph Ricci	G2	57053	4	x	X	10/17/2019

Board Decision: Passed by unanimous vote

#### PGCB MOTION NO. 2020-52 BOL

**Motions:** 1st–Board Member Mustio / 2nd–Board Member Santoni

The Board approved the **GAMING SERVICE PROVIDER CERTIFICATION** renewal application for Richard

Kendle Associates.

Docket Number: 79867-2

Board Decision: Passed by unanimous vote

## PGCB MOTION NO. 2020-53 BOL

**Motions:** 1st–Board Member Santoni / 2<sup>nd</sup>–Board Member Smyler

The Board approved the applications for **GAMING SERVICE PROVIDER REGISTRATION** as follows:

GID # 122514-1

GAMING SERVICE PROVIDER: Interactive Communications International, Inc., DBA; InComm FACILITY: PRODUCT/SERVICE: Payment service provider providing prepaid products and services

125057-1 GAMING SERVICE PROVIDER: Mark Knight FACILITY: DraftKings

PRODUCT/SERVICE: Promotion of online sportsbooks through multiple websites

71447-I

GAMING SERVICE PROVIDER: Philadelphia Protection Bureau, Inc., DBA: The Protection Bureau

Valley Forge FACILITY:

PRODUCT/SERVICE: Provide Electronic Security Services.

54498-3 GID #

GAMING SERVICE PROVIDER: TKO Pest Control, Inc. PRODUCT/SERVICE: Pest Control Services.

GID #

114174-1 GAMING SERVICE PROVIDER: Cognitee Systems Corporation

NVA

PRODUCT/SERVICE: Facial recognition software.

123250-1

GAMING SERVICE PROVIDER: Sport Betting St, LLC, DBA: SBST

Rush Street Interactive FACILITY: Affiliate marketing PRODUCT/SERVICE:

124914-1

GAMING SERVICE PROVIDER: On the Avenue Marketing Group, LLC

DraftKings FACILITY:

PRODUCT/SERVICE: Event marketing services

108605-2 GID #

GAMING SERVICE PROVIDER: Advanced Cleaning Solutions LLC

Mohegan PRODUCT/SERVICE: Institutial 122609-1 GID #

GAMING SERVICE PROVIDER: Commercial Streaming Solutions, Inc., DBA: KonekTV

FACILITY: Rush Street Interactive

Marketing of sports wagering products and services to brick and mortar venues PRODUCT/SERVICE:

GAMING SERVICE PROVIDER: Burkholder's Heating & Air Conditioning, Inc.

Wind Creek FACILITY:

Service, maintenance and installation of heating, ventilation and air conditioning PRODUCT/SERVICE:

equipment. 122391-1

GAMING SERVICE PROVIDER; RealIZ LLC Rush Street Interactive FACILITY: Online sports betting affiliate. PRODUCT/SERVICE:

117656-1

GAMING SERVICE PROVIDER: Igaming Cloud Inc, DBA: GIG Media

PRODUCT/SERVICE:

Affiliate services.

GAMING SERVICE PROVIDER: Vigit Techologies, LLC, DBA; Vig it, VigitSports.com

FACILITY: Rush Street Interactive PRODUCT/SERVICE: Mobile affiliate services.

**Board Decision:** Passed by unanimous vote

## OFFICE OF ENFORCEMENT COUNSEL

## PGCB MOTION NO. 2020-54 OEC

**Motions:** 1st-Board Member Kernodle / 2nd-Board Member Logan

The Board hereby approved the revocation of MANUELA ZINGARELLI's Gaming Level 2 Employee Occupation Permit.

Docket Number: 8806-2019

**Board Decision:** Passed by unanimous vote

#### The Board APPROVED the following additions to the PGCB Involuntary Exclusion List:

					UNANIMOUS	
MOTION #	RESPONDENT	DOCKET	FIRST	SECOND	BOARD	SPECIAL CONDITIONS
		#-2019			DECISION	
2020-55 OEC	VICTOR ROBINSON	8839	Logan	Mustio	Placed on List	
2020-56 OEC	CHARLES WALTERS	8673	Mustio	Kernodle	Placed on List	

# PGCB MOTION NO. 2020-57 OEC

**Motions:** 1<sup>st</sup>–Board Member Logan / 2<sup>nd</sup>–Board Member Santoni

The Board hereby approved the placement of **FULL DRAW LANDSCAPE DESIGN SERVICES, LLC** on the

Prohibited Gaming Service Provider List.

Docket Number: 8847-2019

Board Decision: Passed by unanimous vote

## **ADJOURNMENT**

On a motion b	y Board Member Santoni, seconded b	v Board Member Sm	vler, the meeting	g was adiourned.
	, , ,	,	) - ) (	<b>. .</b>