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STATE OF NEW JERSEY
CASINO CONTROL COMMISSION

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PUBLIC MEETING NO. 17-01-11

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Wednesday, January 11, 2017
Atlantic City Commission Offices
Joseph P. Lordi Public Meeting Room - First Floor
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401
10:40 a.m. to 3:22 p.m.

Certified Court Reporter: Darlene Sillitoe

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PUBLIC MEETING NO. 17-01-11

1 B E F O R E :

2 CASINO CONTROL COMMISSION:

MATTHEW B. LEVINSON, CHAIR

3 SHARON ANNE HARRINGTON, VICE CHAIR

ALISA COOPER, COMMISSIONER

4

PRESENT FOR THE CASINO CONTROL COMMISSION:

5 DARYL W. NANCE, ADMINISTRATIVE ANALYST

DANIEL J. HENEGHAN, PUBLIC INFORMATION OFFICER

6

OFFICE OF THE GENERAL COUNSEL:

7 DIANNA W. FAUNTLEROY, GENERAL COUNSEL/EXECUTIVE
SECRETARY

8 TERESA M. PIMPINELLI, SENIOR COUNSEL

ELIZABETH F. CASEY, SENIOR COUNSEL

9

OFFICE OF REGULATORY AFFAIRS:

10 GLENN T. MacFADDEN, SUPERVISOR, LICENSING

11 DIVISION OF GAMING ENFORCEMENT:

DAVID REBUCK, DIRECTOR

12 MARY JO FLAHERTY, ASSISTANT ATTORNEY GENERAL

LOUIS ROGACKI, ASSISTANT ATTORNEY GENERAL

13 DEPUTY ATTORNEYS GENERAL

TRACY E. RICHARDSON, DEPUTY ATTORNEY GENERAL

14 MARY CARBONI, DEPUTY ATTORNEY GENERAL

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PUBLIC MEETING NO. 17-01-11

1 A P P E A R A N C E S :

2 ITEM NO. 9 TERESA PIMPINELLI, SENIOR COUNSEL
 TRACY E. RICHARDSON, DEPUTY ATTORNEY
 3 GENERAL

4 FOX ROTHSCHILD, LLP
 PATRICK MADAMBA, ESQ.
 FOR: MARINA DISTRICT DEVELOPMENT
 5 COMPANY, LLC

6 ITEM NO. 10 TERESA PIMPINELLI, SENIOR COUNSEL
 TRACY E. RICHARDSON, DEPUTY ATTORNEY
 7 GENERAL

8 FOX ROTHSCHILD, LLP
 PATRICK MADAMBA, ESQ.
 FOR: MGM RESORTS INTERNATIONAL;
 9 AND TREASURER OF MIRAGE RESORTS, INC.,
 MAC, CORP., AND MARINA DISTRICT
 10 DEVELOPMENT COMPANY, LLC

11 ITEM NO. 12 ELIZABETH F. CASEY, SENIOR COUNSEL
 DAVID REBUCK, DIRECTOR
 12 MARY JO FLAHERTY, ASSISTANT ATTORNEY
 GENERAL
 13 LOUIS ROGACKI, ASSISTANT ATTORNEY GENERAL
 TRACY E. RICHARDSON, DEPUTY ATTORNEY
 14 GENERAL

COOPER LEVENSON
 15 LLOYD D. LEVENSON, ESQ.
 LYNNE KAUFMAN, ESQ.
 16 FOR: 500 BROADWAY

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PUBLIC MEETING NO. 17-01-11

		AGENDA	
		PUBLIC MEETING NO. 17-01-11	
		JANUARY 11, 2017, 10:40 a.m.	
ITEM		PAGE	VOTE
1	1	8	9
2	2	9	10
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4	4	10	11
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PUBLIC MEETING NO. 17-01-11

1	CONTINUED	AGENDA	PAGE	VOTE
2		PUBLIC MEETING NO. 17-01-11 JANUARY 11, 2017, 10:40 a.m.		
3	ITEM			
4	8	Consideration of the initial application of Peter K. Bottcher, Jr., for a casino key employee license and plenary qualification		adj.
5				
6	9	Petition of Marina District Development Company, LLC (d/b/a Borgata Hotel Casino & Spa) for the issuance of a temporary casino key employee license to Michael Woodside pursuant to NJSA 5:12-89(e) and to permit him pursuant to NJAC 13:69C-2.6 to assume the duties and exercise the powers of Vice President of Marketing pending plenary qualification (PRN 3471603)	17	20
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11	10	Consideration of the plenary qualification of Michael J. Carlotti to serve as Senior Vice President and Treasurer of MGM Resorts International; and Treasurer of Mirage Resorts, Inc., MAC, CORP., and Marina District Development Company, LLC	21	23
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15	11	Delegations of Authority to Commission Chairman and Commission Staff	24	29/30
16	12	In the Matter of the Petition of 500 Broadway, LLC, for Declaratory Ruling under NJSA 5:12-82	30	49
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PUBLIC MEETING NO. 17-01-11

6	<p>1 EXHIBITS</p> <p>2</p> <p>3 NUMBER DESCRIPTION EVD</p> <p>4 D-1 Response to the Petition of 500 X Broadway, LLC, for Declaratory Ruling under NJSA 5:12-81 (PRN 2431601) January 3, 2017</p> <p>5 (D-1 premarked) (Redaction Request)</p> <p>6 D-2 Amended and Restated Lease Agreement X (Hotel and Casino) May 26, 2016, (Received September 8, 2016)</p> <p>7 D-3 Letter, April 7, 2015, from Lloyd D. X Levenson to Kevin Garvey re: Polo North/Glenn Straub (D-9(a) premarked)</p> <p>8</p> <p>9 P-1 Amendment to Amended and Restated Revel X Hotel & Casino Lease Agreement January 11, 2017</p> <p>10</p> <p>11 (EXHIBITS WERE RETAINED BY THE COMMISSION.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	8
7	<p>1 (Public Meeting 17-01-11 was commenced 2 at 10:40 a.m.)</p> <p>3 MR. NANCE: Good morning. I'd like to 4 read an opening statement:</p> <p>5 This is to advise the general public 6 that in compliance with Chapter 231 of the 7 public laws of 1975 entitled "Senator Bryon M. 8 Baer Public Meeting Act," the New Jersey Casino 9 Control Commission on December 8th, 2016, filed 10 with the Secretary of State at the State House 11 in Trenton an annual meeting schedule. On 12 December 9, 2016, copies were mailed to 13 subscribers.</p> <p>14 Members of the press will be permitted 15 to take photographs. We ask that this be done 16 in a manner which is not disruptive or 17 distracting to the Commission.</p> <p>18 The use of cell phones in the public 19 meeting room while the Commission is in session 20 is prohibited.</p> <p>21 Any member of the public who wish to 22 address the Commission will be given the 23 opportunity to do so before the Commission 24 adjourns for the day.</p> <p>25 Please stand for the Pledge of</p>	9
6	<p>1 ITEM NO. 1</p> <p>2 Allegiance.</p> <p>3 (The Flag Salute was recited.)</p> <p>4 MS. FAUNTLEROY: Good morning.</p> <p>5 When I call your name, please answer for 6 the record, please.</p> <p>7 Commissioner Cooper?</p> <p>8 COMMISSIONER COOPER: Present.</p> <p>9 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>10 VICE CHAIR HARRINGTON: Here.</p> <p>11 MS. FAUNTLEROY: And Chairman Levinson?</p> <p>12 CHAIR LEVINSON: Here.</p> <p>13 MS. FAUNTLEROY: Thank you.</p> <p>14 Matters discussed in closed session this 15 morning included key license matters as well as 16 litigation update of the matter of 500 Broadway 17 versus Casino Control Commission.</p> <p>18 The first item on your agenda for 19 consideration is the ratification of the 20 minutes of December 7, 2016.</p> <p>21 CHAIR LEVINSON: Thank you.</p> <p>22 Do I have a motion to ratify the 23 minutes?</p> <p>24 COMMISSIONER COOPER: I'll make the 25 motion to ratify the minutes of December 7th,</p>	8
6	<p>1 ITEM NO. 2</p> <p>2 2016.</p> <p>3 CHAIR LEVINSON: Thank you.</p> <p>4 Is there a second?</p> <p>5 VICE CHAIR HARRINGTON: Second.</p> <p>6 CHAIR LEVINSON: Any discussion? (No response.)</p> <p>7 CHAIR LEVINSON: All those in favor? (Ayes.)</p> <p>8 CHAIR LEVINSON: Opposed? (No response.)</p> <p>9 CHAIR LEVINSON: Motion carries.</p> <p>10 MS. FAUNTLEROY: Second item for your 11 consideration is the annual election of the 12 Vice Chair.</p> <p>13 CHAIR LEVINSON: I'll make a motion to 14 nominate Sharon Harrington as Vice Chair of the 15 Commission until re-org meeting at January 16 2016.</p> <p>17 Is there a second?</p> <p>18 VICE CHAIR HARRINGTON: Second.</p> <p>19 CHAIR LEVINSON: Any discussion on this 20 matter? (No response.)</p> <p>21 CHAIR LEVINSON: All those in favor?</p>	9

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10	<p>1 ITEM NO. 3</p> <p>2 (Ayes.)</p> <p>3 CHAIR LEVINSON: Opposed?</p> <p>4 COMMISSIONER COOPER: Opposed.</p> <p>5 CHAIR LEVINSON: Motion carries.</p> <p>6 MS. FAUNTLEROY: Item No. 3 for your</p> <p>7 consideration are applications for initial</p> <p>8 casino key employee licenses.</p> <p>9 I will call Items A and B first. There</p> <p>10 is an objection with respect to Item C, and I</p> <p>11 will call that separately.</p> <p>12 For your consideration are Jennifer</p> <p>13 Gindt and Frank Pizzutilla, Jr.</p> <p>14 CHAIR LEVINSON: Thank you.</p> <p>15 I'll entertain a motion with respect to</p> <p>16 Items 3a and b only.</p> <p>17 COMMISSIONER COOPER: I'll -- excuse me.</p> <p>18 I'll make a motion to grant the initial two key</p> <p>19 casino employee licenses.</p> <p>20 CHAIR LEVINSON: Thank you.</p> <p>21 Is there a second?</p> <p>22 VICE CHAIR HARRINGTON: Second.</p> <p>23 CHAIR LEVINSON: Any discussion on</p> <p>24 these?</p> <p>25 (No response.)</p>	12
11	<p>1 ITEM NO. 3</p> <p>2 CHAIR LEVINSON: All those in favor?</p> <p>3 (Ayes.)</p> <p>4 CHAIR LEVINSON: Opposed?</p> <p>5 (No response.)</p> <p>6 CHAIR LEVINSON: Motion carries.</p> <p>7 MS. FAUNTLEROY: Thank you.</p> <p>8 Item 3c, Sumiti Sondhi, the Division has</p> <p>9 raised an objection and request for a</p> <p>10 conference.</p> <p>11 Staff supports that and recommends that</p> <p>12 the matter be remanded to the hearing process.</p> <p>13 CHAIR LEVINSON: Thank you.</p> <p>14 Commissioners, is there a motion on this</p> <p>15 matter?</p> <p>16 COMMISSIONER COOPER: Mr. Chairman, I'll</p> <p>17 move to remand for a hearing the initial casino</p> <p>18 key employee license application of Sumiti</p> <p>19 Sondhi.</p> <p>20 CHAIR LEVINSON: Thank you.</p> <p>21 Is there a second?</p> <p>22 VICE CHAIR HARRINGTON: Second.</p> <p>23 CHAIR LEVINSON: Any discussion on this?</p> <p>24 (No response.)</p> <p>25 CHAIR LEVINSON: All those in favor?</p>	13
	<p>1 ITEM NO. 4</p> <p>2 (Ayes.)</p> <p>3 CHAIR LEVINSON: Opposed?</p> <p>4 (No response.)</p> <p>5 CHAIR LEVINSON: Motion carries.</p> <p>6 MS. FAUNTLEROY: Thank you.</p> <p>7 Item No. 4 are applications for</p> <p>8 resubmitted casino key employee licenses. They</p> <p>9 are identified on your agenda as Items 4a</p> <p>10 through i.</p> <p>11 There are no objections to any of the</p> <p>12 matters for resubmission, and we recommend that</p> <p>13 they be granted.</p> <p>14 CHAIR LEVINSON: Thank you.</p> <p>15 Any questions regarding any of these</p> <p>16 matters?</p> <p>17 (No response.)</p> <p>18 CHAIR LEVINSON: Is there a motion?</p> <p>19 VICE CHAIR HARRINGTON: I move that we</p> <p>20 grant the nine resubmitted casino key employee</p> <p>21 licenses.</p> <p>22 CHAIR LEVINSON: Thank you.</p> <p>23 A second?</p> <p>24 COMMISSIONER COOPER: I'll second that.</p> <p>25 CHAIR LEVINSON: Any discussion on</p>	

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14	<p>1 ITEM NO. 6</p> <p>2 CHAIR LEVINSON: Thank you.</p> <p>3 MS. FAUNTLEROY: Item No. 6 are requests</p> <p>4 for inactivation of casino key employee</p> <p>5 licenses.</p> <p>6 They are identified on your agenda as</p> <p>7 Items 6a through l.</p> <p>8 Again, Mr. MacFadden will review those</p> <p>9 with you.</p> <p>10 MR. MacFADDEN: Thank you.</p> <p>11 Item 6 consists of 12 individuals who in</p> <p>12 lieu of filing a resubmission application have</p> <p>13 requested to be placed on the inactive list not</p> <p>14 to exceed five years.</p> <p>15 Staff is recommending granting the</p> <p>16 requested relief.</p> <p>17 CHAIR LEVINSON: Thank you.</p> <p>18 I'll entertain a motion on these</p> <p>19 matters.</p> <p>20 COMMISSIONER COOPER: I move to grant</p> <p>21 the requested relief and order that the 12</p> <p>22 casino key employee licenses be inactivated.</p> <p>23 CHAIR LEVINSON: Is there a second?</p> <p>24 VICE CHAIR HARRINGTON: Second.</p> <p>25 CHAIR LEVINSON: Any discussion on</p>	16	<p>1 ITEM NO. 8</p> <p>2 casino key employee license of these four</p> <p>3 individuals be allowed to lapse.</p> <p>4 CHAIR LEVINSON: Thank you.</p> <p>5 Is there a motion on these four?</p> <p>6 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>7 move to find that the four casino key employee</p> <p>8 licenses lapsed pursuant to NJAC 19:41A-6.1(f)</p> <p>9 of the regulation.</p> <p>10 CHAIR LEVINSON: Thank you.</p> <p>11 Any discussion?</p> <p>12 (No response.)</p> <p>13 CHAIR LEVINSON: All in favor?</p> <p>14 (Ayes.)</p> <p>15 CHAIR LEVINSON: Opposed?</p> <p>16 (No response.)</p> <p>17 CHAIR LEVINSON: Motion carries.</p> <p>18 MR. MacFADDEN: Thank you.</p> <p>19 MS. FAUNTLEROY: Thank you.</p> <p>20 CHAIR LEVINSON: Thank you.</p> <p>21 MS. FAUNTLEROY: Item No. 8 is the</p> <p>22 consideration of the initial application of</p> <p>23 Peter K. Bottcher, Jr., for a casino key</p> <p>24 employee license and for plenary qualification.</p> <p>25 There is a recommendation from the</p>
15	<p>1 ITEM NO. 7</p> <p>2 these?</p> <p>3 (No response.)</p> <p>4 CHAIR LEVINSON: All those in favor?</p> <p>5 (Ayes.)</p> <p>6 CHAIR LEVINSON: Opposed?</p> <p>7 (No response.)</p> <p>8 CHAIR LEVINSON: Motion carries.</p> <p>9 MS. FAUNTLEROY: Thank you.</p> <p>10 Item No. 7 for your consideration are</p> <p>11 the lapsing of casino key employee licenses</p> <p>12 identified on the agenda as Items 7a through d.</p> <p>13 Again, Glenn MacFadden will review those</p> <p>14 matters for your consideration.</p> <p>15 CHAIR LEVINSON: Thank you.</p> <p>16 MR. MacFADDEN: Thank you.</p> <p>17 Item 7 consists of four individuals</p> <p>18 whose casino key review employee deadline has</p> <p>19 passed and have neither filed the resubmission</p> <p>20 paperwork nor requested to be placed on the</p> <p>21 inactive list.</p> <p>22 Those individuals are: Paschal I.</p> <p>23 Barnard, Brandon N. Burbee, Thomas E. Robinson,</p> <p>24 and Anthony M. Roseto.</p> <p>25 Consequently, staff recommends the</p>	17	<p>1 ITEM NO. 9</p> <p>2 Division that Mr. Bottcher's license be denied.</p> <p>3 Staff has notified Mr. Bottcher of his</p> <p>4 request -- of his right to request a hearing.</p> <p>5 We have not received confirmation that he has</p> <p>6 received that notice. Therefore, we recommend</p> <p>7 that the matter be adjourned until the next</p> <p>8 meeting date.</p> <p>9 CHAIR LEVINSON: Okay. You want a</p> <p>10 motion?</p> <p>11 MS. FAUNTLEROY: No. That's fine.</p> <p>12 CHAIR LEVINSON: To adjourn?</p> <p>13 MS. FAUNTLEROY: It's administratively</p> <p>14 adjourned.</p> <p>15 CHAIR LEVINSON: Okay.</p> <p>16 MS. FAUNTLEROY: Item No. 9 is the</p> <p>17 Petition of Marina District Development</p> <p>18 Company, LLC, doing business as Borgata for the</p> <p>19 issuance of a temporary key employee license to</p> <p>20 Michael Woodside and for permission pursuant to</p> <p>21 NJAC 13:69C-2.6 for him to assume the duties</p> <p>22 and powers of Vice President of Marketing</p> <p>23 pending plenary qualification.</p> <p>24 Senior Counsel Teresa Pimpinelli will</p> <p>25 review that matter with you.</p>

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18	<p>1 ITEM NO. 9</p> <p>2 MS. PIMPINELLI: Good morning, Chairman</p> <p>3 and Commissioners.</p> <p>4 CHAIR LEVINSON: Good morning.</p> <p>5 MS. PIMPINELLI: As Miss Fauntleroy just</p> <p>6 indicated, Mr. Woodside is seeking a temporary</p> <p>7 casino key employee license and temporary</p> <p>8 qualification which would permit him to assume</p> <p>9 the duties and exercise the powers of Vice</p> <p>10 President of Marketing for Borgata.</p> <p>11 A draft resolution was distributed to</p> <p>12 the parties.</p> <p>13 I note counsel is present. I would ask</p> <p>14 that they enter their appearance.</p> <p>15 CHAIR LEVINSON: Thank you.</p> <p>16 Please enter your appearance.</p> <p>17 MR. MADAMBA: Patrick Madamba from Fox</p> <p>18 Rothschild on behalf of Marina District</p> <p>19 Development Company.</p> <p>20 CHAIR LEVINSON: Thank you.</p> <p>21 MS. RICHARDSON: Good morning, Chairman</p> <p>22 and Commissioners.</p> <p>23 CHAIR LEVINSON: Good morning.</p> <p>24 MS. RICHARDSON: Tracy Richardson,</p> <p>25 Deputy Attorney General for the Division of</p>	20	<p>1 ITEM NO. 9</p> <p>2 entertain a motion on this matter.</p> <p>3 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>4 move to approve the Petition and issue a</p> <p>5 temporary casino key employee license to</p> <p>6 Michael Woodside pursuant to NJSA 5:12-89(e)</p> <p>7 and permit him to assume the duties and</p> <p>8 exercise the powers of Vice President of</p> <p>9 Marketing for Marina District Development</p> <p>10 Company, LLC, pending plenary qualification and</p> <p>11 subject to the conditions contained in NJSA</p> <p>12 5:12-85.1c and NJAC 13:69C-2.6.</p> <p>13 CHAIR LEVINSON: Is there a second?</p> <p>14 VICE CHAIR HARRINGTON: Second.</p> <p>15 CHAIR LEVINSON: Any discussion on this</p> <p>16 matter?</p> <p>17 (No response.)</p> <p>18 CHAIR LEVINSON: This is a roll call</p> <p>19 vote.</p> <p>20 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>21 COMMISSIONER COOPER: Yes.</p> <p>22 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>23 VICE CHAIR HARRINGTON: Yes.</p> <p>24 MS. FAUNTLEROY: And Chairman Levinson?</p> <p>25 CHAIR LEVINSON: Yes.</p>
19	<p>1 ITEM NO. 9</p> <p>2 Gaming Enforcement.</p> <p>3 CHAIR LEVINSON: Thank you very much.</p> <p>4 MR. MADAMBA: We've reviewed the</p> <p>5 Commission's draft resolution, and it's</p> <p>6 acceptable in form and substance.</p> <p>7 We'll rely on our papers unless of you</p> <p>8 have any questions.</p> <p>9 We do have Mr. Woodside with us today if</p> <p>10 you do have any questions.</p> <p>11 CHAIR LEVINSON: Thank you.</p> <p>12 Welcome.</p> <p>13 Miss Richardson?</p> <p>14 MS. RICHARDSON: We notified you on</p> <p>15 December 23rd that we had no objection to Mr.</p> <p>16 Woodside's temporary key license or</p> <p>17 qualification.</p> <p>18 We've also reviewed the draft resolution</p> <p>19 and have no objections.</p> <p>20 Thank you.</p> <p>21 CHAIR LEVINSON: Thank you very much.</p> <p>22 Commissioners, do you have any questions</p> <p>23 for counsel?</p> <p>24 VICE CHAIR HARRINGTON: No.</p> <p>25 CHAIR LEVINSON: Hearing none, I'll</p>	21	<p>1 ITEM NO. 10</p> <p>2 MS. FAUNTLEROY: Thank you.</p> <p>3 Item No. 10 is the consideration of the</p> <p>4 plenary qualification --</p> <p>5 CHAIR LEVINSON: Thank you.</p> <p>6 MS. FAUNTLEROY: -- of Michael Carlotti</p> <p>7 to serve as Senior Vice President and Treasurer</p> <p>8 of MGM Resorts International, Treasurer of</p> <p>9 Mirage, Inc., MAC CORP., and Marina District</p> <p>10 Development Company, LLC.</p> <p>11 Again, Senior Counsel Teresa Pimpinelli</p> <p>12 will review that matter with you.</p> <p>13 CHAIR LEVINSON: Thank you.</p> <p>14 MS. PIMPINELLI: Chairman and</p> <p>15 Commissioners, as Miss Fauntleroy just</p> <p>16 indicated, this the consideration of the</p> <p>17 plenary qualification of Mr. Carlotti.</p> <p>18 On June 15th, 2016, the Commission</p> <p>19 granted him temporary qualification to serve as</p> <p>20 Senior Vice President and Treasurer of MGM and</p> <p>21 as Treasurer of MRI and MAC. On August 10th,</p> <p>22 the Commission granted him temporary</p> <p>23 qualification to also serve as Treasurer of</p> <p>24 Borgata.</p> <p>25 A draft resolution was distributed to</p>

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22	24
<p>1 ITEM NO. 10</p> <p>2 the parties.</p> <p>3 I note the presence of counsel. I ask</p> <p>4 that they enter their appearance.</p> <p>5 CHAIR LEVINSON: Thank you.</p> <p>6 MR. MADAMBA: Patrick Madamba from the</p> <p>7 law firm of Fox Rothschild on behalf of the</p> <p>8 Joint Petitioners.</p> <p>9 CHAIR LEVINSON: Thank you.</p> <p>10 MS. RICHARDSON: Tracy Richardson for</p> <p>11 the Division of Gaming Enforcement.</p> <p>12 CHAIR LEVINSON: Thank you.</p> <p>13 Mr. Madamba?</p> <p>14 MR. MADAMBA: We reviewed the</p> <p>15 Commission's draft regulations, and it's</p> <p>16 acceptable in form and substance.</p> <p>17 CHAIR LEVINSON: Thank you.</p> <p>18 MS. RICHARDSON: You have our report</p> <p>19 recommending Mr. Carlotti's qualification.</p> <p>20 We've also reviewed the draft resolution</p> <p>21 and have no objections.</p> <p>22 Thank you.</p> <p>23 CHAIR LEVINSON: Thank you very much.</p> <p>24 Commissioners, any questions for counsel</p> <p>25 on this matter?</p>	<p>1 ITEM NO. 11</p> <p>2 VICE CHAIR HARRINGTON: Yes.</p> <p>3 MS. FAUNTLEROY: And Chairman Levinson?</p> <p>4 CHAIR LEVINSON: Yes.</p> <p>5 Thank you.</p> <p>6 MR. MADAMBA: Thank you.</p> <p>7 MS. FAUNTLEROY: Item No. 11 are the</p> <p>8 review of Delegations of Authority to the</p> <p>9 Commission Chairman and to the commission</p> <p>10 staff.</p> <p>11 NJAC 19:40-2.5(a) provides that the</p> <p>12 Commission may in its discretion and where by</p> <p>13 permitted by law, delegate authority to perform</p> <p>14 any of its functions under the Casino Control</p> <p>15 Act to any of its members or to a staff</p> <p>16 designee.</p> <p>17 The full commission can periodically</p> <p>18 review those delegations to determine which</p> <p>19 should be retained and/or amended and that they</p> <p>20 are uniform and consistent with current</p> <p>21 statutory and regulatory provisions.</p> <p>22 The delegations were last reviewed in</p> <p>23 January of 2013.</p> <p>24 At this time, revisions to two of the</p> <p>25 Delegation of Authority resolutions are</p>
23	25
<p>1 ITEM NO. 10</p> <p>2 VICE CHAIR HARRINGTON: No.</p> <p>3 CHAIR LEVINSON: I'll entertain a motion</p> <p>4 on this.</p> <p>5 VICE CHAIR HARRINGTON: Mr. Chairman, I</p> <p>6 move that we adopt the draft resolution and</p> <p>7 find Michael J. Carlotti qualified to serve as</p> <p>8 Senior Vice President and Treasurer for MGM</p> <p>9 Resorts International and Treasurer of Mirage</p> <p>10 Resorts, Inc., MAC CORP, and Marina District</p> <p>11 Development Company, LLC, subject to the</p> <p>12 conditions contained in NJSA 5:12-85.1(c) and</p> <p>13 (d), NJSA 5:12-89b (1) and (2), and NJAC</p> <p>14 13:69C-2.7.</p> <p>15 CHAIR LEVINSON: Thank you.</p> <p>16 Is there a second?</p> <p>17 COMMISSIONER COOPER: I'll second that.</p> <p>18 CHAIR LEVINSON: Any further discussion</p> <p>19 on this?</p> <p>20 (No response.)</p> <p>21 CHAIR LEVINSON: This, too, is a roll</p> <p>22 call vote.</p> <p>23 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>24 COMMISSIONER COOPER: Yes.</p> <p>25 MS. FAUNTLEROY: Vice Chair Harrington?</p>	<p>1 ITEM NO. 11</p> <p>2 proposed. The Chairman/CEO and the Director of</p> <p>3 Regulatory Affairs. The remaining delegations</p> <p>4 to the Executive Secretary and the General</p> <p>5 Counsel are presented for re adoption, but are</p> <p>6 unchanged.</p> <p>7 With respect to the Chairman/CEO's</p> <p>8 delegation, the proposed amendment would, in</p> <p>9 essence, be incorporating a delegation that was</p> <p>10 granted in May of 2016 to enter an interim</p> <p>11 suspension of a casino key employee license</p> <p>12 upon a petition of the Division seeking a</p> <p>13 suspension and revocation of a key employee</p> <p>14 license.</p> <p>15 Under that delegation, upon the petition</p> <p>16 of the Division and for good cause, the</p> <p>17 Chairman could grant that suspension. The</p> <p>18 final determination regarding the final</p> <p>19 suspension would be considered by the full</p> <p>20 commission at a scheduled public meeting.</p> <p>21 As indicated, it is proposed that this</p> <p>22 delegation be incorporated into the existing</p> <p>23 delegation and be readopted accordingly.</p> <p>24 The Director of Regulatory Affairs</p> <p>25 amendments are proposed as follows: With</p>

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<p style="text-align: right;">26</p> <p>1 ITEM NO. 11 2 respect to Provision 1, while the Delegated 3 Authority to approve residency waivers remains 4 as in the existing delegation, the proposed 5 amendment clarifies that that authority 6 includes the authority to determine residency 7 along with the authority to approve residency 8 waivers. 9 A typographical error was corrected in 10 Paragraph 2. No changes were proposed to 11 Paragraph 3. A new Paragraph 4 is proposed. 12 That paragraph now proposes that Delegated 13 Authority be granted to lapse inactive casino 14 key employee licenses that are not reactivated 15 before the end of the five-year license cycle. 16 As you know, the first group of inactive 17 license statuses are coming up in 2017. 18 A new Paragraph 5 is proposed that would 19 provide the authority to the Director to 20 determine conditional expiration dates and to 21 extend conditional expiration dates to coincide 22 with employment authorization issued by the 23 Federal Government. Historically these 24 determinations have been made by licensing 25 staff. However, the expressed delegation would</p>	<p style="text-align: right;">28</p> <p>1 ITEM NO. 11 2 With that -- with those amendments being 3 noted, it's proposed that those be adopted. 4 (There was a cell phone interruption.) 5 MS. FAUNTLEROY: Again, the General 6 Counsel Delegation, as well as the Executive 7 Secretary Delegation are unamended and are 8 proposed as readoption with a new resolution 9 number, but unchanged substantively. 10 I will entertain any questions that 11 either of you may have with respect to that 12 very longwinded presentation. 13 CHAIR LEVINSON: So Commissioners, 14 any -- I know we had previously questions. Any 15 other questions you would like to have on this? 16 (No response.) 17 CHAIR LEVINSON: Hearing none, I'll 18 entertain a motion with respect to the first 19 two delegated resolutions. 20 COMMISSIONER COOPER: Mr. Chairman, I 21 move to adopt the amended resolutions 22 Delegating Authority to perform certain 23 functions, this being the Chairman/CEO and the 24 Director of Regulatory Affairs. 25 CHAIR LEVINSON: Thank you.</p>
<p style="text-align: right;">27</p> <p>1 ITEM NO. 11 2 formalize the agency's longstanding practice. 3 There's no change to Paragraph 6 other 4 than it being relabel -- excuse me. No change 5 to Paragraph 6 other than it be relabeled from 6 Paragraph 4. 7 Paragraph 7 was previously Paragraph 5. 8 The delegation is amended to clarify the 9 determination whether a key license applicant 10 has established his or her identity to a 11 reasonable certainty is made prior to the 12 formal acceptance of an application. 13 Paragraph 8 was previously Paragraph 6. 14 It is renumbered accordingly. 15 Additionally, the Delegation is amended 16 to add authority to approve changes to the 17 formatting of licensing reports and lists 18 published by the Commission. Again, 19 historically those determinations have been 20 made by licensing staff and the proposed 21 delegation formalizes that practice. 22 New Paragraph 9 was previously labeled 23 as Paragraph 7. A typographically error was 24 corrected. However, no substantive changes are 25 proposed.</p>	<p style="text-align: right;">29</p> <p>1 ITEM NO. 11 2 Is there a second? 3 VICE CHAIR HARRINGTON: Second. 4 CHAIR LEVINSON: Any discussion further? 5 (No response.) 6 CHAIR LEVINSON: This a roll call vote. 7 MS. FAUNTLEROY: Commissioner Cooper? 8 COMMISSIONER COOPER: Yes. 9 MS. FAUNTLEROY: Vice Chair Harrington? 10 VICE CHAIR HARRINGTON: Yes. 11 MS. FAUNTLEROY: And Chairman Levinson? 12 CHAIR LEVINSON: Yes. 13 Any questions regarding the Executive 14 Secretary, General Counsel Delegations? 15 (No response.) 16 CHAIR LEVINSON: If not, I'll entertain 17 a motion on those. 18 COMMISSIONER COOPER: Mr. Chairman, I 19 move to readopt the resolutions Delegating 20 Authority to perform certain functions to the 21 Executive Secretary and the General Counsel. 22 CHAIR LEVINSON: Thank you. 23 Is there a second? 24 VICE CHAIR HARRINGTON: Second. 25 CHAIR LEVINSON: Any discussion on these</p>

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30	<p>1 ITEM NO. 12</p> <p>2 matters?</p> <p>3 (No response.)</p> <p>4 CHAIR LEVINSON: This is a roll call</p> <p>5 vote.</p> <p>6 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>7 COMMISSIONER COOPER: Yes.</p> <p>8 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>9 VICE CHAIR HARRINGTON: Yes.</p> <p>10 MS. FAUNTLEROY: And Chairman Levinson?</p> <p>11 CHAIR LEVINSON: Yes.</p> <p>12 MS. FAUNTLEROY: Thank you.</p> <p>13 CHAIR LEVINSON: Thank you.</p> <p>14 (Conferring.)</p> <p>15 MS. FAUNTLEROY: Item No. 12 is the</p> <p>16 Petition of 500 Broadway, LLC, for Declaratory</p> <p>17 Ruling under NJSA 5:12-82.</p> <p>18 Senior Counsel Liz Casey will present</p> <p>19 that matter for you.</p> <p>20 MS. CASEY: Good morning, Chairman,</p> <p>21 Commissioners.</p> <p>22 CHAIR LEVINSON: Good morning.</p> <p>23 MS. CASEY: Before you is a petition of</p> <p>24 500 Broadway, LLC, for a Declaratory Ruling</p> <p>25 under NJSA 5:12-82 seeking a determination from</p>	32	<p>1 ITEM NO. 12</p> <p>2 been raised as to the admissibility and</p> <p>3 relevance of these exhibits.</p> <p>4 In addition, there has been sealing</p> <p>5 requests as to these exhibits.</p> <p>6 CHAIR LEVINSON: Okay. What we have</p> <p>7 before us today is a request for 500 Broadway</p> <p>8 for a Declaratory Ruling on whether it needs</p> <p>9 any kind of gaming-related license in virtue of</p> <p>10 its lease of certain parts of the property of</p> <p>11 Revel North Beach -- to Revel North Beach for</p> <p>12 use as a casino hotel.</p> <p>13 In preparation for that, as Liz stated,</p> <p>14 there are documents each party wants to</p> <p>15 introduce to support their respective</p> <p>16 positions. Both parties disagree on which</p> <p>17 items are admissible as relevant, or need to be</p> <p>18 redacted. We cannot move forward on these</p> <p>19 legal issues at hand until we resolve the</p> <p>20 evidentiary issues.</p> <p>21 This agency was prepared to handle both</p> <p>22 of these issues today so that the process could</p> <p>23 move forward without delay. But at 1:30</p> <p>24 yesterday afternoon, the Petitioner notified of</p> <p>25 changes to the lease agreement and only filed</p>
31	<p>1 ITEM NO. 12</p> <p>2 the Commission that the Petitioner is not</p> <p>3 required to obtain a casino license or a casino</p> <p>4 service industry enterprise license.</p> <p>5 The parties are represented, and I would</p> <p>6 ask that they enter their representation on the</p> <p>7 record.</p> <p>8 CHAIR LEVINSON: Thank you.</p> <p>9 MS. KAUFMAN: Yes. Lynne Kaufman,</p> <p>10 Cooper Levenson and --</p> <p>11 MR. LEVENSON: Lloyd Levenson, Cooper</p> <p>12 Levenson.</p> <p>13 MS. FLAHERTY: Yes. Mary Jo Flaherty,</p> <p>14 Assistant Attorney General, the Division of</p> <p>15 Gaming Enforcement. And Tracy Richardson,</p> <p>16 Deputy Attorney General, appearing with me as</p> <p>17 well.</p> <p>18 CHAIR LEVINSON: Thank you.</p> <p>19 MS. CASEY: Commissioners, this morning,</p> <p>20 Petitioner, 500 Broadway, filed an Executed</p> <p>21 Amendment for the lease agreement that is the</p> <p>22 subject of to this petition.</p> <p>23 In addition, the parties have proposed a</p> <p>24 number of exhibits to be entered for</p> <p>25 consideration in this matter. Objections have</p>	33	<p>1 ITEM NO. 12</p> <p>2 copies of the revised lease at 8:53 this</p> <p>3 morning.</p> <p>4 This petition was filed back in August,</p> <p>5 and this Commission has been ready and willing</p> <p>6 to address the issues for some time.</p> <p>7 We received a response of from the</p> <p>8 Division of Gaming Enforcement eight days ago,</p> <p>9 and we moved immediately to put it on the</p> <p>10 agenda for today.</p> <p>11 Keep in mind the Applicant has alleged</p> <p>12 that this commission has delayed consideration</p> <p>13 of this petition and has filed suit against us.</p> <p>14 The Petitioner as criticized us for delay when,</p> <p>15 in fact, he continues to submit material</p> <p>16 documents relevant to this matter at the 11th</p> <p>17 hour.</p> <p>18 I am frustrated at the Petitioner's</p> <p>19 effort to portray the regulatory agency of</p> <p>20 causing delay. The Division of Gaming</p> <p>21 Enforcement has worked diligently and the staff</p> <p>22 of the Commission has acted quickly and</p> <p>23 professionally to address these matters.</p> <p>24 I can assure you, if there is any future</p> <p>25 delay in this matter, it will not be our doing.</p>

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<p style="text-align: right;">34</p> <p>1 ITEM NO. 12 2 We have not had the opportunity to fully 3 review the lease amendments, final copies which 4 were received at 8:53 this morning. And the 5 Division of Gaming Enforcement has not had a 6 chance to respond to let us know the 7 amendments' change and their legal analysis of 8 them. As a result, we will not consider the 9 relief request for the Petition today. 10 Having said that, the revisions to the 11 lease agreement that we received today, while 12 potentially significant, do not impact our 13 analysis of what is or is not admissible. 14 While we could defer consideration of this 15 entire matter today, there's no reason to put 16 off the consideration of the evidentiary 17 issues. We can resolve those now. 18 Therefore, I would move that we go into 19 executive session with the parties to discuss 20 what evidence is or is not relevant and what 21 evidence should or should not be redacted. At 22 the conclusion of that executive session, I 23 respectfully would adopt an order that spells 24 out our ruling, and then we will adjourn the 25 matter for the day. We will reconvene this</p>	<p style="text-align: right;">36</p> <p>1 ITEM NO. 12 2 comments that with the inclusion of the parking 3 garage and some casino equipment, that that 4 would basically weaken, if not destroy, our 5 Petition for relief. So we drafted an 6 Amendment, as I said, to accept basically a 7 half a page on those limited -- limited to 8 those two areas. And so I think it needed to 9 be stated on the record. 10 Also, one of the problems is Mr. Straub 11 was away and outside Atlantic City, and it was 12 difficult to get connection with him in order 13 to go over that. And, of course, we had to 14 have Mr. Landino also sign the Amendment. So, 15 you know, it was only, you know, basically 16 eight days or so since the Division pointed out 17 the issues that they had, and they had a bunch 18 of them, but we thought two of them had merit. 19 So that's why we made the change. 20 We certainly did not intentionally wait 21 until the 11th hour to submit something to you. 22 But I just wanted the gravity of the Amendments 23 take up, you know, three-quarters of one page. 24 Thank you. 25 MS. FLAHERTY: Yes, Chairman and</p>
<p style="text-align: right;">35</p> <p>1 ITEM NO. 12 2 matter at a later date to consider the requests 3 for the Declaratory Ruling. 4 So that being said, I would entertain a 5 motion to go into an executive session. 6 MR. LEVENSON: May I be heard before -- 7 CHAIR LEVINSON: Yes. 8 MR. LEVENSON: I'd just like to be heard 9 on the lease amendment matter as well, if that 10 be possible. 11 CHAIR LEVINSON: Sure. 12 MS. FLAHERTY: Thank you. 13 MR. LEVENSON: Just so it's a matter of 14 public record, Mr. Chairman and members of the 15 Commission, the Amendment that you're speaking 16 of doesn't take up even one page of a 17 letter-size piece of paper. So I didn't want 18 the public or anybody else who has not seen the 19 Amendment to think that this was a wholesale 20 amendment to a 50-page lease that you have had 21 and the Division has had for many months. 22 So I'm not arguing with you. I just 23 think it's -- in all fairness, that based on 24 the Division's brief, we re-looked at the 25 lease, and we agreed with a couple of their</p>	<p style="text-align: right;">37</p> <p>1 ITEM NO. 12 2 Commissioners. Thank you for the opportunity 3 to address this matter. 4 The action of the last-minute filing of 5 this amendment to the lease comes across as a 6 ploy. There's no excuse for such conduct. We 7 had prehearing conferences that were lengthy on 8 Friday, January 6th, as well as Monday, January 9 9th, with commission staff, with General 10 Counsel supervising those. And there was no 11 mention whatsoever of any such document coming 12 in. 13 Basically the submission of this matter 14 on the eve of the hearing, I think, was meant 15 to surprise, confuse, distract the proceeding, 16 and to provide an advantage to the Petitioner. 17 We find the conduct to be disrespectful to the 18 Commission and to the practice of law before 19 it. And the actions serve as a poor example to 20 that practice which, hopefully, will not be 21 repeated by others. 22 The Division's Response to the Petition 23 is not for the purpose of providing legal 24 advice to the Petitioner or to its counsel, and 25 such advice should not need to come from the</p>

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<p style="text-align: right;">38</p> <p>1 ITEM NO. 12 2 Division. The issue should have been addressed 3 long ago as this lease has been in place since 4 the spring. 5 Furthermore and nevertheless, the 6 standard for objection is prejudice to the 7 other party caused by a late submission. Here 8 there does not appear to be any. The Amendment 9 may indeed bolster the Division's position that 10 500 Broadway requires licensure. It certain -- 11 certainly greatly expands 500 Broadway's role 12 as a lessor which requires licensure, as does 13 the ownership -- continued ownership of gaming 14 equipment. 15 The Amendment is also apparently 16 meaningless because of the leased premises may 17 be altered, expanded, or reduced from time to 18 time under Section 1v. I'm sorry -- iv -- as 19 we have just seen. So we are really just 20 dealing with a moving target which will be 21 unknown from time to time. 22 Even though the Division, as stated in 23 our Petition Response has advised the parties 24 to the lease of issues concerning the amended 25 lease provisions over many months, those</p>	<p style="text-align: right;">40</p> <p>1 ITEM NO. 12 2 those two gentleman to get it -- to get it 3 right. You know, when you propose something to 4 them, you know, it's not something where you 5 just hand them an amended lease, and they just 6 say, sure. Where do I sign? I mean, it's a 7 process of explaining to them what it means. 8 Neither one of those gentlemen are attorneys. 9 And this is a very complicated lease. 10 It's a very complicated situation. The 11 sections of the Casino Control Act are 12 complicated when it comes to Section 82. 13 There's places where they are contradictory to 14 each other in that section. So this is not 15 just a simple matter. 16 And there was no intent to deceive the 17 Commission, to try to certainly as a ploy. You 18 know, with all due respect, I've been doing 19 this for over 30 years, and I don't think my 20 reputation before this commission is that I 21 play games and try to submit things at the last 22 minute. That was the time that we got the 23 consent of both parties, so we submitted it. 24 If it needs to be heard at another time, 25 that's -- that's your judgment to be heard</p>
<p style="text-align: right;">39</p> <p>1 ITEM NO. 12 2 matters have not been fully addressed, noting 3 that the lease provisions are not before the 4 Commission for approval in this matter. 5 Despite the change to Section 1 6 regarding parking, the contradictive and 7 unclear nature of the lease's parking 8 provisions overall continue to be a matter of 9 confusion and concern. 10 And so with that, we would, you know, go 11 forward with the proceeding. 12 CHAIR LEVINSON: Thank you. 13 MR. LEVENSON: Mr. Chairman, I would ask 14 for a moment to respond since I -- my ploy 15 didn't work, obviously. And I object 16 vehemently to the comments of Miss Flaherty. 17 She's basically saying this was some 18 intentional act to try to -- what did she say? 19 Confuse and distract and the like. 20 You know, this -- this is a big place. 21 I have two parties, Mr. Landino and Mr. Straub, 22 that have to agree on everything because it's a 23 lease. And it's a -- you know, it's important 24 not only to the City of Atlantic City but the 25 State of New Jersey, and it's important to</p>	<p style="text-align: right;">41</p> <p>1 ITEM NO. 12 2 another time. But I object vehemently being 3 called someone who's trying to mis -- 4 misrepresent, disrespect, distract, and all the 5 other words that were used by Miss Flaherty. 6 What we did is we submitted an item as soon as 7 we had it, and that's when Mr. Landino was able 8 to get it signed yesterday and Mr. Straub was 9 out of town. And with no access to a -- any 10 kind of technology which he could sign. So he 11 was in my office at 8:15 this morning, signed 12 it, and we got it in. 13 So thank you for the opportunity to be 14 heard. 15 MS. FLAHERTY: Just to reply, Petitioner 16 wanted this matter heard. They knew the 17 scheduling. They are required to, you know, 18 comply with what needs to be done. To not have 19 alerted counsel ahead of time that this was 20 coming in, I just don't understand. And I've 21 made my comments. 22 CHAIR LEVINSON: Thank you. 23 MS. FLAHERTY: There's a professionalism 24 involved here. 25 CHAIR LEVINSON: So hearing that the</p>

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42	1 ITEM NO. 12 2 process was causing the delay, again, I will 3 make a motion to go into the executive session 4 to at least finish what we can finish today so 5 that we're not holding up anything, and we can 6 get this process going. 7 So do I have a -- is there a motion? 8 COMMISSIONER COOPER: Motion. 9 VICE CHAIR HARRINGTON: I'll second. 10 CHAIR LEVINSON: I'm -- okay. Sorry. 11 All those in favor? 12 (Ayes.) 13 CHAIR LEVINSON: Opposed? 14 (No response.) 15 CHAIR LEVINSON: All right. Motion 16 carries. 17 At this time we're going to close the 18 public meeting and keep it just for the 19 executive session. Dianna, just make sure 20 everything is -- 21 MS. FAUNTLEROY: Uh-hum. 22 CHAIR LEVINSON: Okay. Thank you. 23 MS. FAUNTLEROY: Yeah. I don't know. 24 Logistically, the closed session will occur in 25 here, so we will ask that everyone vacate this	44	1 ITEM NO. 12 2 than 2:30? 3 MR. LEVENSON: I don't care about lunch, 4 so I don't need lunch. So unless you guys need 5 lunch. 6 MS. FLAHERTY: We're fine. 7 MR. LEVENSON: Yeah. They have yogurt. 8 (Laughter.) 9 MS. FAUNTLEROY: That was my 10 recommendation. That it's at your discretion. 11 MR. LEVENSON: Lynne has kale, so. 12 CHAIR LEVINSON: Would 2:30 give us 13 enough time to get a this all together? 14 MS. FAUNTLEROY: Yes. 15 CHAIR LEVINSON: Okay. So we will 16 reconvene at 2:30 today. Thank you. 17 (A recess was taken from 12:50 to 3:13 18 p.m. at which time the Public Meeting 17-01-11 19 reconvened.) 20 CHAIR LEVINSON: Good afternoon, 21 everybody. I'm just going to proceed? 22 MS. FAUNTLEROY: Uh-hum. 23 CHAIR LEVINSON: All right. 24 I'd like to thank everybody for their 25 patience today.
43	1 ITEM NO. 12 2 room, please. 3 (A recess was taken from 11:10 to 11:22 4 a.m., at which time an Executive session was 5 held until 12:48 p.m.) 6 CHAIR LEVINSON: Back on the record. 7 MS. FAUNTLEROY: Yeah. 8 CHAIR LEVINSON: Wow. There's more 9 people coming. 10 All right. So we are out of Executive 11 Session. We have heard arguments on both 12 sides. We are now going into recess to go over 13 what was said and come back with the decision 14 and order. So at this time I'm going to call 15 for a recess until we can get this all squared 16 away. So thank you very much and sorry for 17 in-and-outs. 18 MR. LEVENSON: How long will the recess 19 be, approximately? 20 MS. FAUNTLEROY: That's -- 21 CHAIR LEVINSON: Dianna, Liz, do you 22 have an idea what's -- 23 MS. FAUNTLEROY: Well, I would include 24 in that recess an opportunity for the litigants 25 to have lunch. So I would recommend no sooner	45	1 ITEM NO. 12 2 As I noted earlier, we were not able to 3 address the main issue in this petition today. 4 Yes, we did get a one-page amendment to the 5 lease on this matter just this morning, but I 6 believe that it's disingenuous to suggest that 7 because it's only one single page that's an 8 insignificant amendment. It made substantive 9 changes to sections of a very complex lease. 10 Those changes didn't impact the 11 evidentiary issues which we had to address in 12 executive session, but they did force us to 13 defer considerations of the main issue. 14 We were fully prepared to handle that 15 matter. The Division of Gaming Enforcement was 16 fully prepared to handle this matter. And the 17 delay was caused solely by the Petitioner's 18 action to file this late amendment. 19 With that said, during the executive 20 session, we heard extensive arguments from the 21 Petitioner and the Division regarding the 22 admissibility of proposed exhibits and the 23 sealings of portions of proposed exhibits. 24 I must say that I understand what the 25 Division's arguments regarding licensing

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46	<p>1 ITEM NO. 12</p> <p>2 reports and why it believes that the</p> <p>3 information contained in those reports should</p> <p>4 be considered by the Commission. However, I</p> <p>5 don't believe that that is necessarily relevant</p> <p>6 for the consideration of the matter before us.</p> <p>7 Accordingly, I propose that an order be</p> <p>8 entered as follows. And I'll have Miss</p> <p>9 Fauntleroy read the order.</p> <p>10 MS. FAUNTLEROY: Okay. The proposed</p> <p>11 order for your consideration reads as follows:</p> <p>12 500 Broadway, LLC, Petitioner, having</p> <p>13 petitioned to the New Jersey Casino Control</p> <p>14 Commission for a Declaratory Ruling under NJSA</p> <p>15 5:12-82; and the Division of Gaming Enforcement</p> <p>16 having filed opposition to the requested relief</p> <p>17 and proposed the introduction of 23 documents</p> <p>18 in support of its position; and Petitioner</p> <p>19 having proposed the introduction of one</p> <p>20 document in support of its position; and</p> <p>21 Petitioner having raised an objection to the</p> <p>22 inclusion of various documents as part of</p> <p>23 Division's argument for the Commission on the</p> <p>24 Petition; and the Commission having considered</p> <p>25 the admissibility, relevance of the documents</p>	48	<p>1 ITEM NO. 12</p> <p>2 500 Broadway, LLC, dated September 9, 2016.</p> <p>3 It is further ordered that the following</p> <p>4 document may be introduced for admission but</p> <p>5 shall be subject to sealing as specified:</p> <p>6 Exhibit D-1, Response to the Petition of</p> <p>7 500 Broadway, LLC, for Declaratory Ruling under</p> <p>8 NJSA 5:12-82, dated January 3, 2017.</p> <p>9 Legal Argument, Sections I-III on Pages</p> <p>10 3 through 8 shall be sealed. The issues and</p> <p>11 arguments raised in these sections of the</p> <p>12 Division's Response shall be sealed.</p> <p>13 Additionally, the parties shall not make</p> <p>14 any reference to the issue and arguments raised</p> <p>15 in Sections I-III of the legal argument portion</p> <p>16 of the Division's Response during oral</p> <p>17 argument.</p> <p>18 The Division may reference the timeline</p> <p>19 regarding the application for a casino license</p> <p>20 and the Petition. The Division may reference</p> <p>21 that it undertook an investigation and filed</p> <p>22 reports, which included recommendations without</p> <p>23 reference to the nature or substance of its</p> <p>24 recommendations.</p> <p>25 The Division may not argue or discuss</p>
47	<p>1 ITEM NO. 12</p> <p>2 in executive session at its public meeting on</p> <p>3 January 11, 2017;</p> <p>4 It is on this 11th day of January 2017,</p> <p>5 ordered that the following documents and all</p> <p>6 references to the documents or their contents</p> <p>7 are not relevant to the matter before the</p> <p>8 Commission and are not subject to admission in</p> <p>9 this matter:</p> <p>10 And they include Exhibit D-2, Report to</p> <p>11 the Commission on the application of 500</p> <p>12 Broadway, LLC, for a casino license, dated</p> <p>13 September 9, 2016.</p> <p>14 Exhibit D-3, Report on the</p> <p>15 Qualifications of Glenn Straub, President of</p> <p>16 500 Broadway, LLC, and President and 100</p> <p>17 percent owner of Polo North Country Club, Inc.,</p> <p>18 dated September 9, 2016.</p> <p>19 Exhibit D-4, Report on the</p> <p>20 Qualifications of Craig Galle, Secretary of 500</p> <p>21 Broadway, LLC, and Polo North Country Club,</p> <p>22 Inc., dated September 29, 2016.</p> <p>23 And Exhibit D-5, Report on the</p> <p>24 Qualifications of Tara Lordi, Vice President</p> <p>25 and Chief Operating Officer and Secretary of</p>	49	<p>1 ITEM NO. 12</p> <p>2 the substance of the reports found in Exhibit</p> <p>3 D-2, D-3, D-4, and D-5.</p> <p>4 It is further ordered that the following</p> <p>5 documents may be introduced for admission but</p> <p>6 shall be subject to sealing as specified.</p> <p>7 References to the specific monetary figures</p> <p>8 shall be sealed. Reference to the square</p> <p>9 footage and structure of lease payments shall</p> <p>10 not be sealed.</p> <p>11 That goes as to Exhibit D-6, Revel Hotel</p> <p>12 & Casino Lease Agreement, original lease, May</p> <p>13 26, 2016.</p> <p>14 Exhibit D-7, Amended and Restated Revel</p> <p>15 Hotel & Casino Lease Agreement, the amended</p> <p>16 lease, May 26, 2016, received June 16, 2016.</p> <p>17 Exhibit D-8, Amended and Restated Lease</p> <p>18 Agreement, Hotel & Casino, May 26th, 2016,</p> <p>19 received September 8, 2016.</p> <p>20 It is further ordered that the following</p> <p>21 documents shall be sealed pending the decision</p> <p>22 of the Casino Control Commission in the</p> <p>23 underlying Petition for Declaratory Ruling, at</p> <p>24 which time the Division of Gaming Enforcement</p> <p>25 reserves the right to move to unseal the</p>

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50	<p>1 ITEM NO. 12</p> <p>2 documents.</p> <p>3 They are collectively identified on the</p> <p>4 proposed order. They are sequential. Exhibits</p> <p>5 D-9(a) through D-9(o).</p> <p>6 I won't restate them for the record.</p> <p>7 CHAIR LEVINSON: Thank you.</p> <p>8 MS. FAUNTLEROY: It is further ordered</p> <p>9 that with the consent of the parties, Exhibit</p> <p>10 P-1 shall be admissible in its entirety.</p> <p>11 CHAIR LEVINSON: Thank you.</p> <p>12 Do I have a motion?</p> <p>13 VICE CHAIR HARRINGTON: So moved.</p> <p>14 CHAIR LEVINSON: Is it seconded?</p> <p>15 COMMISSIONER COOPER: I'll second it.</p> <p>16 CHAIR LEVINSON: Thank you.</p> <p>17 This is a roll call vote.</p> <p>18 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>19 COMMISSIONER COOPER: Yes.</p> <p>20 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>21 VICE CHAIR HARRINGTON: Yes.</p> <p>22 MS. FAUNTLEROY: And Chairman Levinson?</p> <p>23 CHAIR LEVINSON: Yes.</p> <p>24 This is now time, the public</p> <p>25 participation of the meeting.</p>	52	<p>1</p> <p>2 COMMISSIONER COOPER: I'll make the</p> <p>3 motion.</p> <p>4 CHAIR LEVINSON: Second?</p> <p>5 VICE CHAIR HARRINGTON: Second.</p> <p>6 CHAIR LEVINSON: All those in favor?</p> <p>7 (Ayes.)</p> <p>8 CHAIR LEVINSON: Meeting adjourned.</p> <p>9 Thank you very much. Thank you for your</p> <p>10 patience.</p> <p>11 (The Public Meeting 17-01-11 was</p> <p>12 adjourned at 3:22 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
51	<p>1</p> <p>2 MS. FAUNTLEROY: Wait. One second.</p> <p>3 CHAIR LEVINSON: I'm sorry.</p> <p>4 MS. FAUNTLEROY: In accordance with</p> <p>5 Resolution 16-12-07-03, the next closed session</p> <p>6 shall be held on Wednesday, February 8, 2017,</p> <p>7 at 9:30 a.m. in the Commission offices.</p> <p>8 CHAIR LEVINSON: Thank you.</p> <p>9 MS. FAUNTLEROY: It looks like -- is</p> <p>10 someone raising a dispute?</p> <p>11 MS. FLAHERTY: I was just going to put</p> <p>12 on the record that we respectfully reserve our</p> <p>13 right to appeal.</p> <p>14 CHAIR LEVINSON: Thank you.</p> <p>15 MS. FLAHERTY: Thank you very much.</p> <p>16 CHAIR LEVINSON: This is now the public</p> <p>17 participation of the meeting. This is the</p> <p>18 public participation portion of the meeting</p> <p>19 where someone from the public wishing to be</p> <p>20 heard, please stand up and state your name.</p> <p>21 (No response.)</p> <p>22 CHAIR LEVINSON: Seeing none, this</p> <p>23 portion is now closed.</p> <p>24 Is there a motion to adjourn this</p> <p>25 meeting?</p>	53	<p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 I, DARLENE SILLITOE, a Certified Court</p> <p>4 Reporter and Notary Public of the State of New</p> <p>5 Jersey, certify that the foregoing is a true</p> <p>6 and accurate transcript of the proceedings.</p> <p>7 I further certify that I am neither</p> <p>8 attorney, of counsel for, nor related to or</p> <p>9 employed by any of the parties to the action;</p> <p>10 further that I am not a relative or employee of</p> <p>11 any attorney or counsel employed in this case;</p> <p>12 nor am I financially interested in the action.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 -----</p> <p>19 DARLENE SILLITOE, CCR</p> <p>20 License No 30XI0102300</p> <p>21</p> <p>22 Dated: January 16, 2017</p> <p>23 My Notary Commission Expires</p> <p>24 December 9, 2019</p> <p>25 ID No 50006932</p> 

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