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STATE OF NEW JERSEY
CASINO CONTROL COMMISSION

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PUBLIC MEETING NO. 18-04-11

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Wednesday, April 11, 2018
Atlantic City Commission Offices
Joseph P. Lordi Public Meeting Room - First Floor
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401
10:36 a.m. to 11:57 a.m.

Certified Court Reporter: Darlene Sillitoe

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1 B E F O R E :

2 CASINO CONTROL COMMISSION:

JAMES T. PLOUSIS, 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

9

OFFICE OF REGULATORY AFFAIRS:

10 GLENN T. MacFADDEN, SUPERVISOR, LICENSING

11 DIVISION OF GAMING ENFORCEMENT:

DEPUTY ATTORNEYS GENERAL

12 TRACY E. RICHARDSON, DEPUTY ATTORNEY GENERAL

BRIAN C. BISCIEGLIA, DEPUTY ATTORNEY GENERAL

13 JORDAN HOLLANDER, DEPUTY ATTORNEY GENERAL

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

2 ITEM NO. 14 TERESA M. PIMPINELLI, SENIOR COUNSEL
3 JORDAN HOLLANDER, DEPUTY ATTORNEY GENERAL
4 COOPER LEVENSON
LLOYD D. LEVENSON, ESQ.
FOR: ANTHONY C. PATRONE

5
6 ITEM NO. 16 TERESA PIMPINELLI, SENIOR COUNSEL
7 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL
8 FOX ROTHSCHILD, LLP
NICHOLAS CASIELLO, JR., ESQ.
FOR: MARINA DISTRICT DEVELOPMENT COMPANY
9 LLC, AND MGM RESORTS INTERNATIONAL

10 ITEM NO. 17 TERESA PIMPINELLI, SENIOR COUNSEL
11 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL ATTORNEY
12 BROWNSTEIN, HYATT, FARBER & SCHRECK
13 PACIFICO AGNELLINI, ESQ.
FOR: GOLDEN NUGGET ATLANTIC CITY, LLC
AND FERTITTA ENTERTAINMENT, INC.

14 ITEM NO. 18 TERESA PIMPINELLI, SENIOR COUNSEL
15 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL ATTORNEY
16 PATRICK MADAMBA, ESQ.
FOR: MARINA DISTRICT DEVELOPMENT COMPANY
17 LLC, AND MGM RESORTS INTERNATIONAL
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EXHIBITS

ITEM NO. 14

EXHIBIT	DESCRIPTION	EVD.
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COMMISSION		X
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A-40	Letter Response, 3-5-18, to James T. Plousis, Chairman, by Lloyd Levenson, Esq. Re: Anthony Patrone	
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DIVISION		
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D-34	DGE Letter of Exceptions, 3-1-18, to James T. Plousis, Chairman, by Jordan Hollander, Deputy Attorney General Re: Anthony Patrone	X
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AGENDA			
PUBLIC MEETING NO. 18-04-11			
APRIL 11, 2018, 10:36 a.m.			
ITEM		PAGE	VOTE
1	1	Ratification of the minutes of the March 13, 2018, public meeting	9 10
2	2	Applications for initial casino key employee licenses:	10 11
		a) John A. Clontz	
		b) Stacey A. Lgeleke	
		c) Paul V. Kelly	
		d) Lisa M. Rubin	
3	3	Applications for resubmitted casino key employee licenses:	11 12
		a) Douglas R. Barrett	
		b) Paul J. Bohrer	
		c) Amina Bouchouar	
		d) Beverly J. Coles	
		e) Robert J. Costello	
		f) Cecilia M. D'Angelo	
		g) Nicholas L. Devito, Jr.	
		h) Diane M. Dixon	
		i) David L. Fisher	
		j) Regina N. Jabier-McHugh	
		k) Mark Juliano	
		l) Frank D. Leone	
		m) Rosalie D. Lopez	
		n) Jon Maghakian	
		o) Patricia A. McLaughlin	
		p) Kevin M. Meyh	
		q) Nancy Nolan	
		r) Miriam E. Price	
		s) Connie J. Roadside	
		t) Mitchell R. Russakow	
		u) Joseph W. Uhing	
4	4	Application of Theresa A. Glebocki for a resubmitted casino key employee license and for qualification	12 13
5	5	Approvals through Delegation of Authority between March 5, 2018, and April 9, 2018, pursuant to Resolution No. 17-01-11-11C	13

Public Meeting NO. 18-04-11 April 11, 2018

<p align="right">6</p> <p>1 CONTINUED AGENDA PUBLIC MEETING NO. 18-04-11 2 APRIL 11, 2018, 10:36 a.m. 3 ITEM PAGE VOTE 4 6 Requests for inactivation of casino key 14 15 employee licenses: 5 a) Colleen M. Carraccio 6 b) Salvatore Esposito 7 c) David Leroy 8 d) Robert J. Monteverde 9 e) Anthony C. Morano 10 f) James F. Nolan 11 g) Kenneth J. Pomeroy 12 h) Theodorus J. Schavemaker 13 i) William J. Sylvestre 14 j) James W. Woodards 15 7 Consideration of the lapse of casino 15 16 key employee licenses: 16 a) Thomas J. Ashley 17 b) Stefano S. Bancheri 18 c) Marvin W. Case 19 d) Brendan M. Hanley 20 e) Maria Hill 21 f) John C. Lezenby 22 g) Kenneth R. Lutz 23 h) Rafael Nieves 24 i) Maureen F. Powers 25 j) Michael J. Romano k) John R. Schleif 8 Consideration of the initial 17 19 17 application of Angelo G. Longo for a casino key employee license 18 (DKT 18-002-CK) 9 Stipulation of Settlement in the 19 20 19 resubmission application of Taaib-Deen M. Muhammad for a casino key employee 20 license (DKT 17-0016-CR) 10 Stipulation of Settlement in the 21 22 21 resubmission application of Tracy D. Sconiers for a casino key employee 22 license (DKT 17-0003-CR) 11 Stipulation of Settlement in the 22 23 23 resubmission application of Bonita L. Edwards for a casino key employee 24 license (DKT 16-0012-CR) 25</p>	<p align="right">8</p> <p>1 (Public Meeting 18-0-11 was commenced at 2 10:30 a.m.) 3 MR. NANCE: Good morning. I'd like to 4 read an opening statement: 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 Open Public Meeting Act," the New Jersey 9 Casino Control Commission on December 19th, 10 2017, filed with the Secretary of State at the 11 State House in Trenton an annual meeting 12 schedule. On December 19, 2017, copies were 13 mailed to subscribers. 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. 18 The use of cell phones in the public 19 meeting room is prohibited. 20 Any member of the public who wish to 21 address the Commission will be given the 22 opportunity to do so before the Commission 23 adjourns for the day. 24 Please stand for the Pledge of 25 Allegiance.</p>
<p align="right">7</p> <p>1 CONTINUED AGENDA PUBLIC MEETING NO. 18-04-11 2 APRIL 11, 2018, 10:36 a.m. 3 ITEM PAGE VOTE 4 12 Consideration of the resubmission 24 25 application of Maria C. Nakeshian (a/k/a Maria C. Ricciardi) for a 5 casino key employee license (DKT 17-0018-CR) 6 13 Stipulation of Settlement in the 25 27 resubmission application of Joshua A. 7 Torres for a casino key employee license (DKT 17-0014-CR) 8 14 Consideration in the Initial Decision 38 75 in the matter of the initial casino 9 key employee license application of Anthony C. Patrone (DKT 17-9923-CK) 10 15 Stipulation of Settlement in the 27 29 resubmission application of Daniel 11 Chapman for a casino key employee license (DKT 18-0001-CR) 12 16 Joint Petition of Marina District 29 32 Development Company, LLC, and MGM 13 Resorts International requesting 14 permission for Patrick Madamba, Jr., to assume the duties and exercise the 15 powers of Vice President and Legal Counsel pending plenary qualification (PRN 0791804) 16 17 Joint Petition of Golden Nugget 33 35 Atlantic City, LLC, and Ferritta 17 Entertainment, Inc., for the issuance of a temporary casino key employee 18 license for Gerald J. Del Prete and 19 Permission for him to assume the duties and exercise the powers of 20 Senior Vice President of Gaming of Ferritta Entertainment, Inc., pending 21 plenary qualification (PRN 0921801) 18 18 Joint Petition of Marina District 35 38 21 Development Company, LLC, and MGM Resorts International requesting 22 permission for Janet G. Swartz to assume the duties and exercise the 23 powers as an Outside Director of MGM Resorts International pending plenary 24 qualification (PRN 0861803) 25</p>	<p align="right">9</p> <p>1 ITEM NO. 1 2 (The Flag Salute was recited.) 3 MS. FAUNTLEROY: Good morning. 4 Please answer when I call your name for 5 the record, please. 6 Commissioner Cooper? 7 COMMISSIONER COOPER: Here. 8 MS. FAUNTLEROY: Vice Chair Harrington? 9 VICE CHAIR HARRINGTON: Here. 10 MS. FAUNTLEROY: And chairman Plousis? 11 CHAIR PLOUSIS: Here. 12 MS. FAUNTLEROY: Matters discussed in 13 closed session this morning included employee 14 license matters as well as approval of the 15 March 13, 2018, closed-session minutes. 16 The first -- 17 CHAIR PLOUSIS: Excuse me. Go ahead. 18 MS. FAUNTLEROY: The first matter for 19 your consideration is the ratification of the 20 minutes of the public portion of the March 13, 21 2018, meeting. 22 CHAIR PLOUSIS: Is there a motion? 23 VICE CHAIR HARRINGTON: I move that we 24 ratify the minutes of March 13th, 2018. 25 CHAIR PLOUSIS: Any discussion?</p>

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10	<p>1 ITEM NO. 2</p> <p>2 (No response.)</p> <p>3 CHAIR PLOUSIS: Hearing none, all in</p> <p>4 favor?</p> <p>5 (Ayes.)</p> <p>6 CHAIR PLOUSIS: Opposed?</p> <p>7 (No response.)</p> <p>8 CHAIR PLOUSIS: Ayes have it.</p> <p>9 MS. FAUNTLEROY: Thank you.</p> <p>10 Item No. 2 are applications for the</p> <p>11 initial casino key employee licenses. They are</p> <p>12 identified on the agenda as Items 2a through d.</p> <p>13 The Division has interposed no objection</p> <p>14 to any of these matters.</p> <p>15 Staff has reviewed them and recommend</p> <p>16 that they be granted.</p> <p>17 CHAIR PLOUSIS: Are there any questions</p> <p>18 regarding this matter?</p> <p>19 (No response.)</p> <p>20 CHAIR PLOUSIS: Hearing none, is there a</p> <p>21 motion?</p> <p>22 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>23 move to grant the four initial key employee</p> <p>24 licenses.</p> <p>25 CHAIR PLOUSIS: Is there a second?</p>	12
11	<p>1 ITEM NO. 3</p> <p>2 VICE CHAIR HARRINGTON: Second.</p> <p>3 CHAIR PLOUSIS: All in favor?</p> <p>4 (Ayes.)</p> <p>5 CHAIR PLOUSIS: Opposed?</p> <p>6 (No response.)</p> <p>7 CHAIR PLOUSIS: Ayes have it.</p> <p>8 MS. FAUNTLEROY: Thank you.</p> <p>9 Item No. 3 are applications for</p> <p>10 resubmitted casino key employee licenses.</p> <p>11 Again, identified on the agenda as Items</p> <p>12 3a through u.</p> <p>13 Again, the Division has not interposed</p> <p>14 an objection on any of these matters. We have</p> <p>15 reviewed them at the staff level and do</p> <p>16 recommend that you grant each.</p> <p>17 CHAIR PLOUSIS: Are there any questions</p> <p>18 on any of these matters?</p> <p>19 (No response.)</p> <p>20 CHAIR PLOUSIS: Hearing none, is there a</p> <p>21 motion?</p> <p>22 VICE CHAIR HARRINGTON: I move that we</p> <p>23 grant the 21 resubmitted employee -- key</p> <p>24 employee licenses.</p> <p>25 CHAIR PLOUSIS: Any discussion?</p>	13
	<p>1 ITEM NO. 4</p> <p>2 (No response.)</p> <p>3 CHAIR PLOUSIS: Hearing none, all in</p> <p>4 favor?</p> <p>5 (Ayes.)</p> <p>6 CHAIR PLOUSIS: Opposed?</p> <p>7 (No response.)</p> <p>8 CHAIR PLOUSIS: Ayes have it.</p> <p>9 COMMISSIONER COOPER: I'm going to</p> <p>10 second that as well.</p> <p>11 MS. FAUNTLEROY: Thank you.</p> <p>12 Item No. 4 is the application of Theresa</p> <p>13 A. Glebocki for a resubmitted casino key</p> <p>14 employee license and for qualification.</p> <p>15 Again, the Division has reviewed that</p> <p>16 matter, recommends that it be granted.</p> <p>17 Staff has done the same and recommend</p> <p>18 that you do so.</p> <p>19 CHAIR PLOUSIS: Are there any questions</p> <p>20 on this matter?</p> <p>21 (No response.)</p> <p>22 CHAIR PLOUSIS: Is there a motion?</p> <p>23 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>24 move to grant resubmitted key license and</p> <p>25 qualification.</p>	

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<p style="text-align: right;">14</p> <p>1 ITEM NO. 6 2 license via Delegated Authority subsequent to 3 the March 13, 2018, public meeting. 4 They are: Kelly L. Mooney, Michael J. 5 Ong, Chirag Patel, Irma S. Reyes, Antonio M. 6 Rodriguez, Manish B. Trivedi, and Kenneth C. 7 Ye. 8 MS. FAUNTLEROY: Thank you. 9 Item No. 6 are requests for inactivation 10 of casino key employee licenses identified on 11 the agenda as 6a through j. 12 Again, Mr. MacFadden will review those 13 with you. 14 MR. MacFADDEN: Thank you. 15 Item 6 consists of 10 individuals who, 16 in lieu of filing resubmission application, 17 have requested to be placed on the inactive 18 list, not to exceed five years. 19 Staff recommends the requested relief. 20 CHAIR PLOUSIS: Are there any questions 21 on this matters? 22 (No response.) 23 CHAIR PLOUSIS: Hearing none, is there a 24 motion? 25 COMMISSIONER COOPER: Mr. Chairman, I</p>	<p style="text-align: right;">16</p> <p>1 ITEM NO. 7 2 Those individuals are: Thomas J. 3 Ashley, Stefano S. Bancheri, Marvin W. Case, 4 Brendan M. Hanley, Maria Hill, John C. Lezenby, 5 Kenneth Lutz, Rafael Nieves, Maureen F. Powers, 6 Michael J. Romano, and John R. Schleif. 7 Consequently, the staff recommends that 8 the casino key employee licenses of these 11 9 individuals be allowed to lapse. 10 CHAIR PLOUSIS: Are there any questions 11 regarding these matters? 12 VICE CHAIR HARRINGTON: No. 13 CHAIR PLOUSIS: Hearing none, is there a 14 motion? 15 VICE CHAIR HARRINGTON: I move that we 16 find the 11 key employee licenses lapsed 17 pursuant to NJAC 13 -- I'm sorry. NJAC 18 19:41A-6.1(f) of the regulations. 19 CHAIR PLOUSIS: Is there a second? 20 COMMISSIONER COOPER: I'll second that. 21 CHAIR PLOUSIS: Any further discussion? 22 (No response.) 23 CHAIR PLOUSIS: Hearing none, all in 24 favor? 25 (Ayes.)</p>
<p style="text-align: right;">15</p> <p>1 ITEM NO. 7 2 move to grant the requested relief and order 3 that the ten casino employee key licenses be 4 inactivated. 5 CHAIR PLOUSIS: Is there a second? 6 VICE CHAIR HARRINGTON: I'll second 7 that. 8 CHAIR PLOUSIS: Any further discussion? 9 (No response.) 10 CHAIR PLOUSIS: Hearing none, all in 11 favor? 12 (Ayes.) 13 CHAIR PLOUSIS: Opposed? 14 (No response.) 15 CHAIR PLOUSIS: Ayes have it. 16 MS. FAUNTLEROY: Thank you. 17 Item No. 7 for your consideration are 18 the lapsings of casino key employee licenses 19 identified as 7a through k. 20 Mr. MacFadden will review those. 21 MR. MacFADDEN: Thank you. 22 Item 7 consists of 11 individuals whose 23 casino employee review deadline has passed and 24 have neither filed the requested paperwork or 25 requested to be placed on the inactive list.</p>	<p style="text-align: right;">17</p> <p>1 ITEM NO. 8 2 CHAIR PLOUSIS: Opposed? 3 (No response.) 4 CHAIR PLOUSIS: Ayes have it. 5 MR. MacFADDEN: Thank you. 6 MS. FAUNTLEROY: Thank you, Glenn. 7 Item No. 8 is the initial application of 8 Angelo G. Longo for a casino key employee 9 license. 10 Senior Counsel Teresa Pimpinelli will 11 review that matter with you. 12 MS. PIMPINELLI: Good morning, Chairman 13 and Commissioners. 14 As Ms. Fauntleroy stated, this the 15 initial application of Mr. Longo for a key 16 employee license. 17 Brian Biscieglija is here on behalf of 18 the Division. 19 CHAIR PLOUSIS: Counsel? 20 MR. BISCIEGLIA: Good morning, Chair, 21 Commissioners. 22 The Division had requested a conference 23 in this matter based upon an allegation of 24 unsubstantiated, unreimbursed employee -- 25 excuse me -- expenses in his Federal income tax</p>

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<p>1 ITEM NO. 8</p> <p>2 returns for the years of 2012 through 2015 and</p> <p>3 also a related tax loss for a rental property</p> <p>4 matter.</p> <p>5 During settlement conferences, Mr. Longo</p> <p>6 presented a large amount of substantiating</p> <p>7 evidence. He also produced two letters from</p> <p>8 his CPA stating the legal basis for him taking</p> <p>9 these deductions. Therefore, it is the</p> <p>10 Division's position that Mr. Longo is now</p> <p>11 qualified for licensure, and we have submitted</p> <p>12 a supplemental letter recommending the same.</p> <p>13 Thank you.</p> <p>14 CHAIR PLOUSIS: Thank you.</p> <p>15 Are there any questions on this matter?</p> <p>16 (No response.)</p> <p>17 CHAIR PLOUSIS: Hearing none, is there a</p> <p>18 motion?</p> <p>19 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>20 move to grant Angelo G. Longo's initial</p> <p>21 application for a casino key employee license.</p> <p>22 CHAIR PLOUSIS: Is there a second?</p> <p>23 VICE CHAIR HARRINGTON: I'll second</p> <p>24 that.</p> <p>25 CHAIR PLOUSIS: Any further discussion?</p>	<p>1 ITEM NO. 9</p> <p>2 Thank you.</p> <p>3 CHAIR PLOUSIS: Thank you.</p> <p>4 Are there any questions on this matter?</p> <p>5 VICE CHAIR HARRINGTON: No.</p> <p>6 CHAIR PLOUSIS: Is there a motion?</p> <p>7 VICE CHAIR HARRINGTON: Mr. Chairman, I</p> <p>8 move that we approve the stipulation of</p> <p>9 settlement between the Division and Applicant</p> <p>10 and grant the resubmitted application of</p> <p>11 Taalib-Deen M. Muhammad for a casino key</p> <p>12 employee license subject to compliance with</p> <p>13 certain financial and reporting conditions as</p> <p>14 provided in the stipulation.</p> <p>15 CHAIR PLOUSIS: Is there a second?</p> <p>16 COMMISSIONER COOPER: I'll second that.</p> <p>17 CHAIR PLOUSIS: Is there any further</p> <p>18 discussion?</p> <p>19 (No response.)</p> <p>20 CHAIR PLOUSIS: Hearing none, all in</p> <p>21 favor?</p> <p>22 (Ayes.)</p> <p>23 CHAIR PLOUSIS: Opposed?</p> <p>24 (No response.)</p> <p>25 CHAIR PLOUSIS: Ayes have it.</p>
19	21
<p>1 ITEM NO. 9</p> <p>2 (No response.)</p> <p>3 CHAIR PLOUSIS: Hearing none, all in</p> <p>4 favor?</p> <p>5 (Ayes.)</p> <p>6 CHAIR PLOUSIS: Opposed?</p> <p>7 (No response.)</p> <p>8 CHAIR PLOUSIS: Ayes have it.</p> <p>9 MS. FAUNTLEROY: Thank you.</p> <p>10 Our next matter is No. 9, which is the</p> <p>11 stipulation of settlement in the resubmission</p> <p>12 application of Taalib-Deen M. Muhammad for a</p> <p>13 casino key employee license.</p> <p>14 Again, Senior Counsel Pimpinelli has</p> <p>15 that matter for you.</p> <p>16 MS. PIMPINELLI: Chairman and</p> <p>17 Commissioners, as Miss Fauntleroy stated, this</p> <p>18 is a stipulation of settlement for a</p> <p>19 resubmission application.</p> <p>20 Brian Bisciegia is here on behalf of</p> <p>21 the Division.</p> <p>22 MR. BISCIEGLIA: The Division has</p> <p>23 nothing further in this matter and asks that</p> <p>24 the stipulation of settlement be approved as</p> <p>25 submitted.</p>	<p>1 ITEM NO. 10</p> <p>2 MS. FAUNTLEROY: Item No. 10 is the</p> <p>3 stipulation of settlement in the resubmission</p> <p>4 application of Tracy D. Sconiers for a casino</p> <p>5 key employee license.</p> <p>6 Again, Senior Counsel Pimpinelli will</p> <p>7 review that with you.</p> <p>8 MS. PIMPINELLI: Chairman and</p> <p>9 Commissioners, this is another stipulation of</p> <p>10 settlement for a resubmission application.</p> <p>11 Brian Bisciegia is here on behalf of</p> <p>12 the Division.</p> <p>13 MR. BISCIEGLIA: And, again, the</p> <p>14 Division has nothing further and asks that the</p> <p>15 stipulation of settlement be approved as</p> <p>16 submitted.</p> <p>17 Thank you.</p> <p>18 CHAIR PLOUSIS: Thank you, Counsel.</p> <p>19 Are there any questions on this matter?</p> <p>20 (No response.)</p> <p>21 CHAIR PLOUSIS: Is there a motion?</p> <p>22 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>23 move to approve the stipulation of settlement</p> <p>24 between the Division and Applicant and grant</p> <p>25 the resubmitted application of Tracy D.</p>

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22	<p>1 ITEM NO. 11</p> <p>2 Sconiers for a casino key employee license</p> <p>3 subject to compliance with certain financial</p> <p>4 and reporting conditions as provided in the</p> <p>5 stipulation.</p> <p>6 CHAIR PLOUSIS: Is there a second?</p> <p>7 VICE CHAIR HARRINGTON: Second.</p> <p>8 CHAIR PLOUSIS: All in favor?</p> <p>9 (Ayes.)</p> <p>10 CHAIR PLOUSIS: Opposed?</p> <p>11 (No response.)</p> <p>12 CHAIR PLOUSIS: Ayes have it.</p> <p>13 MS. FAUNTLEROY: Thank you.</p> <p>14 Item No. 11 is a stipulation of</p> <p>15 settlement in the resubmission application of</p> <p>16 Bonita L. Edwards for a casino key employee</p> <p>17 license.</p> <p>18 Again, Senior Counsel Pimpinelli will</p> <p>19 review that matter with you.</p> <p>20 MS. PIMPINELLI: Chairman and</p> <p>21 Commissioners, similar to the last two matters,</p> <p>22 this is a stipulation of settlement for the</p> <p>23 application.</p> <p>24 Brian Biscieglija is here on behalf of</p> <p>25 the Division.</p>	24
23	<p>1 ITEM NO. 11</p> <p>2 MR. BISCIEGLIA: The Division has</p> <p>3 nothing further and would ask that the</p> <p>4 stipulation be approved as submitted.</p> <p>5 Thank you.</p> <p>6 CHAIR PLOUSIS: Thank you.</p> <p>7 Are there any questions of counsel?</p> <p>8 (No response.)</p> <p>9 CHAIR PLOUSIS: Hearing none, is there a</p> <p>10 motion?</p> <p>11 VICE CHAIR HARRINGTON: I move we</p> <p>12 approve the stipulation of settlement between</p> <p>13 the Division and Applicant and grant the</p> <p>14 resubmitted application of Bonita L. Edwards</p> <p>15 for a casino key employee license subject to</p> <p>16 compliance with certain financial and reporting</p> <p>17 conditions as provided in the stipulation.</p> <p>18 CHAIR PLOUSIS: Is there a second?</p> <p>19 COMMISSIONER COOPER: I'll second that.</p> <p>20 CHAIR PLOUSIS: Any further discussion?</p> <p>21 (No response.)</p> <p>22 CHAIR PLOUSIS: Hearing none, all in</p> <p>23 favor?</p> <p>24 (Ayes.)</p> <p>25 CHAIR PLOUSIS: Opposed?</p>	25
	<p>1 ITEM NO. 12</p> <p>2 (No response.)</p> <p>3 CHAIR PLOUSIS: Ayes have it.</p> <p>4 MS. FAUNTLEROY: All right. Item No.</p> <p>5 12 is the resubmission application of Maria C.</p> <p>6 Nakeshian for a casino key employee license.</p> <p>7 Again, Senior Counsel Pimpinelli has</p> <p>8 that matter for you.</p> <p>9 MS. PIMPINELLI: Chairman and</p> <p>10 Commissioners, unlike the previous three</p> <p>11 matters, there is no stipulation of settlement</p> <p>12 in this particular matter.</p> <p>13 Brian Biscieglija is here on behalf of</p> <p>14 the Division.</p> <p>15 MR. BISCIEGLIA: The Division had</p> <p>16 requested a conference in this matter based</p> <p>17 upon Petitioner's State income tax liability in</p> <p>18 the amount of \$1628 for the tax year of 2016.</p> <p>19 During settlement conferences, the</p> <p>20 Petitioner presented evidence that this</p> <p>21 liability has been satisfied in full.</p> <p>22 Therefore, the Division submitted a</p> <p>23 supplemental letter recommending grant.</p> <p>24 Thank you.</p> <p>25 CHAIR PLOUSIS: Are there any questions</p>	

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<p>1 ITEM NO. 13</p> <p>2 MS. PIMPINELLI: Chairman and</p> <p>3 Commissioners, this is your final resubmission</p> <p>4 application stipulation for today.</p> <p>5 Brian Bisciegli is here on behalf of</p> <p>6 the Division.</p> <p>7 MR. BISCIEGLIA: Thank you.</p> <p>8 Nothing further, and the Division would</p> <p>9 ask that the stipulation be approved as</p> <p>10 submitted.</p> <p>11 Thank you.</p> <p>12 CHAIR PLOUSIS: Thank you, Counsel.</p> <p>13 Are there any questions on this matter?</p> <p>14 VICE CHAIR HARRINGTON: No.</p> <p>15 CHAIR PLOUSIS: Hearing none, is there a</p> <p>16 motion?</p> <p>17 VICE CHAIR HARRINGTON: I move that we</p> <p>18 approve the stipulation of settlement between</p> <p>19 the Division and Applicant and grant the</p> <p>20 resubmitted application of Joshua A. Torres for</p> <p>21 a casino key employee license subject to</p> <p>22 compliance with certain financial and reporting</p> <p>23 conditions as provided in the stipulation.</p> <p>24 CHAIR PLOUSIS: Is there a second?</p> <p>25 COMMISSIONER COOPER: I'll second that.</p>	<p>1 ITEM NO. 15</p> <p>2 not here at the time.</p> <p>3 Jordan Hollander is here, though, on</p> <p>4 behalf of the Division.</p> <p>5 CHAIR PLOUSIS: Counsel?</p> <p>6 MR. HOLLANDER: Good morning, Chairman</p> <p>7 and Commissioners. Jordan Hollander on behalf</p> <p>8 of the Division of Gaming Enforcement.</p> <p>9 The Division has nothing further to add</p> <p>10 to this matter and respectfully requests that</p> <p>11 this stipulation be approved as submitted.</p> <p>12 Thank you.</p> <p>13 CHAIR PLOUSIS: Thank you.</p> <p>14 Are there any questions for counsel?</p> <p>15 (No response.)</p> <p>16 CHAIR PLOUSIS: Is there a motion?</p> <p>17 VICE CHAIR HARRINGTON: I move that we</p> <p>18 approve the stipulation of settlement between</p> <p>19 the Division and Applicant and grant the</p> <p>20 initial application of Daniel Chapman for a</p> <p>21 casino key employee license subject to</p> <p>22 compliance with the conditions contained in the</p> <p>23 stipulation.</p> <p>24 CHAIR PLOUSIS: Is there a second?</p> <p>25 COMMISSIONER COOPER: I'll second that.</p>
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<p>1 ITEM NO. 15</p> <p>2 CHAIR PLOUSIS: Any further discussion?</p> <p>3 (No response.)</p> <p>4 CHAIR PLOUSIS: Hearing none, all in</p> <p>5 favor?</p> <p>6 (Ayes.)</p> <p>7 CHAIR PLOUSIS: Opposed?</p> <p>8 (No response.)</p> <p>9 CHAIR PLOUSIS: Ayes have it.</p> <p>10 MR. BISCIEGLIA: Thank you,</p> <p>11 Commissioners.</p> <p>12 CHAIR PLOUSIS: Thank you.</p> <p>13 MS. FAUNTLEROY: There is one more</p> <p>14 stipulation.</p> <p>15 No. 14, we will hold to the end</p> <p>16 Commissioners.</p> <p>17 Item No. 15, a stipulation of settlement</p> <p>18 in the initial application of Daniel Chapman</p> <p>19 for a casino key employee license.</p> <p>20 (Conferring.)</p> <p>21 MS. PIMPINELLI: Chairman and</p> <p>22 Commissioners, this is an application for an</p> <p>23 initial casino key employee license.</p> <p>24 Mr. Chapman was represented by counsel</p> <p>25 at the conferences. It appears that they are</p>	<p>1 ITEM NO. 16</p> <p>2 CHAIR PLOUSIS: Any further discussion?</p> <p>3 (No response.)</p> <p>4 CHAIR PLOUSIS: Hearing none, all in</p> <p>5 favor?</p> <p>6 (Ayes.)</p> <p>7 CHAIR PLOUSIS: Opposed?</p> <p>8 (No response.)</p> <p>9 CHAIR PLOUSIS: Ayes have it.</p> <p>10 MS. FAUNTLEROY: Item No. 16 is the</p> <p>11 Joint Petition of Marina District Development</p> <p>12 Company, LLC, and MGM Resorts International</p> <p>13 requesting permission for Patrick Madamba, Jr.,</p> <p>14 to assume the duties and exercise the powers of</p> <p>15 Vice President and Legal Counsel pending his</p> <p>16 plenary qualification.</p> <p>17 MS. PIMPINELLI: Chairman and</p> <p>18 Commissioners, the parties were circulated a</p> <p>19 draft resolution.</p> <p>20 Nick Casiello is here on behalf of Mr.</p> <p>21 Madamba, and Tracy Richardson is here on behalf</p> <p>22 of the Division.</p> <p>23 CHAIR PLOUSIS: Counsel?</p> <p>24 MR. CASIELLO: Good morning, Mr.</p> <p>25 Chairman, Commissioners. Nick Casiello of Fox</p>

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30	<p>1 ITEM NO. 16</p> <p>2 Rothschild on behalf of the Joint Petitioners,</p> <p>3 MGM Resorts International and Borgata.</p> <p>4 This is a simple petition for temporary</p> <p>5 qualification of Mr. Madamba as Vice President</p> <p>6 and Legal Counsel of MGM Resorts.</p> <p>7 The Division has issued a report. It</p> <p>8 does not object.</p> <p>9 Your staff has provided me with a draft</p> <p>10 resolution. It is acceptable in form and</p> <p>11 substance.</p> <p>12 And that's all I really have to say, but</p> <p>13 if you will indulge me for a minute.</p> <p>14 CHAIR PLOUSIS: Yes, sir.</p> <p>15 MR. CASIELLO: Okay? By way of</p> <p>16 background, Mr. Madamba and I have been</p> <p>17 practicing law together since 1988. When he</p> <p>18 graduated law school, he came -- joined me in</p> <p>19 the private practice of law. The first matter</p> <p>20 we worked on was Merv Griffin's acquisition of</p> <p>21 Resorts International. This is the second time</p> <p>22 Mr. Madamba is leaving me to go inhouse. I</p> <p>23 think he likes being my boss.</p> <p>24 MR. MADAMBA: It's quite enjoyable.</p> <p>25 (Laughter.)</p>	32	<p>1 ITEM NO. 16</p> <p>2 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>3 move to adopt the draft resolution and</p> <p>4 authorize Patrick Madamba, Jr., on a temporary</p> <p>5 basis and prior to his plenary qualification to</p> <p>6 assume the duties and exercise the powers of</p> <p>7 Vice President, Legal Counsel for MGM Resorts</p> <p>8 International subject to the conditions</p> <p>9 contained in NJSA 5:12-85.1c and NJAC</p> <p>10 13:69C-2.7.</p> <p>11 CHAIR PLOUSIS: Is there a second?</p> <p>12 VICE CHAIR HARRINGTON: Second.</p> <p>13 CHAIR PLOUSIS: Any further discussion?</p> <p>14 (No response.)</p> <p>15 CHAIR PLOUSIS: Hearing none, roll call,</p> <p>16 please.</p> <p>17 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>18 COMMISSIONER COOPER: Yes.</p> <p>19 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>20 VICE CHAIR HARRINGTON: Yes.</p> <p>21 MS. FAUNTLEROY: And Chairman Plousis?</p> <p>22 CHAIR PLOUSIS: Yes.</p> <p>23 MR. MADAMBA: Thank you very much.</p> <p>24 MR. CASIELLO: Thank you, Commissioners.</p> <p>25 CHAIR PLOUSIS: Congratulations.</p>
31	<p>1 ITEM NO. 16</p> <p>2 MR. CASIELLO: Mr. Madamba has, of</p> <p>3 course, appeared before this commission many</p> <p>4 times, but he has also appeared before</p> <p>5 regulatory agencies throughout the United</p> <p>6 States. He is one of the most experienced and</p> <p>7 best regulatory lawyers I know.</p> <p>8 Thank you for the opportunity to say</p> <p>9 that. Mr. Madamba is here if you have any</p> <p>10 questions for him.</p> <p>11 CHAIR PLOUSIS: Thank you, Counsel.</p> <p>12 MS. RICHARDSON: Good morning, Chairman</p> <p>13 and Commissioners. Tracy Richardson for the</p> <p>14 Division of Gaming Enforcement.</p> <p>15 As Mr. Casiello said, you have our</p> <p>16 letter of no objection to the temporary</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 PLOUSIS: Thank you.</p> <p>22 Are there any questions for counsel?</p> <p>23 (No response.)</p> <p>24 CHAIR PLOUSIS: Hearing none, is there a</p> <p>25 motion?</p>	33	<p>1 ITEM NO. 17</p> <p>2 MS. FAUNTLEROY: Item No. 17 is the</p> <p>3 Joint Petition of Golden Nugget Atlantic City,</p> <p>4 LLC, and Fertitta Entertainment, Inc., for the</p> <p>5 issuance of a temporary casino key employee</p> <p>6 license for Gerald J. Del Prete and permission</p> <p>7 for him to assume the duties and exercise the</p> <p>8 powers of Senior Vice President of Gaming of</p> <p>9 Fertitta Entertainment, Inc., pending his</p> <p>10 plenary qualification.</p> <p>11 CHAIR PLOUSIS: Counsel?</p> <p>12 MR. AGNELLINI: Good morning, Chair,</p> <p>13 members of the Commissioners. Pacifico</p> <p>14 Agnellini on behalf of Brownstein, Hyatt,</p> <p>15 Farber & Schreck -- from Brownstein, Hyatt on</p> <p>16 behalf of Golden Nugget Atlantic City, LLC, and</p> <p>17 Fertitta Entertainment, Inc.</p> <p>18 For you today is a petition for</p> <p>19 temporary qualification and the issuance of a</p> <p>20 temporary key license for Mr. Del Prete. He is</p> <p>21 assuming the position of Senior Vice President</p> <p>22 of Gaming at Fertitta Entertainment, Inc.</p> <p>23 And we have reviewed the draft</p> <p>24 resolution, have no comments or questions, and</p> <p>25 if you have any questions for me, I'm here.</p>

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<p>1 ITEM NO. 17</p> <p>2 Thank you.</p> <p>3 CHAIR PLOUSIS: Thank you.</p> <p>4 MS. RICHARDSON: Good morning again.</p> <p>5 Tracy Richardson for the Division of Gaming</p> <p>6 Enforcement.</p> <p>7 We submitted a notification of no</p> <p>8 objection to the temporary casino key employee</p> <p>9 license as well as qualification.</p> <p>10 We also reviewed the draft resolution</p> <p>11 and have no objections.</p> <p>12 Thank you.</p> <p>13 CHAIR PLOUSIS: Are there any questions</p> <p>14 for either counsel?</p> <p>15 (No response.)</p> <p>16 CHAIR PLOUSIS: Hearing none, is there a</p> <p>17 motion?</p> <p>18 VICE CHAIR HARRINGTON: I move that we</p> <p>19 adopt the draft resolution, approve the</p> <p>20 petition, and issue a temporary casino key</p> <p>21 employee license to Gerald J. Del Prete,</p> <p>22 pursuant to NJSA 5:12-89(b)(4), NJSA</p> <p>23 5:12-89(e), and NJSA 19:41A-5.3(d) and permit</p> <p>24 him to assume the duties and exercise the</p> <p>25 powers of Senior Vice President of Gaming for</p>	<p>1 ITEM NO. 18</p> <p>2 MS. PIMPINELLI: Chairman and</p> <p>3 Commissioners, as Miss Fauntleroy indicated,</p> <p>4 this is a temporary qualification for Janet</p> <p>5 Swartz.</p> <p>6 A draft resolution was circulated to the</p> <p>7 parties.</p> <p>8 Mr. Madamba is here on behalf of the</p> <p>9 Petitioners, and Miss Richardson is here on</p> <p>10 behalf of the Division.</p> <p>11 CHAIR PLOUSIS: Okay.</p> <p>12 MR. MADAMBA: Good morning. I feel like</p> <p>13 I was just here.</p> <p>14 (Laughter.)</p> <p>15 MR. MADAMBA: Patrick Madamba on behalf</p> <p>16 of MGM Resorts International and Marina</p> <p>17 District Development Company, LLC.</p> <p>18 We have read the draft resolution. It's</p> <p>19 fine in form and substance. So with that --</p> <p>20 CHAIR PLOUSIS: Thank you.</p> <p>21 MR. MADAMBA: -- I'll sit down and be</p> <p>22 quiet.</p> <p>23 MS. RICHARDSON: Good morning. Again,</p> <p>24 Tracy Richardson for the Division of Gaming</p> <p>25 Enforcement.</p>
35	37
<p>1 ITEM NO. 18</p> <p>2 Fertitta Entertainment, Inc., pending plenary</p> <p>3 qualification in accordance with the conditions</p> <p>4 contained in NJSA 5:12-89 and NJAC 13:69C-2.6.</p> <p>5 CHAIR PLOUSIS: Is there a second?</p> <p>6 COMMISSIONER COOPER: I'll second that.</p> <p>7 CHAIR PLOUSIS: Any further discussion?</p> <p>8 (No response.)</p> <p>9 CHAIR PLOUSIS: Hearing none, roll call</p> <p>10 vote, please.</p> <p>11 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>12 COMMISSIONER COOPER: Yes.</p> <p>13 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>14 VICE CHAIR HARRINGTON: Yes.</p> <p>15 MS. FAUNTLEROY: And Chairman Plousis?</p> <p>16 CHAIR PLOUSIS: Yes.</p> <p>17 MS. FAUNTLEROY: Thank you.</p> <p>18 MR. AGNELINI: Thank you.</p> <p>19 MS. FAUNTLEROY: Item No. 18 is the</p> <p>20 Joint Petition of Marina District Development</p> <p>21 Company, LLC, and MGM Resorts International</p> <p>22 requesting permission for Janet G. Swartz to</p> <p>23 assume the duties and exercise the powers as an</p> <p>24 Outside Director of MGM Resorts International</p> <p>25 pending her plenary qualification.</p>	<p>1 ITEM NO. 18</p> <p>2 You have our letter of no objection for</p> <p>3 temporary qualification for Ms. Swartz.</p> <p>4 We've also reviewed the draft resolution</p> <p>5 and have no objections.</p> <p>6 Thank you.</p> <p>7 CHAIR PLOUSIS: Are there any other</p> <p>8 questions for counsel?</p> <p>9 (No response.)</p> <p>10 CHAIR PLOUSIS: Hearing none, is there a</p> <p>11 motion?</p> <p>12 COMMISSIONER COOPER: Mr. Chairman, I</p> <p>13 move to adopt the draft resolution and</p> <p>14 authorize Janet G. Swartz on a temporary basis</p> <p>15 and prior to plenary qualification to assume</p> <p>16 the duties and exercise the powers of an</p> <p>17 Outside Director for MGM Resorts International</p> <p>18 subject to the conditions contained in NJSA</p> <p>19 5:12-85.1c and NJAC 13:69C-2.7.</p> <p>20 CHAIR PLOUSIS: Is there a second?</p> <p>21 VICE CHAIR HARRINGTON: I'll second</p> <p>22 that.</p> <p>23 CHAIR PLOUSIS: Any further discussion?</p> <p>24 (No response.)</p> <p>25 CHAIR PLOUSIS: Hearing none, roll call.</p>

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<p style="text-align: right;">38</p> <p>1 ITEM NO. 14 2 MS. FAUNTLEROY: Commissioner Cooper? 3 COMMISSIONER COOPER: Yes. 4 MS. FAUNTLEROY: Vice Chair Harrington? 5 VICE CHAIR HARRINGTON: Yes. 6 MS. FAUNTLEROY: And Chairman Plousis? 7 CHAIR PLOUSIS: Yes. 8 MR. MADAMBA: Thank you very much. 9 VICE CHAIR HARRINGTON: You did very 10 well. 11 MR. MADAMBA: Sweating. 12 MS. FAUNTLEROY: We now return to Item 13 14, which is the consideration of the initial 14 decision in the matter of the initial casino 15 key employee license application of Anthony C. 16 Patrone. 17 Senior Counsel Pimpinelli will set that 18 matter up for you. 19 CHAIR PLOUSIS: Thank you. 20 MS. PIMPINELLI: Chairman and 21 Commissioners, as you are aware, this is the 22 initial decision for the initial casino key 23 employee license of Anthony C. Patrone. 24 The Division filed exceptions. 25 Lloyd Levenson is here on behalf of the</p>	<p style="text-align: right;">40</p> <p>1 ITEM NO. 14 2 a removable, in Louisiana. The Supreme Court 3 of Louisiana has held that this charge is a 4 theft-related criminal charge. We introduced 5 the record of proofs of this conviction at the 6 hearing. 7 Furthermore, the initial decision does 8 acknowledge that Mr. Patrone's conduct did 9 relate to his position as the general manager 10 of the casino. Therefore, Mr. Patrone's 11 conviction is disqualifying under Section 12 86(c)(3) of the Act because this criminal 13 conviction is inimical to the public -- the 14 salutary public policy holds of the Casino 15 Control Act. 16 However, the initial decision held that 17 Mr. Patrone was not convicted of a 18 disqualifying crime or engaged in conduct that 19 would be inimical to disqualification. This 20 conclusion is legally inaccurate. It is clear 21 from the record that Mr. Patrone was found 22 guilty of a theft-related misdemeanor that was 23 related to his position as a general manager of 24 the casino. 25 Therefore, the Commission should reverse</p>
<p style="text-align: right;">39</p> <p>1 ITEM NO. 14 2 Petitioner and Jordan Hollander is here on 3 behalf of the Division. 4 CHAIR PLOUSIS: Thank you. 5 Division? 6 MR. HOLLANDER: Good morning, Chairman 7 and Commissioners. Jordan Hollander on behalf 8 of the Division. 9 As Senior Counsel Pimpinelli just 10 stated, last December a hearing was held on the 11 initial application of Anthony Patrone for an 12 initial casino key employee license. 13 In February an initial decision was 14 entered granting Mr. Prone that license. And 15 on March 1st, 2018, the Division submitted a 16 letter to the Commission of exceptions to that 17 initial decision. That letter has been marked 18 as D-34 for identification. I would just like 19 to highlight a few points from that letter. 20 The Division met its burden of 21 demonstrating Mr. Patrone's disqualification by 22 a preponderance of the evidence as to his 23 criminal conviction and related conduct. 24 There's no dispute Mr. Patrone was 25 convicted of a misdemeanor, unauthorized use of</p>	<p style="text-align: right;">41</p> <p>1 ITEM NO. 14 2 the holding of the initial decision and find 3 that the Division met its burden of 4 demonstrating Mr. Patrone's conviction of this 5 disqualifying crime pursuant to Section 6 86(c)(3) of the Act. 7 Subsequent to the filing of Mr. 8 Patrone's application for a casino key employee 9 license, Mr. Patrone's theft-related conviction 10 was expunged. Therefore, following decades of 11 precedents, the Division must analyze Section 12 86(c)(e) of the Act in conjunction with Section 13 86(g) that scrutinizes Mr. Patrone's conduct in 14 the underlying the conviction. 15 The Commission may still find Mr. 16 Patrone disqualified under Section 86(g) of 17 committed conduct that would otherwise be 18 disqualified under 86(c) of the Act had the 19 conviction not be expunged. Section 86(g) 20 exists in the Act so that the underlying 21 conduct itself is as disqualifying as the 22 conviction for that offense. 23 Mr. Patrone's conduct constitutes 24 disqualifying conduct under Section 86(g) of 25 the Act. Accordingly, the Commission should</p>

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42	<p>1 ITEM NO. 14</p> <p>2 reject that portion of the initial decision</p> <p>3 that both these sections do not need to be read</p> <p>4 together and should find Mr. Patrone</p> <p>5 disqualified pursuant to Section 86(c)(3) and</p> <p>6 (g) of the Act.</p> <p>7 Next, and of interest and of significant</p> <p>8 interest to the Division, the initial decision</p> <p>9 makes no finding of fact relating to Mr.</p> <p>10 Patrone's gaming license suspensions in the</p> <p>11 state of Louisiana and from the Chitimacha</p> <p>12 Tribe due to his conduct underlying his</p> <p>13 conviction. Furthermore, Mr. Patrone did not</p> <p>14 initially advise the Division of these license</p> <p>15 suspensions.</p> <p>16 The letter order suspending Mr.</p> <p>17 Patrone's Louisiana State certification and</p> <p>18 Tribal gaming key license were placed in</p> <p>19 evidence at the hearing. Following his</p> <p>20 pleading conviction, Mr. Patrone withdrew his</p> <p>21 appeal of the state suspension and waived his</p> <p>22 right to contest the suspension. He also went</p> <p>23 into an agreement with the Chitimacha Tribe</p> <p>24 that he would not seek reinstatement with them</p> <p>25 in the future. These documents were also</p>	44	<p>1 ITEM NO. 14</p> <p>2 and for the reasons stated in the Division's</p> <p>3 letter of March 1st, the Division respectfully</p> <p>4 requests that the initial decision be rejected,</p> <p>5 that legal rulings be reissued, that the</p> <p>6 Commission find Mr. Patrone disqualified for a</p> <p>7 casino key employee licensure pursuant to</p> <p>8 Sections 86(c)(3) and/or (g) of the Act based</p> <p>9 on the record in this case at the hearing, that</p> <p>10 the Commission find the Applicant failed to</p> <p>11 demonstrate his good character, honesty, and</p> <p>12 integrity by clear and convincing evidence as</p> <p>13 required by Section 89 of the Act and deny the</p> <p>14 application.</p> <p>15 In the alternative, the Division</p> <p>16 respectfully requests that the matter be</p> <p>17 remanded to the hearing examiner to make</p> <p>18 correct legal rulings on the issues, render</p> <p>19 additional findings of fact critical to this</p> <p>20 case based on the derogatory information as</p> <p>21 noted, and reanalyze that matter pursuant to</p> <p>22 Sections 86(c)(3), 86(g) and 89(b) of the Act.</p> <p>23 Lastly, I would ask that Page D-34 be</p> <p>24 moved into evidence.</p> <p>25 Thank you very much.</p>
43	<p>1 ITEM NO. 14</p> <p>2 placed into evidence at the hearing.</p> <p>3 Further, Louisiana State Police Indian</p> <p>4 Gaming Unit, Sgt. Charles Lauret, who authored</p> <p>5 the state suspension notice sent to Mr. Patrone</p> <p>6 testified at the hearing. And he testified</p> <p>7 that Mr. Patrone is ineligible to hold a state</p> <p>8 certification issued by the Louisiana State</p> <p>9 Police Indian Gaming Unit, a credential that is</p> <p>10 required to work for Tribal casino in the state</p> <p>11 of Louisiana for a period of five years.</p> <p>12 The initial decision does not make any</p> <p>13 findings of facts relating to his suspensions</p> <p>14 or his current license bar in that state. This</p> <p>15 information is critical in analyzing Mr.</p> <p>16 Patrone's good character, honesty, and</p> <p>17 integrity, and the initial decision should have</p> <p>18 taken it into consideration under Section</p> <p>19 89(b).</p> <p>20 In light of this, the Commission must</p> <p>21 reject the initial decision's finding that Mr.</p> <p>22 Patrone met his burden by clear and convincing</p> <p>23 evidence of demonstrating his good character,</p> <p>24 honesty, and integrity.</p> <p>25 In conclusion, for the foregoing reasons</p>	45	<p>1 ITEM NO. 14</p> <p>2 CHAIR PLOUSIS: Thank you.</p> <p>3 MR. LEVENSON: Good morning Chairman,</p> <p>4 Madame Vice Chair, Commissioner Cooper.</p> <p>5 First -- I don't have the number</p> <p>6 offhand, but the reply to the exceptions -- and</p> <p>7 I had to notice that he was going to try to</p> <p>8 introduce that this morning, so we hurried up</p> <p>9 and got copies. So whatever that number is,</p> <p>10 we'll figure it out and offer it.</p> <p>11 CHAIR PLOUSIS: And we will accept that</p> <p>12 in.</p> <p>13 MR. LEVENSON: Reply to the exceptions</p> <p>14 into evidence. A-40. Thank you. A-40.</p> <p>15 MS. FAUNTLEROY: A-four-oh?</p> <p>16 MR. LEVENSON: A-four-zero.</p> <p>17 MR. NANCE: Is that the exhibit?</p> <p>18 MR. LEVENSON: I just gave it. Yeah.</p> <p>19 This is it. Yeah. Do you want it?</p> <p>20 MR. NANCE: Thank you.</p> <p>21 MR. LEVENSON: You know, I remember as a</p> <p>22 young lawyer, there was a judge that I appeared</p> <p>23 before -- and, in fact, you know his son very</p> <p>24 well. His son was Joe Fusco. And Ralph Fusco,</p> <p>25 Sr., was a judge in Essex County Superior</p>

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<p style="text-align: right;">46</p> <p>1 ITEM NO. 14 2 Court. The toughest judge I've ever appeared 3 before. But he gave me these words of wisdom, 4 which I'm probably not going to adopt here. 5 But he said, "When you stand well, stand 6 still." Meaning that I have 45 pages of a 7 decision authored by Vice Chair Harrington, 8 which was comprehensive, to say the least. And 9 when I hear the Deputy Attorney General talk 10 about that the decision did not adequately deal 11 with the facts of the case, et cetera, I am 12 dumbfounded. I've never seen a decision that 13 included every possible issue in the case. 14 And, you know, normally, when -- I 15 consider the two of you, meaning the Chairman 16 and Commissioner Cooper, you are the Appellate 17 Court. Commissioner -- Vice Chair Harrington 18 was the trial judge. She heard the evidence. 19 She made a decision, and you two are the 20 Appellate Court. So -- 21 And so the trial judge was able to see 22 the testimony or hear the testimony, take a 23 look at the -- and judge the witnesses, judge 24 their credibility. But, you know, this whole 25 case started based on an investigation, a</p>	<p style="text-align: right;">48</p> <p>1 ITEM NO. 14 2 letter report, it was absolutely clear to them 3 that it was a quid pro quo. In the hearing, 4 they stuck to it, that it was a quid pro quo. 5 But yet in their exceptions, if you read their 6 exceptions, they take steps back from that and 7 say, well, maybe -- and there's a quote in 8 there and maybe before the end, I'll find it 9 right in my papers here, but that maybe -- 10 And it's in your footnote. 11 Maybe the -- Mr. Patrone did what he did 12 because in the future, the Tribal Chairman 13 could do something for him. So there went the 14 quid pro quo on the bonus. But it could be -- 15 now it's a little different. It's all watered 16 down because there was no evidence that there 17 was a quid pro quo. 18 You know, certain things hit you when 19 you read the decision, and you've been part of 20 this for as long as I've been part of this. 21 And, you know, when I got the list of witnesses 22 from the Division of Gaming Enforcement to 23 begin this case, on that list of witnesses were 24 the two troopers who started all this and 25 incorrectly, improperly shepherded this through</p>
<p style="text-align: right;">47</p> <p>1 ITEM NO. 14 2 faulty investigation by the Louisiana State 3 Police. They were unclear. They were 4 disorganized. They had a result in mind when 5 they began, and no matter what the testimony or 6 the evidence or the documents that came out in 7 their investigation, they just kept-- almost 8 like, there's a street named after them, you 9 know, "one way"? And that's just what they 10 did. They plowed through this as a one-way 11 street with the idea that the Chairman of the 12 Tribal Council received a bonus that he 13 otherwise wasn't entitled to, even though Vice 14 Chair Harrington correctly pointed out that he 15 was entitled to it. But he wasn't entitled to 16 it because my client had a bonus structure 17 that, if you met a little higher threshold, he 18 would get an increased bonus and, therefore, it 19 was a quid pro quo. You know, they stuck -- 20 they started with that. They stuck to that. 21 And, unfortunately, for some reason, the 22 Division of Gaming Enforcement has stuck to it, 23 also. But they stuck it to a little less as 24 things went on. 25 If you notice that during -- in their</p>	<p style="text-align: right;">49</p> <p>1 ITEM NO. 14 2 the system. But they were on the witness list. 3 And my mouth was watering because I couldn't 4 wait to see these two guys come into this 5 chamber and sit in there, and unlike Mr. 6 Patrone, who sat there and was called as a 7 witness by the Division of Gaming Enforcement, 8 I wanted an opportunity to cross-examine those 9 two people. They are on their witness list. 10 So throughout the hearing, whenever there was a 11 break, I would go outside, and I would try to 12 hear if there was a southern accent by somebody 13 who I didn't know. Because I'm assuming, based 14 on the witness list, that they were going to 15 produce the two people who were the main 16 investigators in this case. 17 Now, they did produce by telephone this 18 other fellow, but this other fellow really 19 dealt with the administrative issues. And this 20 other fellow, Lauret, had nothing to do with 21 investigating the case. Which showed me that, 22 well, if you don't bring him in, maybe there's 23 some problem. They're not allowed to travel? 24 I don't know. But there was nothing wrong with 25 putting them on the telephone the same way they</p>

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<p style="text-align: right;">50</p> <p>1 ITEM NO. 14 2 put Lauret on the telephone. But that never 3 happened. 4 And, you know, in our court system, 5 there's a model jury charge which is very 6 interesting. And it says: The rule is that 7 where a party fails to produce a witness, a 8 person whom that party would naturally be 9 expected to call to testify, you have a right 10 to infer that had that witness been produced, 11 he or she would have testified adversely to the 12 interest of that party. 13 The reason for this rule is that where 14 you would normally expect a party to call a 15 person as a witness and that party without 16 reasonable explanation fails to do so, it 17 leaves a natural inference that the 18 nonproducing party fears exposure of facts 19 which would be unfavorable to him or her. 20 This case could not be more of a perfect 21 example of an adverse inference. Never was 22 there an explanation made by the Division of 23 Gaming Enforcement as to why the two key 24 witnesses in this case down in Louisiana that 25 they rely upon were not called as a witness</p>	<p style="text-align: right;">52</p> <p>1 ITEM NO. 14 2 case like Vice Chair Harrington has the feel of 3 the case. And she was the one that assessed 4 the credibility of Mr. Patrone when he 5 testified. 6 There's a decision that was cited in 7 the -- a court decision that was cited in this 8 decision that we call the Bally's case where 9 the Commission has ruled that you take an 10 entire person's life. And then decide based on 11 that entire person's life whether there was 12 something that occurred that in any way reduced 13 that person to someone who would be unsuitable 14 when you take into consideration their 15 entire -- entire life. 16 You know, Vice Chair Harrington couldn't 17 have said it better. The worst that happened 18 here -- as far as my client is concerned, the 19 worst, this is certainly not criminal -- and 20 I'm quoting her -- is that there was a 21 breakdown in communication. 22 And the other part of her opinion was 23 that there was a mistake. Now, last I looked, 24 breakdown in -- breakdown in communication and 25 mistake do not amount to criminal behavior.</p>
<p style="text-align: right;">51</p> <p>1 ITEM NO. 14 2 either in this chamber or at least by 3 telephone. 4 On the other hand, Mr. Patrone testified 5 for hours, and according to the decision by 6 Vice Chair Harrington, his testimony was 7 candid, forthright, consistent, truthful. You 8 don't have an opportunity to know whether the 9 state police officers would be consistent, 10 truthful, forthright, and candid because we 11 never had that opportunity to have them here. 12 You know, as far as credibility is 13 concerned, it's not up to the Appellate Court 14 to really re -- try to decide the credibility 15 of Mr. Patrone. There's a Supreme Court case 16 in New Jersey, which is the seminal case that 17 everybody cites in a brief from 1969. It's 18 called "Dolson versus Anastasia," at 55 New 19 Jersey 2. It says -- little part of it says: 20 We must -- "we" meaning the Supreme Court -- 21 must defer to the trial court's assessment of 22 such things as witness credibility and the feel 23 of the case. 24 Well, nobody here between the three of 25 you, most respectfully, has the feel of the</p>	<p style="text-align: right;">53</p> <p>1 ITEM NO. 14 2 You know, the offense that he finally 3 pleaded to -- and you might have a question as 4 Appellate Courts, why, if he's totaled 5 innocent -- which is he -- why did he even 6 plead guilt to the misdemeanor which says 7 unauthorized use of a movable without any 8 intention to deprive the other of the movable 9 permanently. All right? It sounds like, you 10 know, taking this and then... put it back. I 11 mean, that's the case here. I mean, it's -- 12 that's the offense. 13 In fact, there was testimony that the 14 District Attorney said to Mr. Patrone's 15 attorney, Mr. Patrone, pick something. We got 16 to have something because of the fact that you 17 were charged with all these series of offenses. 18 We have to have something. So they went back, 19 Mr. Patrone and his lawyer, and said, okay. 20 Here's what we'll do. We'll -- we'll get this 21 one which says no intention to deprive the 22 other of movable permanently. We'll make it an 23 Alford plea where you don't have to admit you 24 did anything, and we'll get you a fine. The 25 exposure was \$500. The judge actually gave him</p>

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<p style="text-align: right;">54</p> <p>1 ITEM NO. 14 2 \$250 and 24 hours of unsupervised probation. 3 Then what happened was, that plea was 4 set aside, an expungement occurred. And then 5 under Louisiana law, that misdemeanor that he 6 pled to turns into an acquittal. So he really 7 was acquitted. 8 But you may still ask, why did he do it? 9 Because he's innocent of everything. The other 10 two people that were charged, the Chairman and 11 Montie Spivey, the CFO of the casino, do you 12 know what they're doing right now? They're 13 waiting for a trial. They haven't been tried 14 yet. The prosecutor hasn't brought them to 15 trial yet. They are under -- they are under 16 the charges. So had Mr. Patrone waited and 17 said, you know what? I'm principled. I'm 18 innocent. And I'm going to tell the jury that 19 and, hopefully, get the jury to agree. You 20 know where he'd be now? He would be not here 21 in front of you, hopefully going to be awarded 22 a key employee license and be able to go to 23 work. He would still be stuck in Louisiana 24 waiting for his trial to occur. 25 So he made the right move. No one knew</p>	<p style="text-align: right;">56</p> <p>1 ITEM NO. 14 2 offense. Because if there's no theft, there's 3 no disqualifying offense. And you can't be 4 inimical because, even if there wasn't a 5 conviction, if there was underlying conduct 6 that would otherwise make him unsuitable, she 7 has found very clearly that there was no theft. 8 So you can't be inimical if you didn't even 9 commit a crime. 10 You know, other things that -- and I'm 11 not going to touch everything because there's 12 45 pages in here. I can't -- I can't -- you 13 know, it's -- you know. 14 It was very difficult to prepare for 15 this argument because normally -- and I don't 16 mean this with any disrespect, but it was 17 great. But normally when you have a decision 18 of a trial judge, there are some things in 19 there that are not all the way one way or the 20 other. You know, there is some wiggle room. 21 There's some gray in there. And, therefore, 22 you prepare -- as a litigator, you prepare -- 23 prepare to argue the points that were not in 24 your favor. In 45 pages I couldn't find 25 anything that was not in my favor. So it was</p>
<p style="text-align: right;">55</p> <p>1 ITEM NO. 14 2 at that point whether it was the right move or 3 the wrong move, but as it turns out, there's no 4 telling when the prosecution is going to bring 5 those other two people to trial. That's why it 6 was actually a good move. 7 This continued comment that this was a 8 casino-related theft, that has been another -- 9 you know, besides the quid pro quo, it's like 10 another thing that keeps coming out over and 11 over again. And that was dealt with very 12 completely by Vice Chair Harrington where she 13 said: To characterize the ultimate plea to 14 this misdemeanor as a casino-related theft is 15 disingenuous. I mean, that was -- I have to 16 commend Vice Chair. I think it's worse than 17 that. But it's -- at least disingenuous, which 18 was a very nice way of saying that it's got 19 nothing that would lead anybody to -- first of 20 all, it's not a theft. She clearly found there 21 was no theft here. So whether it's 86(c) or 22 86(g) or whatever it is, it does -- none of 23 that matters because she concluded that there 24 was no theft. And if there's no theft, then 25 you can't be convicted of a disqualifying</p>	<p style="text-align: right;">57</p> <p>1 ITEM NO. 14 2 very difficult to prepare. So I know I'm just 3 repeating some of the things, but some of 4 the -- some of the highlights I think are 5 important to repeat. 6 For example, I've been -- I was a 7 prosecutor in my early years for many years. 8 Then when I came out of being a prosecutor, I 9 was a criminal defense attorney for several 10 years. No more. It was too much stress, so I 11 do other things. But never in my career in the 12 criminal arena did I ever see a district 13 attorney write a letter on behalf of a 14 defendant. I've never seen it. And maybe you 15 all have seen it. I've never seen it. In 16 fact, there was a rule in the prosecutor's 17 office where I was in where you weren't allowed 18 to do that. But here we have the District 19 Attorney who, as Commissioner Harrington -- 20 Vice Chair Harrington pointed out, allowed an 21 expungement in record time. Allowed the plea 22 to this misdemeanor and to set aside and then 23 the acquittal to occur. What he said, besides 24 saying that people in the community hold Mr. 25 Patrone in very high regard, what he said was:</p>

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<p style="text-align: right;">58</p> <p>1 ITEM NO. 14 2 As reflected by the ultimate resolution of this 3 case as a misdemeanor, it is not this Office's 4 intention to impede Mr. Patrone's ability to 5 continue to be employed in the gaming industry. 6 You know, it's unheard of. But it 7 stands for the respect that even the District 8 Attorney, the Prosecutor, has for Mr. Patrone. 9 Why they demanded something, you can only 10 speculate that, you know, they have to work 11 with the Louisiana State Police, and to just 12 let Mr. Patrone walk away with nothing, you 13 know, just -- and that's why I think -- and I'm 14 speculating, but with some experience under my 15 belt that, you know, pick something so at least 16 you're in the system. Unheard of. But very 17 supportive, obviously, of Mr. Patrone that the 18 District Attorney of the county down there 19 wrote the -- wrote that letter. 20 You know, character witnesses. There 21 was nobody that the Division of Gaming 22 Enforcement called which impugned the character 23 of Mr. Patrone. All right? So his character 24 stands uncontradicted. Uncontroverted. 25 You know, we had the President of Hard</p>	<p style="text-align: right;">60</p> <p>1 ITEM NO. 14 2 know what -- what normally happens in the 3 casino world, you know, as far as finance. He 4 testified, as well as we had letters from other 5 people in finance and human resources from 6 other casinos, that the appropriate way to pay 7 this bonus was exactly the way Mr. Patrone paid 8 it and authorized it to be paid. It was 9 exactly what happened in Mohegan Sun in a very 10 similar, just about identical situation. 11 You know, the Division and the State 12 Police argued that what was being done was 13 under the table, not transparent. Yet there 14 were approximately 20 people associated with 15 either the Tribe or the casino that knew 16 exactly what was going on. 17 The Division argued as the State Police 18 argued that in the November 9th meeting, which 19 is probably the most important meeting here. 20 In the November 9th meeting -- they actually 21 said this. They said there was no mention of a 22 bonus for the Chairman. And yet we had a 23 transcript where it was clear that the 24 discussion of a bonus for the Chairman 25 occurred. So I -- it's hard to understand why</p>
<p style="text-align: right;">59</p> <p>1 ITEM NO. 14 2 Rock writing a letter. You had the President 3 in support. President of Tropicana. 4 Interestingly, they put into evidence the fact 5 that he could not be rehired by the Tropicana. 6 And yet the President of Tropicana months later 7 writes a letter saying if he gets a key 8 employee license, and there's a job 9 opportunity, we want to hire you. So I don't 10 know what that's all about, and they never 11 explained. The CEO of the Hartmann Group, 12 the -- you know, the former CFO and Senior Vice 13 President of Finance for Mohegan Sun, who also 14 was a key employee he met many, many years as 15 an internal audit head and a finance fellow. 16 He had been in the business over 30 years, Gary 17 Van Hettinga. You know, something just 18 stumbled out of his mouth which you read in 19 the -- in the decision where he said -- and I'm 20 quoting, "the incident in Louisiana is the most 21 ridiculous thing" he'd ever heard of in his 22 life. 23 You know, it's not the -- that comes 24 with a -- you know, someone who knows what 25 happened and someone who has the experience to</p>	<p style="text-align: right;">61</p> <p>1 ITEM NO. 14 2 the Division repeated what the Louisiana State 3 Police said, which was totally incorrect. It's 4 not my opinion it's incorrect. It's in 5 writing. That's why it would have been nice to 6 have the troopers up here who repeatedly said 7 that there was no mention in the November 9th 8 meeting of a bonus for the Chairman. I would 9 have loved to have asked them that. Why do you 10 say that? How can you look at this transcript 11 and say that? Maybe that's why they -- one of 12 the reasons why they weren't here. There's 13 probably a lot of other reasons. I know 14 there's a lot of reasons they weren't here. 15 Because they can't answer those questions. 16 They can answer the quid pro quo. 17 They can't answer the idea that 20 18 people were aware of how this money bonus was 19 being paid, including the Tribal CFO who, after 20 she got a list of the purported bonuses, the 21 Chairman's name was on it. And she wrote back 22 an e-mail and said to Montie Spivey, the CFO of 23 the casino, hey, it "looks good." How would 24 anybody know there was a problem when the CFO 25 of the Tribe said "looks good."</p>

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<p style="text-align: right;">62</p> <p>1 ITEM NO. 14 2 Because the only thing -- the open thing 3 that was discussed was where he was going to be 4 paid from. Should he be paid from the casino, 5 because that's where he worked for nine months? 6 Or should he be paid by the Tribal? Well, the 7 Tribal CFO said, no, I'm not comfortable with 8 being paid by the Tribe. So you, you casino, 9 do it. So everybody knew. The outside 10 auditors knew as this was going on what was 11 happening. There was no secret. It couldn't 12 have been more transparent. 13 They put him on the payroll to pay his 14 bonus. They took him off the payroll because 15 he's not going to be working there anymore. 16 Exactly what happened in Mohegan Sun. Exactly 17 what happened to the other casino where people 18 who wrote the character letters were 19 discussing. 20 So, you know, I think the Vice Chair in 21 her decision said it exactly correctly where 22 she said: The insinuation that there was some 23 active intent to keep Oliver Darden's name -- 24 that's the Chairman's name -- secret from the 25 Council is ludicrous when one reads the</p>	<p style="text-align: right;">64</p> <p>1 ITEM NO. 14 2 in Louisiana. We don't know exactly, you know, 3 how it all happened, but someone somewhere 4 somehow got it into their head, whether it was 5 the -- probably the combination of Louisiana 6 State Police -- not the District Attorney. 7 Because although the Tribe -- 8 interestingly, the Tribe wanted to have the 9 District Attorney notified before there was any 10 arrest. They didn't do that. They notified 11 the State Police, the State Police came and 12 made the arrest, and then the whole thing 13 became a snowball down a mountain. 14 But somewhere somehow somebody or 15 somebodies conjured up the fact that this was a 16 quid pro quo and that Anthony somehow was 17 committing a -- or I don't know if they even 18 believe that he committed an offense. But when 19 you look at what he was charged with and then 20 you look at what really happened, something was 21 wrong. How do you charge this man with three 22 felonies, end up with something that is as low 23 in our totem pole of the criminal laws 24 possible, with an Alford plea in, with a 25 set-aside, with an expungement, and an</p>
<p style="text-align: right;">63</p> <p>1 ITEM NO. 14 2 transcript of the Los Angeles -- Los Angeles -- 3 Louisiana State Police interviews in 4 combination with all the evidence submitted. 5 This was -- I think a total of about 6 \$3900 that's in issue here. And this was, you 7 know, something that they kept so secret that 8 they took withholding out of it. They 9 deposited it in his bank. I mean, talk about a 10 paper trail. You know, you couldn't leave a 11 much bigger paper trail or evidence trail by 12 the fact that 20 people were aware of what was 13 going on than what happened -- what happened 14 here. 15 You know, maybe I'll go back to my 16 initial comment which was "Stand well, stand 17 still." So now I'm going to stand well. I'm 18 going to stand still. I don't know if I'll 19 stand well. But I'll certainly be available to 20 answer any questions. 21 It's very clear from those 45 pages 22 that, you know, Anthony Patrone is someone 23 who's ripe to receive a key employee license. 24 He's been out of work, unfortunately, for a 25 couple of years as a result of the debacle down</p>	<p style="text-align: right;">65</p> <p>1 ITEM NO. 14 2 acquittal. If there was anything to any of 3 these three felonies, believe me, it would not 4 have ended up the way it ended up. 5 So, with all due respect to the 6 Division -- you know, I respect the Division. 7 I respect Mr. Hollander, Mr. Rebuck, Director 8 Rebuck tremendously. I just think that they've 9 looked at this case incorrectly. And I 10 respectfully request that my client be issued a 11 key employee license. 12 CHAIR PLOUSIS: Thank you, Mr. Levenson. 13 MR. LEVENSON: Thank you. 14 CHAIR PLOUSIS: Mr. Hollander? 15 MR. HOLLANDER: Just a few points in 16 reply if I may. 17 The Division was guided in its 18 presentation at the hearing by the issues 19 identified at the prehearing conference memo 20 that was issued in this matter that only listed 21 Mr. Patrone's actual conviction for an 22 unauthorized use of a removable for his 23 admitted conviction, which is a theft-related 24 misdemeanor that was related to his job as a 25 general manager of a casino.</p>

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<p style="text-align: right;">66</p> <p>1 ITEM NO. 14 2 It is important to contextualize this. 3 The Supreme Court of Louisiana has held that 4 this criminal charge is a lesser included 5 offense of theft, and it's part of Louisiana's 6 codification of the common law crimes of theft 7 in that state. It's categorized as a theft 8 crime. It is not felony theft as he was 9 initially charged with, but it is a 10 theft-related crime. And because it is such 11 and because it was related to his conduct in 12 the operation and management of a casino, it's 13 inimical to the public policy of the Casino 14 Control Act under Section 86(c)(3). 15 Importantly, the Louisiana Court was 16 satisfied of his actual guilt of the conduct 17 underlying the conviction. That is the 18 standard for accepting a plea under an Alford 19 plea in Louisiana. The Prosecutor put forth 20 evidence, and the sentencing judge had to be 21 actually satisfied of his actual guilt, Mr. 22 Patrone's alleged innocence notwithstanding. 23 The Court had to be satisfied for the Court to 24 convict him. Mr. Patrone cannot contest that. 25 Also, it is important -- we're -- the</p>	<p style="text-align: right;">68</p> <p>1 ITEM NO. 14 2 briefly. 3 First of all, I did make a mistake. I 4 wanted to, because it was mentioned in Vice 5 Chair Harrington's decision, that Mr. Patrone's 6 wife was in the chambers during the whole time. 7 So just -- this is Rosalie Patrone. Next to 8 her is my paralegal, Carla Noble. So I didn't 9 want you maybe to mix up the two. 10 Just very, very briefly. The comment 11 with regard to the trial court down there had 12 to be satisfied with Mr. Patrone's guilt, there 13 was no proof. They could have produced, I 14 guess, maybe a transcript of the plea or called 15 the -- first of all, it was the First Assistant 16 District Attorney who prosecuted this. The 17 letter came from the District Attorney. I 18 think that's even more important than a letter 19 coming from the First Assistant, which probably 20 he wouldn't have written unless he got approval 21 from the District Attorney. 22 But you can't just get up and say, well, 23 that's the law, so he must have found something 24 when he -- you know, took the plea. When the 25 judge took the plea. There's an opportunity to</p>
<p style="text-align: right;">67</p> <p>1 ITEM NO. 14 2 Commission and the Division are charged with 3 regulating the perversively -- pervasively 4 regulated industry. A conviction has 5 consequence. The conviction has consequences, 6 whether it's put through with a plea and 7 notwithstanding the DA's intention. I would 8 also note in the District Attorney's letter he 9 wrote that he did not know Mr. Patrone well, 10 nor did he prosecute this case. 11 Lastly, I would note that the initial 12 decision's analysis of Mr. Patrone's good 13 character, honesty, and integrity under Section 14 89(b) of the Act and the finding that he met 15 that, his burden of demonstrating such by clear 16 and convincing evidence cannot be deemed 17 complete without any findings of facts related 18 to the multiple gaming suspensions, his license 19 is barred in the state of Louisiana, and his 20 initial failure to disclose those suspensions 21 to the Division. Those facts have to be found. 22 They are not currently part of the initial 23 decision. 24 Thank you. 25 MR. LEVENSON: I just -- very, very</p>	<p style="text-align: right;">69</p> <p>1 ITEM NO. 14 2 bring in the First Assistant District Attorney. 3 They could have brought in a certification from 4 him, an affidavit from him as to what happened 5 at that plea. But you can't just get up and 6 say, well, he must have found that there was 7 guilt. I mean, that's just not the kind of 8 evidence. That isn't evidence. That is not 9 evidence at all. 10 So those are the only two things, 11 really, I have to say -- 12 CHAIR PLOUSIS: Thank you. 13 MR. LEVENSON: -- in response to what he 14 just said. 15 CHAIR PLOUSIS: Mr. Hollander, did you 16 want to rebut any of that? 17 MR. HOLLANDER: The Division did -- 18 thank you for the opportunity, Mr. Chairman. 19 The Division did introduce the minutes 20 of the sentencing where the judge found him 21 guilty. In order for him to do that under the 22 plea, under the Louisiana law, he had to be 23 satisfied with the actual guilt. We did not -- 24 the evidence of his conviction alone is -- the 25 Division submits, is sufficient to support the</p>

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<p style="text-align: right;">70</p> <p>1 ITEM NO. 14 2 judge's conclusion that he was actually 3 satisfied of his guilt. Otherwise, Mr. Patrone 4 could have moved to vacate his plea or withdraw 5 his plea if he had some procedural issue with 6 the way the Court handled the matter. But that 7 didn't happen in this case. The Court 8 sentenced the defendant -- or sentenced Mr. 9 Patrone, excuse me. And in order for him to do 10 so, he had to be actually satisfied of Mr. 11 Patrone's guilt. 12 Thank you. 13 MR. LEVENSON: One more sentence, you 14 know, just, you know, the judge -- you know, 15 had the opportunity to issue a \$500 fine. He 16 thought so of much of this case that he gave 17 him a \$250 fine. So it just gives some 18 indication of what the judge felt about the 19 seriousness of what was before him. 20 CHAIR PLOUSIS: Thank you. 21 You want to -- you're fine, Mr. 22 Hollander? 23 Thank you. 24 Commissioners, do you have any questions 25 for either counsel?</p>	<p style="text-align: right;">72</p> <p>1 ITEM NO. 14 2 MS. FAUNTLEROY: Mr. Chairman, before we 3 do that, just to clean up the record, there 4 needs to be a motion considered to move D-34 5 and A-40 into evidence. 6 CHAIR PLOUSIS: Okay. 7 MS. FAUNTLEROY: Unless there's 8 objection from counsel. 9 CHAIR PLOUSIS: Can I have a motion? 10 COMMISSIONER COOPER: I'll make that 11 motion. 12 CHAIR PLOUSIS: Second? 13 VICE CHAIR HARRINGTON: Second. 14 CHAIR PLOUSIS: All in favor? 15 (Ayes.) 16 CHAIR PLOUSIS: We'll do a ten-minute 17 recess. 18 (A recess was taken from 11:37 to 11:53 19 a.m.) 20 CHAIR PLOUSIS: Okay. We're returning 21 from recess. 22 Commissioners, are there any further 23 questions? 24 VICE CHAIR HARRINGTON: Not from me. 25 CHAIR PLOUSIS: From anybody?</p>
<p style="text-align: right;">71</p> <p>1 ITEM NO. 14 2 COMMISSIONER COOPER: I'm satisfied. 3 CHAIR PLOUSIS: I have one question. 4 Did we try to get the two investigating 5 troopers to telephonically be interviewed or 6 come up? 7 MR. HOLLANDER: The Division included 8 those two troopers on its witness list if it 9 felt as the hearing proceeded if it was 10 necessary for them to be called. However, as 11 we were -- in our presentation, as I noted, we 12 were guided by the issues listed in the 13 prehearing conference memorandum, which only 14 dealt with Mr. Patrone's conviction for the 15 misdemeanor, not for the underlying 16 investigation or the initial charges. It was 17 never the Division's position that Mr. Patrone 18 was disqualified based solely on the initial 19 charges brought in the matter. And that is 20 reflected in the Division's presentation at the 21 hearing which was focused on an actual 22 conviction of unauthorized use of a removable. 23 CHAIR PLOUSIS: Thank you. 24 Any further questions? Okay. 25 I want to call for a recess.</p>	<p style="text-align: right;">73</p> <p>1 ITEM NO. 14 2 (No response.) 3 CHAIR PLOUSIS: Hearing none, is there a 4 motion? 5 COMMISSIONER COOPER: Mr. Chairman, the 6 issue in this case is rather straightforward. 7 Is there evidence that the Applicant engaged in 8 conduct which is disqualifying pursuant to 9 Section 86 of the Casino Control Act; and even 10 if there is not, can Applicant nonetheless 11 demonstrate his qualifications for licensure as 12 a casino key employee by clear and convincing 13 evidence. 14 The foundation of the Division's case 15 rests with the investigation conducted by the 16 Louisiana State Police. However, the record 17 presents numerous conflicts and inconsistencies 18 between the testimony and the documentation of 19 the Applicant and that of the Louisiana State 20 Police. 21 I concur with Vice Chair Harrington's 22 assessment of Applicant's candor and her 23 determination that there was no evidence that 24 corroborates a finding that Applicant engaged 25 in conduct that should disqualify him from</p>

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74	<p>1 ITEM NO. 14</p> <p>2 licensure as a casino key employee.</p> <p>3 There are ample examples throughout the</p> <p>4 record in this matter that corroborate this</p> <p>5 view, but one that sticks out is that of</p> <p>6 District Attorney Bofill Duhé's letter which</p> <p>7 Mr. Levenson referenced which stated that: As</p> <p>8 reflected by the ultimate resolution of this</p> <p>9 case as a misdemeanor, it was not this Office's</p> <p>10 intention to impede Mr. Patrone's ability to</p> <p>11 continue employment in the gaming industry.</p> <p>12 While Mr. Duhé's comments are not</p> <p>13 controlling, it is indicative of the evidence</p> <p>14 in this matter which substantially weighs in</p> <p>15 Applicant's favor. And my review of the entire</p> <p>16 record leads me to also conclude that the</p> <p>17 Applicant has demonstrated his qualifications</p> <p>18 for licensure as a casino key employee by clear</p> <p>19 and convincing evidence.</p> <p>20 Accordingly, I move that we adopt the</p> <p>21 initial decision and find Anthony C. Patrone --</p> <p>22 MR. PATRONE: Thank you.</p> <p>23 COMMISSIONER COOPER: -- qualified and</p> <p>24 grant his initial casino key employee license.</p> <p>25 CHAIR PLOUSIS: I'll second the motion.</p>	76	<p>1</p> <p>2 VICE CHAIR HARRINGTON: Second.</p> <p>3 All in favor?</p> <p>4 (Ayes.)</p> <p>5 CHAIR PLOUSIS: Opposed?</p> <p>6 (No response.)</p> <p>7 CHAIR PLOUSIS: Ayes have it.</p> <p>8 The meeting is adjourned.</p> <p>9 MR. PATRONE: Thank you very much.</p> <p>10 Thank you.</p> <p>11 CHAIR PLOUSIS: Good luck.</p> <p>12 MR. PATRONE: Thank you, Vice Chair,</p> <p>13 Harrington. Thank you very much.</p> <p>14 (Public Meeting No. 18-04-11 was</p> <p>15 adjourned at 11:57 a.m.)</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>
75	<p>1 ITEM NO. 14</p> <p>2 Roll call, please.</p> <p>3 MS. FAUNTLEROY: Commissioner Cooper?</p> <p>4 COMMISSIONER COOPER: Yes.</p> <p>5 MS. FAUNTLEROY: Vice Chair Harrington?</p> <p>6 VICE CHAIR HARRINGTON: Yes.</p> <p>7 MS. FAUNTLEROY: And Chairman Plousis?</p> <p>8 CHAIR PLOUSIS: Yes.</p> <p>9 MR. PATRONE: Thank you very much.</p> <p>10 Thank you.</p> <p>11 MS. FAUNTLEROY: In accordance with</p> <p>12 Resolution 17-12-19-03, the next closed session</p> <p>13 shall be held on Wednesday, May 9, 2018, at</p> <p>14 9:30 a.m. in the Commission offices.</p> <p>15 CHAIR PLOUSIS: Thank you.</p> <p>16 This is the public portion of our</p> <p>17 meeting. Is there anyone from the public that</p> <p>18 wishes to speak, please come forward and please</p> <p>19 state your name?</p> <p>20 (No response.)</p> <p>21 CHAIR PLOUSIS: Hearing none, I'll make</p> <p>22 a motion to adjourn.</p> <p>23 COMMISSIONER COOPER: I'll make that</p> <p>24 motion.</p> <p>25 CHAIR PLOUSIS: A second?</p>	77	<p>1</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4 I, DARLENE SILLITOE, a Certified Court</p> <p>5 Reporter and Notary Public of the State of New Jersey,</p> <p>6 certify that the foregoing is a true and accurate</p> <p>7 transcript of the proceedings.</p> <p>8 I further certify that I am neither</p> <p>9 attorney, of counsel for, nor related to or employed</p> <p>10 by any of the parties to the action; further that I am</p> <p>11 not a relative or employee of any attorney or counsel</p> <p>12 employed in this case; nor am I financially interested</p> <p>13 in the action.</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: April 16, 2018</p> <p>23 My Notary Commission Expires</p> <p>24 December 9, 2019</p> <p>25 ID No 50006932</p> 

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