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STATE OF NEW JERSEY

CASINO CONTROL COMMISSION

- - - - -

PUBLIC MEETING NO. 13-03-13

- - - - -

Wednesday, March 13, 2013

Atlantic City Commission Offices

Joseph P. Lordi Public Meeting Room - First Floor

Tennessee Avenue and Boardwalk

Atlantic City, New Jersey 08401

10:35 a.m. to 11:02 a.m.

Certified Court Reporter: Darlene Sillitoe

- - - - -

GUY J. RENZI & ASSOCIATES

GOLDEN CREST CORPORATE CENTER

2277 STATE HIGHWAY #33, SUITE 410

TRENTON, NEW JERSEY 08690

(609) 989-9199 - (800) 368-7652

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1 B E F O R E :

2 CASINO CONTROL COMMISSION:  
3 MATTHEW B. LEVINSON, CHAIR  
4 SHARON ANNE HARRINGTON, VICE CHAIR  
5 ALISA COOPER, COMMISSIONER

6 PRESENT FOR THE CASINO CONTROL COMMISSION:  
7 DARYL W. NANCE, ADMINISTRATIVE ANALYST  
8 DANIEL J. HENEGHAN, PUBLIC INFORMATION OFFICER

9 OFFICE OF THE GENERAL COUNSEL:  
10 DIANNA W. FAUNTLEROY, GENERAL COUNSEL/EXECUTIVE  
11 SECRETARY  
12 MARY WOZNIAK, ASSISTANT GENERAL COUNSEL  
13 TERESA M. PIMPINELLI, SENIOR COUNSEL  
14 STEPHANIE OLIVO, SENIOR COUNSEL  
15 JACK PLUNKETT, LICENSING

16 DIVISION OF GAMING ENFORCEMENT:  
17 DEPUTY ATTORNEYS GENERAL  
18 JOHN E. ADAMS, JR., DEPUTY ATTORNEY GENERAL  
19 BRIAN C. BISCIEGLIA, DEPUTY ATTORNEY GENERAL  
20 LOUIS ROGACKI, DEPUTY ATTORNEY GENERAL

21  
22  
23  
24



## 1   A P P E A R A N C E S :

2   ITEM NO. 8   TERESA PIMPINELLI, SENIOR COUNSEL  
3                    JOHN E. ADAMS, JR., DEPUTY ATTORNEY  
4                                    GENERAL

5                    JOSEPH A. CORBO, JR., ESQ.  
6                    FOR:  MARINA DISTRICT DEVELOPMENT  
7                    COMPANY, LLC

8   ITEM NO. 9   TERESA PIMPINELLI, SENIOR COUNSEL  
9                    BRIAN C. BISCIEGLIA, DEPUTY ATTORNEY  
10                                   GENERAL

11                   FRANK A. URENA

12   ITEM NO. 11 MARY WOZNIAK, ASSISTANT GENERAL COUNSEL  
13                   LOUIS ROGACKI, DEPUTY ATTORNEY GENERAL  
14                   MICHAEL & CARROLL, PC  
15                   GUY S. MICHAEL, ESQ.  
16                   BESSIE SACCO, ESQ.  
17                   FOR:  MARGARITAVILLE OF ATLANTIC CITY, LLC

18   ITEM NO. 14 STEPHANIE OLIVO, SENIOR COUNSEL  
19                   JOHN E. ADAMS, JR., DEPUTY ATTORNEY  
20                                   GENERAL  
21                   BROWNSTEIN, HYATT, FARBER, SCHRECK  
22                   PACIFICO AGNELLINI, ESQ.  
23                   FOR:  CAESARS ENTERTAINMENT CORPORATION  
24                   AND CAESARS ENTERTAINMENT OPERATING  
                  COMPANY



1	E X H I B I T S :			
2	ITEM NO.	DESCRIPTION	ID	EVD
3				
4	C-1	Draft Resolution	X	
5				
6	D-1	Report of the Division of Gaming Enforcement on the Petition of Margaritaville of Atlantic City for a Determination of License Status as a Casino Service Industry Enterprise pursuant to NJSA 5:12-92A, March 8, 2013 By Louis Rogacki, DAG (PRN 0651301)		X
7				
8				
9				
10	P-1	Trademark Sub-License Agreement, December 20, 2012, DGMB Casino, LLC, and Margaritaville of Atlantic City, LLC (Redacted)		X
11				
12				
13	P-3	Agreement of Lease, August 21, 2012, DGMB Casino, LLC, and Margaritaville of Atlantic City, LLC (redacted)		X
14				
15	P-3	Guaranty, August 21, 2012, Margaritaville Enterprises, LLC, and Margaritaville Holdings, LLC		X
16				
17				
18				
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23				
24				

Exhibits were retained by the Commission.



AGENDA			
PUBLIC MEETING NO. 13-03-13			
MARCH 13, 2013, 10:35 a.m.			
ITEM		PAGE	VOTE
1	1 Ratification of the minutes of the February 13, 2013, public meeting	8	9
2	2 Applications for initial casino key employee licenses:	10	10
	a) Marvin W. Case		
	b) Nasheema L. Coaxum		
	c) Brendan M. Hanley		
	d) Kenneth R. Lutz		
	e) Matthew D. McGuire		
	f) Lance K. Nicholson		
	g) Favionel Ramos		
3	3 Applications for resubmitted casino key employee licenses:		
	a) Eva L. Santiago	11	12
	b) Barbarann C. Travis	12	13
	c) Robert N. Tucker	10	17
4	4 Applications for casino key employee licenses and for qualification:		
	a) John W. Herald, III	14	14
	b) Kathleen M. McSweeney	15	15
5	5 Temporary casino key employee licenses issued between February 14, 2013, and March 13, 2013, pursuant to Delegation of Authority Resolution No. 13-01-10-16-C	16	
6	6 Requests for inactivation of casino key employee licenses:	16	18
	a) Thomas A. Barrett, II		
	b) Donald R. Burke		
	c) David W. Cox		
	d) Joseph S. Guarino		
	e) James R. Gwin		
	f) Melissa A. Jurusz-Alcamo		
	g) Thomas R. Kohn		
	h) Mark A. Marino		
	i) Thomas J. McDonough, III		
	j) Joseph Pavan		
	k) Edwin R. Raiczuk, Jr.		
	l) Kirk D. Ryan		
	m) Stephen L. Salvey		
	n) Margo S. Scott		
7	7 Consideration of casino key employee license terminations:	18	19
	a) Vlorim E. Aliu		

b) Debra J. Bair

1	CONTINUED	AGENDA		
		PUBLIC MEETING NO. 13-03-13		
2		MARCH 13, 2013, 10:35 a.m.		
	ITEM		PAGE	VOTE
3	7 c) Amelia L. Darrigo		18	19
	d) Raymond A. Demayo			
4	e) Mary J. Frabbiele			
	f) Catherine L. Heher			
5	g) Dana E. Komar			
	h) Sandra J. Morris			
6	i) Bobby L. Rhea			
	j) Angela L. Varela			
7	8 Petition of Marina District Development		19	22
	Company, LLC (d/b/a Borgata Hotel Casino			
8	& Spa) requesting permission for Paula			
	Eylar-Lauzon to perform the duties and			
9	exercise the powers as Vice President of			
	Internal Audit and Vice President of			
10	Sustainability for Boyd Gaming Corporation			
	pending plenary qualification (PRN 0521302)			
11	9 Stipulation of Settlement in the		22	23
	application of Frank A. Urena for a casino			
12	key employee license (DKT 13-0005-CK)			
	10 Proposed adoption of Chapter 42A (new		23	25
13	rules for hearing and appeals) and repeal			
	of Chapter 42			
14	11 Petition of Margaritaville of Atlantic		25	35
	City, LLC, for a determination of license			
15	status as a casino service industry			
	enterprise pursuant to NJSA 5:12-92A			
16	(PRN 0651301)			
	12 Petition of the American Gaming			adj.
17	Association for Participation in the			
	Petition of Rational Group US Holdings,			
18	Inc., for interim Casino Authorization			
	(PRN 0631302)			
19	13 Resolution of the Casino Control		35	40
	Commission acknowledging March as Problem			
20	Gambling Awareness Month			
	Jeff Beck		37	
21	14 Consideration of the qualification of		41	44
	Thomas M. Jenkin to serve as President			
22	of Operations for Caesars Entertainment			
	Corporation and Caesars Entertainment			
23	Operating Company, Inc.			
24				



1                   (Public Meeting 13-03-13 was commenced  
2                   at 10:35 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 6, 2012,  
10                  filed with the Secretary of State at the State  
11                  House in Trenton an annual meeting schedule.  
12                  On December 12, 2012, copies were mailed to  
13                  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



ITEM NO. 1

1 (The flag salute was recited.)

2 MS. FAUNTLEROY: Identify for the record  
3 the roll, please?

4 Chairman Levinson?

5 CHAIR LEVINSON: Here.

6 MS. FAUNTLEROY: Vice Chair Harrington?

7 VICE CHAIR HARRINGTON: Here.

8 MS. FAUNTLEROY: And Commissioner  
9 Cooper?

10 COMMISSIONER COOPER: Here.

11 MS. FAUNTLEROY: Matters discussed in  
12 closed session included: Employee key license  
13 applications.

14 Litigation update in the matter of  
15 Edwards versus Casino Control Commission, et  
16 al.

17 And Brooks versus Casino Control  
18 Commission, et al.

19 The first matter for your consideration  
20 is the ratification of the minutes of February  
21 13, 2013.

22 CHAIR LEVINSON: Thank you. Good  
23 morning.

24 Do I have a motion?

VICE CHAIR HARRINGTON: I move that we



ITEM NO. 2

1 ratify the minutes of the February 13th, 2013,  
2 meeting.

3 CHAIR LEVINSON: Thank you.

4 Do I have a second?

5 COMMISSIONER COOPER: I'll second that.

6 CHAIR LEVINSON: Any discussion?

7 (No response.)

8 CHAIR LEVINSON: All in favor?

9 (Ayes.)

10 CHAIR LEVINSON: Opposed?

11 (No response.)

12 CHAIR LEVINSON: Motion carries.

13 MS. FAUNTLEROY: Okay. Item No. 2 for  
14 your consideration are the applications for  
15 initial casino key employee licenses for Marvin  
16 Case, Nasheema Coaxum, Brendan Hanley, Kenneth  
17 Lutz, Matthew McGuire, Lance Nicholson, and  
18 Favionel Ramos.

19 CHAIR LEVINSON: Thank you.

20 Do I have a motion?

21 COMMISSIONER COOPER: Mr. Chair, I move  
22 to grant the seven initial casino key employee  
23 license applications.

24 CHAIR LEVINSON: Thank you.



ITEM NO. 3

1                   VICE CHAIR HARRINGTON: I'll second that  
2 motion.

3                   CHAIR LEVINSON: Motion is made and  
4 seconded.

5                   Any discussion?

6                   (No response.)

7                   CHAIR LEVINSON: All in favor?

8                   (Ayes.)

9                   CHAIR LEVINSON: Opposed?

10                  (No response.)

11                  CHAIR LEVINSON: Motion carries.

12                  MS. FAUNTLEROY: Item No. 3 are  
13 applications for resubmitted casino key  
14 employee licenses. You have three matters:  
15 Eva Santiago, Barbarann Travis, and Robert N.  
16 Tucker.

17                  With respect to Mr. Tucker, there has  
18 been no objection to Mr. Tucker. Staff  
19 recommends that his application be granted.

20                  CHAIR LEVINSON: Thank you.

21                  Is there a motion?

22                  VICE CHAIR HARRINGTON: Mr. Chairman, I  
23 move that we grant the resubmitted key casino  
24 employee license of Robert N. Tucker.

CHAIR LEVINSON: Thank you.

ITEM NO. 3

1 A second?

2 COMMISSIONER COOPER: I'll second.

3 MS. FAUNTLEROY: Eva -- I'm sorry.

4 CHAIR LEVINSON: Motion made and  
5 seconded.

6 Any discussion?

7 (No response.)

8 CHAIR LEVINSON: All those in favor?

9 (Ayes.)

10 CHAIR LEVINSON: Opposed?

11 (No response.)

12 CHAIR LEVINSON: Motion carries.

13 MS. FAUNTLEROY: Next is Eva Santiago.

14 The Division has requested that the  
15 matter be conferenced with respect to Eva  
16 Santiago.

17 The staff recommends that the matter be  
18 referred to a hearing.

19 CHAIR LEVINSON: Thank you.

20 Do I have a motion?

21 VICE CHAIR HARRINGTON: I move we remand  
22 for a hearing the resubmitted casino key  
23 employee license of Eva L. Santiago.

24 CHAIR LEVINSON: Thank you.



ITEM NO. 3

1 COMMISSIONER COOPER: I'll second that.

2 CHAIR LEVINSON: Motion made and

3 seconded.

4 Any discussion?

5 (No response.)

6 CHAIR LEVINSON: All those in favor?

7 (Ayes.)

8 CHAIR LEVINSON: Opposed?

9 (No response.)

10 CHAIR LEVINSON: Motion carries.

11 MS. FAUNTLEROY: Barbarann C. Travis.

12 The Division has recommended that the

13 matter be conferenced.

14 Staff supports that recommendation and

15 recommends that it be remanded for a hearing.

16 CHAIR LEVINSON: Thank you.

17 Is there a motion?

18 VICE CHAIR HARRINGTON: I move that we

19 remand for a hearing the resubmitted casino

20 employee license application of Barbarann C.

21 Travis.

22 CHAIR LEVINSON: Thank you.

23 Is there a second?

24 COMMISSIONER COOPER: I'll second that.

CHAIR LEVINSON: Motion made and



ITEM NO. 4

1           seconded.

2                   Any discussion?

3                   (No response.)

4           CHAIR LEVINSON: All those in favor?

5                   (Ayes.)

6           CHAIR LEVINSON: Opposed?

7                   (No response.)

8           CHAIR LEVINSON: Motion carries.

9           MS. FAUNTLEROY: Item No. 4, are  
10           applications for a casino key employee licenses  
11           and for qualification. We have John W. Herald,  
12           III, and Kathleen M. McSweeney.

13                   With respect to John B. Herald, III?

14           CHAIR LEVINSON: Thank you.

15                   Do I have a motion?

16           COMMISSIONER COOPER: I move to grant  
17           key license and qualification.

18           CHAIR LEVINSON: Thank you.

19                   Is there a second?

20           VICE CHAIR HARRINGTON: I'll second that  
21           motion.

22           CHAIR LEVINSON: Motion is made and  
23           seconded. This a roll call vote.

24           MS. FAUNTLEROY: Commissioner Cooper?

COMMISSIONER COOPER: Yes.

ITEM NO. 4

1 MS. FAUNTLEROY: Vice Chair Harrington?

2 VICE CHAIR HARRINGTON: Yes.

3 MS. FAUNTLEROY: Chairman Levinson?

4 CHAIR LEVINSON: Yes.

5 MS. FAUNTLEROY: Let the record reflect  
6 that the motion was unanimous.

7 The next matter is Kathleen M.  
8 McSweeney.

9 CHAIR LEVINSON: Thank you.

10 Do I have a motion?

11 COMMISSIONER COOPER: I move to grant  
12 the resubmitted key license and qualification.

13 CHAIR LEVINSON: Thank you.

14 Is there a second?

15 VICE CHAIR HARRINGTON: I'll second that  
16 motion.

17 CHAIR LEVINSON: Motion made and  
18 seconded. See this is also a roll call vote.

19 MS. FAUNTLEROY: Commissioner Cooper?

20 COMMISSIONER COOPER: Yes.

21 MS. FAUNTLEROY: Vice Chair Harrington?

22 VICE CHAIR HARRINGTON: Yes.

23 MS. FAUNTLEROY: Chairman Levinson?

24 CHAIR LEVINSON: Yes.

MS. FAUNTLEROY: Let the record reflect

ITEM NO. 5-6

1           that the decision was unanimous.

2                     The next matter for your consideration  
3           are the temporary casino key employee licenses  
4           issued between February 14, 2013, and March 13,  
5           2013, pursuant to Delegation of Authority  
6           Resolution No. 13-01-10-16-C.

7                     Mr. Plunkett is here to present your  
8           matter for your consideration. No vote is  
9           required on this matter.

10                    CHAIR LEVINSON: Thank you.

11                    MR. PLUNKETT: Good morning, Chair,  
12           Commissioners.

13                    CHAIR LEVINSON: Good morning.

14                    MR. PLUNKETT: The following individuals  
15           have been granted temporary key employee  
16           licenses subsequent to the February 13th,  
17           public meeting via delegated authority: Joseph  
18           Frangione, Stacey Kelsall, Paul Maccagnano,  
19           Alexander Montgomery, and Dennis Stogsdill.

20                    No further Commission action is  
21           required.

22                    CHAIR LEVINSON: Thank you.

23                    MS. FAUNTLEROY: Item No. 6 for your  
24           consideration are requests for inactivation of



ITEM NO. 6

1                   Again, Mr. Plunkett is here to present  
2                   the matter for your consideration.

3                   MR. PLUNKETT: In lieu of filing the  
4                   resubmission review form, the following 14  
5                   individuals have requested that they be added  
6                   to the casino key employee inactivative list  
7                   for a period not to exceed five years: Thomas  
8                   Barrett, Donald Burke, David Cox, Joseph  
9                   Guarino, James Gwin, Jurusz-Alcamo -- Melissa  
10                  Jurusz-Alcamo, Thomas Kohr, Mark Marino, Thomas  
11                  McDonough, Joseph Pavan, Edwin Raiczyk, Kirk  
12                  Ryan, Stephen Salvey, and Margo Scott.

13                  CHAIR LEVINSON: Thank you.

14                  Is there a motion?

15                  COMMISSIONER COOPER: Mr. Chair, I move  
16                  to grant the requested relief and order that  
17                  the 14 identified casino key employee licenses  
18                  be inactivated.

19                  CHAIR LEVINSON: Thank you.

20                  Is there a second?

21                  VICE CHAIR HARRINGTON: I'll second that  
22                  motion.

23                  CHAIR LEVINSON: Motion is made and  
24                  seconded.





ITEM NO. 7

1 (No response.)

2 CHAIR LEVINSON: All those in favor?

3 (Ayes.)

4 CHAIR LEVINSON: Opposed?

5 (No response.)

6 CHAIR LEVINSON: Motion carries.

7 MS. FAUNTLEROY: Item No. 7 is

8 consideration of casino key employee license

9 terminations.

10 Mr. Plunkett is here to present that

11 matter.

12 CHAIR LEVINSON: Thank you.

13 MR. PLUNKETT: Commissioners, Item 7

14 contains the names of ten individuals whose

15 review period expired February 28th of this

16 year, and they have neither filed a casino key

17 employee resubmission form nor requested to be

18 placed on the inactive list.

19 Staff recommends that the casino key

20 employees license be terminated.

21 CHAIR LEVINSON: Thank you very much.

22 Is there a motion?

23 VICE CHAIR HARRINGTON: Mr. Chairman, I

24 move that we order that the ten identified

casino key employee licenses be terminated.

ITEM NO. 8

1 CHAIR LEVINSON: Thank you.

2 Is there a second?

3 COMMISSIONER COOPER: I'll second that.

4 CHAIR LEVINSON: Motion is made;  
5 seconded.

6 Any discussion?

7 (No response.)

8 CHAIR LEVINSON: All those in favor?

9 (Ayes.)

10 CHAIR LEVINSON: Opposed?

11 (No response.)

12 CHAIR LEVINSON: Thank you.

13 MS. FAUNTLEROY: Thank you.

14 Item No. 8 for your consideration is the  
15 petition of Marina District Development  
16 Company, LLC, d/b/a Borgata Hotel Casino & Spa,  
17 requesting permission for Paula Eylar-Lauzon to  
18 perform the duties and exercise the powers of  
19 the Vice President of Internal Audit and Vice  
20 President of Sustainability for Boyd Gaming  
21 Corporation pending plenary qualification.

22 Teresa Pimpinelli, Senior Counsel,  
23 General Counsel's Office, is here to present.

24 MS. PIMPINELLI: Good morning, Chair and



ITEM NO. 8

1 CHAIR LEVINSON: Good morning.

2 MS. PIMPINELLI: Joe Corbo is here on  
3 behalf of the Petitioner and Jack Adams on  
4 behalf of the Division.

5 CHAIR LEVINSON: Thank you very much.

6 Mr. Corbo?

7 MR. CORBO: Thank you, Mr. Chairman,  
8 Commissioners. I'm Joe Corbo, Vice President  
9 and General Counsel of the Borgata.

10 Submitted the petition seeking the  
11 relief requested. I have nothing to add to our  
12 petition.

13 I've had the opportunity to see the  
14 draft resolution, and we're fine with that as  
15 well.

16 CHAIR LEVINSON: Thank you very much.

17 MR. CORBO: Thank you.

18 CHAIR LEVINSON: Division wish to be  
19 heard?

20 MR. ADAMS: Yes. Good morning, Mr.  
21 Chairman and Commissioners.

22 CHAIR LEVINSON: Good morning.

23 MR. ADAMS: You have DAG Richardson's  
24 response to the Petition.

We have also reviewed the draft

ITEM NO. 8

1 resolution and do not oppose it's entry.

2 CHAIR LEVINSON: Thank you very much.

3 Commissioners have any questions for  
4 Counsel?

5 VICE CHAIR HARRINGTON: Nothing.

6 CHAIR LEVINSON: Do I have a motion in  
7 this matter?

8 COMMISSIONER COOPER: Mr. Chairman, I  
9 move to adopt the draft resolution and  
10 authorize Paul Eylar-Lauzon on a temporary  
11 basis and prior to her plenary qualification to  
12 assume the duties and exercise the powers of  
13 Vice President of Internal Audit and Vice  
14 President of Sustainability for Boyd Gaming  
15 Corporation subject to the conditions contained  
16 in NJSA 5:12-85.1C and, NJSA 5:12-89B (1) and  
17 (2), and NJAC 13:69C 2.7.

18 CHAIR LEVINSON: Thank you.

19 Do I have a second?

20 VICE CHAIR HARRINGTON: I'll second  
21 that.

22 CHAIR LEVINSON: Motion has been made  
23 and seconded.

24 Any discussion?

CHAIR LEVINSON: All those in favor?



ITEM NO. 9

1 (Ayes.)

2 CHAIR LEVINSON: Opposed?

3 (No response.)

4 CHAIR LEVINSON: Motion carries.

5 MS. PIMPINELLI: Thank you very much.

6 MR. ADAMS: Thank you.

7 CHAIR LEVINSON: Thank you.

8 MS. FAUNTLEROY: Item No. 9, stipulation  
9 of settlement in the application of Frank Urena  
10 for a casino key employee license.

11 Teresa Pimpinelli is again here to  
12 present the matter for your consideration.

13 MR. URENA: How are you?

14 MS. PIMPINELLI: Chairman,  
15 Commissioners, Mr. Urena is here on his own  
16 behalf and Brian is here on behalf of the  
17 Division.

18 CHAIR LEVINSON: Thank you very much.

19 Mr. Urena, would you like to be heard?

20 MR. URENA: I don't have anything.

21 CHAIR LEVINSON: Okay. That's okay.

22 Thank you.

23 Division?

24 MR. BISCIEGLIA: Good morning, Chair,



ITEM NO. 10

1                   The Division has nothing further and ask  
2                   that this stipulation be approved as submitted.

3                   CHAIR LEVINSON: Thank you very much.

4                   Do I have a motion?

5                   VICE CHAIR HARRINGTON: I move that we  
6                   approve the stipulation of settlement and grant  
7                   Frank A. Urena casino key employee license  
8                   application.

9                   CHAIR LEVINSON: Thank you.

10                  Do I have a second?

11                  COMMISSIONER COOPER: I'll second that.

12                  CHAIR LEVINSON: Motion is made and  
13                  seconded.

14                  Any discussion?

15                  (No response.)

16                  CHAIR LEVINSON: All those in favor?

17                  (Ayes.)

18                  CHAIR LEVINSON: Motion carries.

19                  MR. URENA: Thank you.

20                  CHAIR LEVINSON: Thank you.

21                  MR. BISCIEGLIA: Thank you.

22                  MS. FAUNTLEROY: Item No. 10 is the  
23                  proposed adoption of Chapter 42A, new rules for  
24                  hearing and appeals and the repeal of former



ITEM NO. 10

1 CHAIR LEVINSON: Again, Miss Pimpinelli  
2 is here to present.

3 MS. PIMPINELLI: Chairman and  
4 Commissioners, as you know, adopting today the  
5 Chapter 42A you will have to repeal Chapter 42.  
6 There were eight agency initiated changes.  
7 They do not require any additional comment, and  
8 now the matter is before you to vote on whether  
9 or not to adopt them.

10 CHAIR LEVINSON: Thank you. I know you  
11 worked very hard on this.

12 Do I have a motion on this matter?

13 COMMISSIONER COOPER: Mr. Chairman, I  
14 move we repeal the existing regulations in  
15 Chapter 42 and adopt Chapter 42A with the  
16 proposed changes which do not require  
17 additional public comment.

18 CHAIR LEVINSON: Thank you.

19 Do I have a second?

20 VICE CHAIR HARRINGTON: I will second  
21 that and also recognize all of the work that  
22 went into coming to today's fruition.

23 CHAIR LEVINSON: Motion has been made  
24 and seconded.



ITEM NO. 11

1 (No response.)

2 CHAIR LEVINSON: All those in favor?

3 (Ayes.)

4 CHAIR LEVINSON: Opposed?

5 (No response.)

6 CHAIR LEVINSON: Motion carries.

7 MS. FAUNTLEROY: Thank you.

8 Item No. 11 is the petition of  
9 Margaritaville of Atlantic City, LLC, for a  
10 determination of license status as a Casino  
11 Service Enterprise License pursuant to NJSA  
12 5:12-92A.

13 Assistant General Counsel Mary Wozniak  
14 from the General Counsel's Office is here to  
15 present the matter for your consideration.

16 CHAIR LEVINSON: Thank you.

17 MS. WOZNIAK: Good morning, Chairman and  
18 Commissioners.

19 CHAIR LEVINSON: Good morning.

20 MS. WOZNIAK: Mr. Michael and Miss Sacco  
21 is here -- are here on behalf of the  
22 Petitioners. And for the Division is DAG Louis  
23 Rogacki.

24 CHAIR LEVINSON: Thank you very much.

Counsel please enter on the record your



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1 appearance.

2 MR. MICHAEL: Yeah. Guy Michael,  
3 Michael & Carroll, on behalf of the Petitioner,  
4 Margaritaville.

5 MS. SACCO: Bessie Sacco on behalf of  
6 Michael & Carroll for Margaritaville.

7 CHAIR LEVINSON: Thank you very much.

8 MR. ROGACKI: Lou Rogacki on behalf of  
9 the Division of Gaming Enforcement.

10 CHAIR LEVINSON: Thank you.

11 I also understand that there are  
12 exhibits to be marked, as well as a sealing  
13 request?

14 MR. MICHAEL: Yes. Chairman, we have  
15 the exhibits that are listed on the materials  
16 that have been provided to us.

17 CHAIR LEVINSON: Okay.

18 MR. MICHAEL: We have previously  
19 submitted a sealing request that has been  
20 reviewed by staff and reviewed by the Division  
21 of Gaming Enforcement. It's my understanding  
22 there are no objections to the sealing request,  
23 and we would move the exhibits into evidence at  
24 this time.

CHAIR LEVINSON: Okay. Any --

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1                   MR. ROGACKI: Yes. We've reviewed the  
2 exhibits, and we have no objection.

3                   CHAIR LEVINSON: Okay. Thank you.

4                   MS. FAUNTLEROY: Chairman --

5                   CHAIR LEVINSON: Does he read them.

6                   MS. FAUNTLEROY: He will identify them  
7 for the record, yes.

8                   Thank you.

9                   MR. NANCE: Chair, Commissioners, the  
10 premarked exhibits are as follows: The Casino  
11 Control Commission has one exhibit marked for  
12 identification only.

13                   C-1 is a draft resolution.

14                   The Division of Gaming Enforcement  
15 submitted one exhibit premarked as D-1.

16                   D-1 is a report of the Division of  
17 Gaming Enforcement on the Petition of  
18 Margaritaville of Atlantic City, LLC, for a  
19 determination of license status as a casino  
20 service industry enterprise, pursuant to NJSA  
21 5:12-92A dated March 8th, 2013, by Lou Rogacki,  
22 DAG.

23                   CHAIR LEVINSON: Thank you.

24                   MR. NANCE: The Petitioners has

submitted three exhibits. Premarked as Exhibit

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1 P-1, P-2, and P-3.

2 P-1, Trademark Sublease Agreement dated  
3 December 20th, 2012, DGMB Casino, LLC, and  
4 Margaritaville of Atlantic City, LLC.

5 P-2, Agreement of Lease Agreement dated  
6 August 21st, 2012, DGMB Casino, LLC, and  
7 Margaritaville of Atlantic City, LLC.

8 P-3, Guaranty dated August 21st, 2012,  
9 Margaritaville Enterprises, LLC, and  
10 Margaritaville Holdings, LLC.

11 CHAIR LEVINSON: After actually hearing  
12 on the record, still no objection?

13 (No response.)

14 MR. ROGACKI: No objection.

15 (Laughter.)

16 CHAIR LEVINSON: Hearing none, the  
17 Petitioner's sealing request is granted. The  
18 exhibits are moved into evidence.

19 Mr. Michael, do you wish to be heard on  
20 the Petition?

21 MR. MICHAEL: Thank you, Mr. Chairman.

22 This is a Petition that we filed on  
23 March 6th for a determination of the  
24 appropriate license status for Margaritaville



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1           that they have entered into with Resorts Hotel  
2           and Casino regarding a license and lease  
3           agreement and a guaranty agreement.

4                         We submitted the Petition on March 6th,  
5           and we asked at that time that the  
6           determination be that the Margaritaville  
7           Atlantic City required only an 92A casino  
8           service enterprise license rather than a casino  
9           license. We respectfully submitted that for  
10          the reasons we state there and we'll summarize  
11          here that this should be the determination.

12                        First of all, I want to express  
13          appreciation to the Commission and to staff and  
14          the Division of Gaming Enforcement for turning  
15          this petition around in such an expeditious  
16          manner. We really appreciate the cooperation  
17          that you've shown us and the willingness to do  
18          it in such a quick fashion.

19                        We've reviewed the Division of Gaming  
20          Enforcement response to the Petition and  
21          certainly have no objection to it. We never  
22          object when they agree with us, so.

23                        (Laughter.)

24                        MR. MICHAEL: This should be no





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1                   In summary, it's important to probably  
2                   point out what the relationship between  
3                   Margaritaville and Resorts is and what it  
4                   isn't. What it is, as I briefly mentioned  
5                   previously, is a trademark license agreement  
6                   included within a lease agreement. The license  
7                   agreement provides essentially that Resorts  
8                   will be able to brand its casino in many  
9                   fashions with the Margaritaville trademark and  
10                  the Margaritaville personality. And the lease  
11                  agreement allows for the provision of Resorts'  
12                  space for three Margaritaville-themed bar  
13                  restaurants, including the Margaritaville Bar,  
14                  the 5:00 Somewhere Bar, and the Landshark  
15                  restaurant and retail stores.

16                  This is a fairly -- it's a  
17                  straightforward relationship. Were it not for  
18                  certain unique provisions of the legal --  
19                  license agreement, it would, as the Division  
20                  points out, probably be determined to be a  
21                  nongaming 92C license that would possibly just  
22                  be a registrant. But there is a provision in  
23                  the license agreement in which Margaritaville  
24                  can receive a bonus payment of a certain set

amount should the gross gaming revenues of

ITEM NO. 11

1           Resorts increase over certain stated levels.  
2           And we deem this a payment that is essentially  
3           no more than an incentive. The whole idea of  
4           the license agreement and the rebranding is to  
5           encourage additional business, obviously, to  
6           Resorts. And to the extent that that  
7           additional business is brought in, the brander,  
8           the licensor, Margaritaville in this case,  
9           would be provided with this incentive payment  
10          of essentially a reward for this success of the  
11          branding.

12                        That kind of a relationship, we  
13          respectfully submit, does not fall within any  
14          of the categories in the Act that would require  
15          casino licensing. The controlling  
16          provisions -- and I use the word "controlling"  
17          especially because control is the key element.  
18          And the controlling provisions are 82B and  
19          C(1), and they essentially require that any  
20          entity or person that has control over a casino  
21          license -- casino licensees operations would  
22          require a casino license.

23                        I can't say any better than the Division  
24          said in its letter what the element of control



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1 here. The DGE stated that the only control  
2 Margaritaville has under the agreements is with  
3 regard to the use of the Margaritaville  
4 intellectual property. That certainly is not  
5 control over the casino operations, and we'd  
6 respectfully submit that it does not require a  
7 casino license.

8 We rely, as the Division pointed out as  
9 well, on the recently decided Mohegan case in  
10 which aspects of control and management were  
11 arguably more substantial than they are in this  
12 matter. And the Commission correctly there  
13 decided that that did not reach the level that  
14 was required for a casino licensure under the  
15 policies and provision of the Act.

16 Given that precedent, given the language  
17 of the Casino Control Act, and given the nature  
18 of the relationship between Margaritaville and  
19 Resorts, we respectfully submit that all that  
20 will be required here should be an 92A casino  
21 service industry license, and we ask for that  
22 determination.

23 Thank you.

24 CHAIR LEVINSON: Thank you very much.



ITEM NO. 11

1                   MR. ROGACKI: Chairman, Commissioners,  
2                   the Division filed its response to  
3                   Margaritaville's Petition on March 8th. You  
4                   have that response.

5                   We believe that the request -- the  
6                   relief requested here is consistent with  
7                   Section 82B and C of the Act as well as the  
8                   2011 amendments to the Casino Control Act. We  
9                   don't believe, as Mr. Michael mentioned, that  
10                  any of the indicia of control or ownership in  
11                  the casino would be given to Margaritaville.

12                  As a result of our review of any of the  
13                  agreements we've seen with regard to this  
14                  arrangement, we've reviewed the draft  
15                  resolution, we believe it's appropriate, and we  
16                  ask that you grant the relief requested and  
17                  allow Margaritaville to apply for a casino  
18                  service industry license.

19                  CHAIR LEVINSON: Great.

20                  MR. ROGACKI: Thank you.

21                  CHAIR LEVINSON: Thank you very much.

22                  Commissioners, do you have any questions  
23                  for Counsel?

24                  VICE CHAIR HARRINGTON: I don't.





ITEM NO. 11

1                   CHAIR LEVINSON: Okay. The Division has  
2 reviewed the filings and has recommended that  
3 the Commission grant the Petitioner's request.  
4 I am satisfied that based upon the specifics of  
5 this matter, the information contained in the  
6 Petition, and the terms of the agreement, that  
7 this is an instance where casino service  
8 industry enterprise licensure is appropriate,  
9 and that, therefore, Margaritaville's requested  
10 filing should be granted.

11                   With that said, I move that we adopt the  
12 draft resolution and find in accordance to NJSA  
13 5:12-82B and C:

14                   A, Margaritaville shall not be required  
15 to obtain a casino license in connection with  
16 DGMB;

17                   And, B, Margaritaville is eligible for  
18 and required to obtain a CSI license pursuant  
19 in NJSA 5:12-92a in connection with its  
20 Trademark Sub License Agreement with DGMB.

21                   Do I have a second?

22                   VICE CHAIR HARRINGTON: I'll second  
23 that.

24                   CHAIR LEVINSON: Motion has been made



ITEM NO. 11-13

1 Any discussion?

2 (No response.)

3 CHAIR LEVINSON: All those in favor?

4 (Ayes.)

5 CHAIR LEVINSON: Opposed?

6 (No response.)

7 CHAIR LEVINSON: Motion carries.

8 MR. MICHAEL: Thank you very much.

9 MS. SACCO: Thank you.

10 CHAIR LEVINSON: Thank you.

11 MR. ROGACKI: Thank you.

12 MS. FAUNTLEROY: Item No. 12, petition

13 of American Gaming Association for the

14 participation in the Petition of Rational Group

15 US Holdings, Inc., for interim casino

16 authorization, PRN 0631302, has been adjourned.

17 Item No 13, resolution of the Casino

18 Control Commission acknowledging March as

19 Problem Gambling Awareness Month.

20 VICE CHAIR HARRINGTON: Good morning.

21 I move that we recognize March as a

22 casino -- as Problem Gaming Awareness Month and

23 move the following Resolution:

24 Whereas problem gambling is a



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1 Jersey residents of all ages, racial and ethnic  
2 backgrounds, which has a significant social and  
3 economic cost;

4 And whereas a significant number of  
5 counselors and healthcare professionals in New  
6 Jersey work tirelessly to provide intervention  
7 and treatment services to help gamblers deal  
8 with their addiction and rebuild their lives;

9 And whereas informing and educating the  
10 public about problem gambling and the services  
11 available can help minimize the negative  
12 impacts to gamblers, their families, and to  
13 society as a whole;

14 And whereas the Commission works  
15 together with the Council on Compulsive  
16 Gambling of New Jersey to promote awareness of  
17 problem gambling issues and of its 24-hour help  
18 line, 1-800-GAMBLER;

19 And whereas New Jersey's Division  
20 Division of Gaming Enforcement offers a  
21 self-exclusion program that allows problem  
22 gamblers to exclude themselves from Atlantic  
23 City's casinos and requires casinos to cease  
24 any marketing activity to self-excluded



ITEM NO. 13

1                   And whereas Governor Chris Christie has  
2                   designated March 2013 as Problem Gambling  
3                   Awareness Month in the State of New Jersey;

4                   And now, therefore, be it resolved that  
5                   the Casino Control Commission supports the  
6                   goals and ideals of Problem Gambling Awareness  
7                   Month and hereby expresses its gratitude for  
8                   the contribution and ongoing efforts of the  
9                   Council on Compulsive Gambling;

10                  Be it further resolved that this  
11                  Resolution be placed in the record as a  
12                  commemoration of our support and appreciation.

13                  CHAIR LEVINSON: Thank you.

14                  MS. FAUNTLEROY: If you want to do it  
15                  now, there is a special guest here, Jeff Beck,  
16                  who is the National Chair of Problem Gambling  
17                  Awareness Month, who is a member of the Council  
18                  on Compulsive Gambling, if you'd like to  
19                  entertain --

20                  MR. BECK: Sure. Good morning.

21                  CHAIR LEVINSON: Good morning.

22                  MR. BECK: My name is Jeff Beck. I'm  
23                  the Assistant Director for Clinical Services,  
24                  Treatment, and Research at the Council of





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1                   Last week, March 3rd to March 9th, was  
2                   our 11th Annual National Problem -- National  
3                   Gambling Awareness Week. Initiative run  
4                   through the national Council and its 35 state  
5                   affiliates. I'm the National Chair of that  
6                   campaign.

7                   Our goal this year -- our theme this  
8                   year was really: Problem gambling, a new  
9                   understanding of a community concern. We tried  
10                  to pick up on the May issuance by the American  
11                  Psychiatrist Association of the DSM-V, which  
12                  will for the first time classify gambling as a  
13                  behavioral addiction, moving it from an impulse  
14                  control disorder. We think this is a seminal  
15                  event in our field, and it's really the first  
16                  time that an activity without the ingestion of  
17                  a substance is being recognized as an  
18                  addiction.

19                  Our campaign was really devoted towards  
20                  compulsive gamblers, trying to reduce the  
21                  stigma. We know that less than ten percent of  
22                  compulsive gamblers ever seek help, either  
23                  through self help or through treatment, and  
24                  we're hoping that by showing it's not a moral



ITEM NO. 13

1 willpower, that we can convince others to  
2 recognize they have a problem and seek help.

3 It's also directed to mental health and  
4 addiction counselors. Gambling is often called  
5 an invisible addiction, and I think it's  
6 important that we be able to screen the drug  
7 and alcohol clients because we know that 30  
8 percent of drug and alcoholic clients also have  
9 gaming problems.

10 It's also geared towards the general  
11 public to try to raise the message that  
12 gambling is a community concern -- that problem  
13 gambling, at least -- is a community concern,  
14 that it has social impacts in terms of  
15 bankruptcy, in terms of foreclosure, in terms  
16 of suicide, in terms of crime. And that it's a  
17 concern for everyone.

18 We're grateful that Governor Christie  
19 made this month Problem Gambling Awareness  
20 Month in New Jersey. The Council is partnering  
21 with over 35 individuals and agencies to  
22 promote awareness about problem gambling.

23 The Council is neutral on all gambling  
24 legislation. We try to protect the compulsive



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1 terms of protecting minors, and seeking out  
2 additional funding when we believe it's  
3 necessary.

4 We're grateful to the Commission for  
5 recognizing us. We appreciate that. We have a  
6 working relationship, non adversarial, with  
7 you, and we just appreciate your recognition of  
8 this as a month.

9 Thank you.

10 CHAIR LEVINSON: Thank you very much.

11 Do I have a motion for the Resolution  
12 Commissioner Harrington just read?

13 VICE CHAIR HARRINGTON: I move that we  
14 adopt the draft resolution.

15 CHAIR LEVINSON: Thank you.

16 Do we have a second?

17 COMMISSIONER COOPER: I'll second that.

18 CHAIR LEVINSON: Motion is made and  
19 seconded.

20 Any discussion?

21 (No response.)

22 CHAIR LEVINSON: All those in favor?

23 (Ayes.)

24 CHAIR LEVINSON: Opposed?



ITEM NO. 14

1 CHAIR LEVINSON: Motion carries.

2 MR. BECK: Thank you.

3 (Conferring.)

4 MS. FAUNTLEROY: An addition to the  
5 agenda is Item No. 14, is the consideration of  
6 the qualification of Thomas M. Jenkin to serve  
7 as President of Operations for Caesar's  
8 Entertainment Corporation and Caesar's  
9 Entertainment Operating Company, Inc.

10 Senior Counsel Stephanie Olivo, the  
11 General Counsel's Office, is here to present.

12 MS. OLIVO: Good morning, Chairman and  
13 Commissioners.

14 CHAIR LEVINSON: Good morning.

15 MS. OLIVO: Mr. Jenkins is the -- Mr.  
16 Jenkin is the President of Operations for  
17 Caesar's Entertainment Corporation, and  
18 Caesar's Operating Company. He was  
19 temporary -- temporarily qualified on December  
20 14th of 2011. On three different occasions,  
21 the Commission voted to extend his temporary  
22 qualifications to different periods of time,  
23 which brings us to today for consideration of  
24 his plenary qualification.

Mr. Agnellini is here for the



ITEM NO. 14

1           Petitioner, and Mr. Adams is here for the  
2           Division of Gaming Enforcement.

3                   CHAIR LEVINSON: Thank you.

4                   Counsel, please enter your appearance  
5           for the record.

6                   MR. AGNELLINI: Good morning, Chair,  
7           members of the Commission. Excuse me. Pat  
8           Agnellini from Brownstein, Hyatt, Farber,  
9           Schreck on behalf of the Caesar's Entertainment  
10          Corporation and Caesar's Entertainment  
11          Operating Company and four licensees.

12                   We are requesting the application for  
13          qualification for Mr. Jenkin be approved.

14                   Thank you.

15                   CHAIR LEVINSON: Thank you very much.

16                   Mr. Adams?

17                   MR. ADAMS: Jack Adams, Deputy Attorney  
18          General for the Division of Gaming Enforcement.

19                   CHAIR LEVINSON: Thank you.

20                   Mr. Agnellini, do you wish to be heard  
21          in this matter?

22                   MR. AGNELLINI: No. Chair, we've met  
23          with the Division, obviously, and Commission on  
24          this, and the application and the report by the

Division have been reviewed. We would ask

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1 simply that you grant the qualification of Mr.  
2 Jenkin.

3 CHAIR LEVINSON: Thank you very much.  
4 Mr. Adams?

5 MR. ADAMS: Mr. Chairman, you have our  
6 letter report on Mr. Jenkin's qualifications.  
7 And you also have reviewed the draft  
8 resolution, as we have, and we have no  
9 opposition to entry of the resolution as  
10 drafted.

11 CHAIR LEVINSON: Thank you very much.  
12 Commissioners, do you have any questions  
13 for Counsel on this matter?

14 COMMISSIONER COOPER: No.

15 CHAIR LEVINSON: Do I have a motion?

16 COMMISSIONER COOPER: Mr. Chairman, I  
17 move to adopt the draft resolution and find  
18 Thomas M. Jenkin qualified to serve as  
19 President of Operations for Caesar's  
20 Entertainment Corporation and Caesar's  
21 Entertainment Operating Company, Incorporated,  
22 in accordance with NJSA 5:12-85.1c anddd, NJSA  
23 5:12-89b (1) and (2), and NJAC 13:69c-2.7.

24 CHAIR LEVINSON: Thank you.



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1                   VICE CHAIR HARRINGTON: I will second  
2                   that motion.

3                   And I also want to thank Miss Olivo for  
4                   the time she spent going through this matter  
5                   with me.

6                   CHAIR LEVINSON: Motion is made and  
7                   seconded.

8                   Any discussion?

9                   (No response.)

10                  CHAIR LEVINSON: This is a roll call  
11                  vote.

12                  MS. FAUNTLEROY: Excuse me.

13                  Commissioner Cooper?

14                  COMMISSIONER COOPER: Yes.

15                  MS. FAUNTLEROY: Vice Chair Harrington?

16                  VICE CHAIR HARRINGTON: Yes.

17                  MS. FAUNTLEROY: Chairman Levinson?

18                  CHAIR LEVINSON: Yes.

19                  MS. FAUNTLEROY: Let the record reflect  
20                  that the motion passed unanimously.

21                  In accordance with Resolution No.  
22                  12-12-12-03, the next closed session will be  
23                  held on Wednesday, April 10, 2013, at 9:30 a.m.  
24                  in the Commission offices.

CHAIR LEVINSON: Thank you.

ITEM NO. 14

1                   This is the public participation  
2                   portion. Does anyone from the public wish to  
3                   be heard?

4                   (No response.)

5                   CHAIR LEVINSON: Hearing none, the  
6                   public portion is closed.

7                   Is there a motion to adjourn?

8                   VICE CHAIR HARRINGTON: So moved.

9                   CHAIR LEVINSON: Second?

10                  COMMISSIONER COOPER: Second.

11                  CHAIR LEVINSON: Motion made and  
12                  seconded.

13                  All in favor?

14                  (Ayes.)

15                  CHAIR LEVINSON: Opposed?

16                  (No response.)

17                  CHAIR LEVINSON: Motion carries.

18                  Have a good day.

19                  (Public Meeting 13-03-13 was adjourned  
20                  at 11:02 a.m.)

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## C E R T I F I C A T E

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DARLENE SILLITOE, CCR

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License No 30XI0102300

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Dated: March 16, 2013  
My Notary Commission Expires  
July 22, 2014  
ID No 2062871



