

MINUTES - PUBLIC MEETING NO. 11-11-16
November 16, 2011 - 10:30 a.m.

New Jersey Casino Control Commission
Joseph P. Lordi Public Meeting Room - First Floor
Tennessee Avenue & Boardwalk
Atlantic City, New Jersey

PRESIDING: Chair Linda M. Kassekert

PRESENT: Vice Chair Edward J. Fanelle and Commissioner Sharon Anne Harrington

Subsequent to the reading of a statement of compliance with the notice requirements of the Open Public Meetings Act and identification of items discussed during closed session, the Commission considered and took formal action on the following matters:

1. By a vote of 3-0, ratified the minutes of October 12, 2011 (transcript page 8).
2. By a vote of 3-0, granted the applications of Blaze Catania, Barbara H. Glutz, Joshua D. Linthicum and Raymond Reganato for initial casino key employee licenses (Exhibit EL-1*);

By a vote of 3-0, granted the resubmitted applications of Ronald H. Bramble, Brandon N. Burbee, Eric M. Cantell, Willett A. Carman Jr., John J. Cavacini, Kenyda Crump, Vito R. Dicosmo, Bernadette L. Gonzalez, Patricia Green, John R. Hayes, Francis W. Hines, Christopher J. Howe, Francis P. Lanzetta, Howard L. Lawrance III, Karen Lew, Kinh L. Man, Allen May, Patricia E. McCormick, Michael J. Moreno, Richard L. Nicholas, Jr., Charles Nutile, Francis R. Pappa, Michael J. Pavlinko, Charles A. Pinto, Paul J. Regan, Charles A. Robinson Jr., Thomas E. Robinson, Iveliz Santos, Cynthia L. Spivey, Nu T. Su, Susan M. Swan, Cheryl L. Thomas, Alison E. Trazzera and Lawrence Wagner for casino key employee licenses (Exhibit EL-2*; transcript pages 8-10).

3. By a vote of 3-0, approved the petition of Tropicana Atlantic City Corp. (*d/b/a* Tropicana Casino and Resort), and issued a temporary casino key employee license to Raymond C. Bertschy, pursuant to *N.J.S.A.* 5:12-89(e) and permitted him, pursuant to *N.J.A.C.* 13:69c -2.6, to assume the duties and exercise the powers of the Vice President Food And Beverage, without first having been qualified. (PRN 2901102) (Exhibit EL-3*; transcript pages 10-12).
4. Considered the proposed revocation of the casino key employee license for Carol L. Ostroski and issued the following ruling:

By a vote of 3-0, revoked the resubmitted casino key employee license held by Carol Ostroski (DK 11-0008-CK) (Ruling number 11-11-16-04; transcript pages 12-14).
5. By a vote of 3-0, approved the stipulation of settlement and granted William E. Hamer, Jr., initial casino key employee license application, subject to compliance with a wage execution consent agreement (DK 11-0007-CK) (Ruling number 11-11-16-05; transcript pages 14-16).
6. Considered the petition of DGMB Casino, LLC and issued the following ruling:

By a vote of 3-0, adopted the draft resolution and authorized Richard Robbins, on a temporary basis and prior to his plenary qualification, to assume the duties and exercise powers of Member of the Audit Committee of DGMB Casino, LLC, subject to the conditions contained in *N.J.S.A.* 5:12-85.1 c; *N.J.S.A.* 5:12-89 b (1) and (2); and *N.J.A.C* 13:69C-2.7 (PRN 3041102) (ruling number 11-11-16-06; transcript pages 16-18).
7. Considered the petition of Marina District Development Company, LLC (*d/b/a* Borgata Hotel Casino & Spa) and issued the following ruling:

By a vote of 3-0, adopted the draft resolution and authorized Richard Flaherty, on a temporary basis and prior to his plenary qualification, to assume the duties and exercise powers of a Member of the Board of Directors of Boyd Gaming Corporation, subject to the conditions contained in *N.J.S.A.* 5:12-85.1 c; *N.J.S.A.* 5:12-89 b (1) and (2); and *N.J.A.C* 13:69C-2.7 (PRN 3011102) (ruling number 11-11-16-07; transcript pages 18-21).
8. Considered the petition of RIH Acquisitions NJ, LLC for various declaratory relief in connection with a Settlement Agreement and Release Agreement.

The Commission received into evidence exhibits D-1 from the Division of Gaming Enforcement, exhibit C-1 (ID) from the Commission and exhibits P-1 to P-9 from the petitioners.

By a vote of 3-0, approved the petitioners sealing request and redacted portions of exhibit D-1.

The Commission heard presentations of the petitioner and the testimony of Eric Matejevich, Chief Financial Officer, Resorts International Holdings, LLC, Michael Frawley, Chief Operating Officer, Resorts Acquisitions NJ, LLC and Nicholas Ribis, Chief Executive Officer, Resorts Acquisitions NJ, LLC

The commission considered the written submissions, oral arguments and testimony presented.

By a vote of 3-0, adopted the draft resolution and issued the following rulings:

Approved the closing and consummation of the transactions, associated with the Settlement Agreement and the Release Agreement, subject to conditions contained in the Draft Resolution, and:

- a) found that RIH Acquisitions NJ, LLC has established by clear and convincing evidence, following the transactions under the Settlement Agreement and the Release Agreement and for a period of one year, from November 1, 2011 to October 31, 2012, it will possess the financial stability, integrity and responsibility required, pursuant to *N.J.S.A.* 5:12-84a;
- b) approved the amendments to the JP Loan Agreement, the Ground Lease and the Unitary Lease, and the changes to RIH Acquisitions NJ, LLC' s ownership structure as described in the Petition; and
- c) approved the issuance and transfer of RIH Acquisitions NJ, LLC preferred membership units, pursuant to *N.J.S.A.* 5:12-82d (7) and *N.J.A.C.* 13:69C-2.8.

all as set forth in the findings and rulings in the resolution (PRN 3071102, PRN 3071103-dge) (ruling number 11-11-16-08; transcript pages 21-92).

9. Considered the application of AC Gateway LLC and Affiliates for approval to participate in the Staged Casino License Pilot Program.

The Commission received into evidence exhibits P-1 to P-10 from the petitioners.

The Commission heard presentations of the petitioner and the testimony of James F. Allen, Chairman of Hard Rock International.

The commission considered the written submissions, oral arguments and testimony presented and issued the following rulings:

By a vote of 3-0, adopted the draft resolution and permitted AC Gateway, LLC and Affiliates to participate in the Pilot Program and obtain a Staged Casino Facility License, subject to the findings, rulings and conditions specified in the resolution (PRN 0461101) (ruling number 11-11-06-09; transcript pages 92-143).

By a vote of 3-0, the Commission authorized a deadline of April 30, 2012, for any additional applications for the Pilot Program (Small Scale Casino Facility License or and Staged Casino Facility License) (transcript pages 143-144).

In accordance with Resolution No. 11-04-06-03, the next closed session of the commission shall be held on Wednesday, December 14, 2011 at 9:30 a.m. in the commission offices (transcript page 144).

Chair Kassekert, on behalf of the Commission, recognized Susan Kase, Governors Authorities, and extended their best wishes upon her departure from Government Office.

During the public participation portion of the meeting, Brain Callaghan, Esq., on behalf of Patricia Fishetti, owner of Southside Food, addressed the commission regarding the bidding process, concerning the Meat and Frozen Food Markets in the Atlantic City Casino's (transcript pages 145-150).

Harold Burgmayer, also addressed the Commission regarding Caesars Casino tier points system and the new process for filing patron complaints (transcript pages 150-153).

There being no additional members of the public to address the Commission, the meeting adjourned at 1:05 p.m.

*Lists of individuals acted upon at this meeting have been documented by exhibit number. Commission rulings are documented in orders or resolutions. These lists, rulings and official transcripts are available for public review at the Commission offices located at the corner of Tennessee Avenue and the Boardwalk, Atlantic City, New Jersey.

These minutes remain subject to amendment until such time as they are formally ratified by the New Jersey Casino Control Commission.

CERTIFICATION

I, Dianna W. Fauntleroy, Executive Secretary of the New Jersey Casino Control Commission, DO HEREBY CERTIFY that the foregoing Minutes of the Open Session conducted on November 16, 2011, are true and correct.

Dianna W. Fauntleroy, Esq.
Executive Secretary