

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 20, 2024
1:15 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN QUETCY M. LOZADA, VICE-CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILWOMAN JAMIE GAUTHIER
COUNCILMAN JIM HARRITY
COUNCILMAN ISAIAH THOMAS
COUNCILMAN JEFFREY YOUNG, JR.

ALSO PRESENT:

COUNCILMAN NICOLAS O'ROURKE

BILL: 240010

1 - - -

2 COUNCILMAN JONES: Good
3 afternoon, everyone. We're going
4 to get started. This is a public
5 hearing on the Committee of Public
6 Safety to review Bill No. 240010.

7 Mr. Glass, will you please
8 read the title of the ordinance.

9 THE CLERK: Yes,
10 Mr. Chairman.

11 Bill No. 240010, amending
12 Chapter 9-5900 of The Philadelphia
13 Code, entitled "Prohibition on
14 Certain Gambling Machines and
15 Skills Games," to add additional
16 prohibitions and provide remedies,
17 all under certain terms and
18 conditions.

19 COUNCILMAN JONES: I will
20 note that we have a quorum of the
21 Public Safety Committee represented
22 by Member Brooks, Member Harrity,
23 Member Gauthier, Member Lozada and
24 myself. So we are officially open
25 for business.

1 Before we get started, I
2 would like to, if you will indulge
3 me, kind of talk about how we got
4 here. In 2011 I'm thinking it was,
5 the Commonwealth of Pennsylvania
6 saw fit to want to explore illegal
7 gambling casinos in the
8 Commonwealth of Pennsylvania.

9 And what I remember at that
10 time, Members, is that we had over
11 two dozen hearings to talk about
12 how they can open, how they should
13 be operated, what type of security
14 should be with that in order to
15 make it safe for communities. I
16 remember going to many of those
17 hearings and painstakingly going
18 through item-by-item, line-by-line
19 on how they should govern their
20 affairs.

21 In 2017 there was an
22 amendment to it, which would allow
23 skilled games to actually operate
24 at rest stops, truck stops in the
25 Commonwealth of Pennsylvania. They

1 had certain provisos that covered
2 parking, the number of parking that
3 was there, the amount of distance
4 between other communities and they
5 went into effect, but there were
6 many in the industry that saw that
7 as a green light to invade
8 Philadelphia County, the City of
9 Philadelphia in neighborhoods.

10 And what we hoped for was
11 hope from the Commonwealth of
12 Pennsylvania on how they should be
13 regulated, how they should be
14 taxed, how they should be licensed,
15 how many calibrations should happen
16 to determine winners and what their
17 payouts should be. We got none of
18 that. So we kicked the can down
19 the road until we passed or we
20 introduced an ordinance to take
21 cities of the first class,
22 Philadelphia in particular, on how
23 we govern these machines.

24 So what I had hoped for in
25 this hearing was to be able to

1 answer certain questions, how many
2 machines are in Philadelphia, where
3 are they located, what is the
4 payout ratio per dollar put in, per
5 receipt for winners, what's the
6 security apparatus involved, how
7 close can they be to public
8 schools. And unfortunately, we
9 will get none of those answers
10 because we don't regulate them.

11 And I take it as a point of
12 somewhat disrespect to the City of
13 Philadelphia -- recognizing Member
14 Thomas has joined us -- that they
15 go where they want, set up where
16 they want and do not tell us where
17 they are. And in addition to this
18 concern, we don't tax them. We
19 have things that we have to fund
20 every year, whether it's affordable
21 housing, whether it's education,
22 whether it's crime and public
23 safety, all of which we have
24 projected over the five-year course
25 of budgeting deficit. So we don't

1 know what we don't know by way of
2 revenues that come into the City of
3 Philadelphia.

4 But I have some encouraging
5 news: Governor Shapiro had
6 captured the interest of this
7 industry and is proposing a 42
8 percent taxation on these machines
9 and we talk to members, our
10 colleagues, at the State level and
11 the Senate and in the House about
12 how cities of the first class can
13 determine these machines'
14 locations, hours of operation.
15 There is a terrain research -- what
16 is it, Mr. Glass?

17 THE CLERK: Risk terrain
18 management.

19 COUNCILMAN JONES: Risk
20 terrain management, which is one of
21 the items in the public Blueprint
22 for a Safer Philadelphia. And what
23 it talks about is not the who, who
24 committed the crime, but where the
25 crime was committed.

1 I will note that we had a
2 shooting involving two officers and
3 a suspect, suspect passed away. I
4 believe it was either in your
5 District or in Member Young's
6 District. And then about three
7 days later we had in my District a
8 shooting that resulted in a murder
9 in a corner store again.

10 What do these two instances
11 have in common? Both of them had
12 skills games being operated. What
13 we tend to find is that people that
14 do other things occupy these
15 locations and in effect pay rent.
16 When asked why are you there, what
17 reason do you have, are you buying
18 a loaf of bread? No, I'm playing
19 the machines. And that is a form
20 of allowing them to not be
21 trespassing.

22 So these are questions that
23 we need answers to. As a
24 municipality, we are not against
25 commerce and business. We are for

1 it being regulated correctly, and
2 this is what this hearing is about
3 today. As we move these
4 possibilities forward -- and one
5 other item. Many people ask, well,
6 what happens if the State comes in
7 and introduces legislation that
8 could potentially supersede what we
9 do here in City Council? Well, I
10 will clap slowly for them because
11 it's about damn time. And we've
12 been kicking the can down the road
13 too long and almost to a degree
14 that these operators believe that
15 they don't have to answer to the
16 City of Philadelphia. Well, that
17 ends today.

18 I would like to offer an
19 opportunity for any of the members
20 of this Committee to make a
21 statement.

22 (No response.)

23 COUNCILMAN JONES: Seeing
24 none, thank you for your
25 attendance.

1 Mr. Glass, who do we have
2 for the first panel to testify.

3 THE CLERK: Mr. Chairman,
4 our first panel is Philadelphia
5 Police Commissioner Kevin Bethel
6 and Deputy Commissioner Fran Healy.

7 (Witnesses approached
8 Witness table.)

9 COUNCILMAN JONES: Welcome,
10 gentlemen. Both of you are not new
11 to this process. But in your
12 official capacity, Commissioner,
13 welcome.

14 COMMISSIONER BETHEL: Good
15 afternoon.

16 COUNCILMAN JONES: Please
17 begin. Proceed with your
18 testimony.

19 DEPUTY COMMISSIONER HEALY:
20 I'll just do the introductions. My
21 name is Deputy Commissioner Fran
22 Healy. I'm here with obviously
23 Commissioner Bethel. Our testimony
24 is actually on the record already
25 in support of this bill, including

1 the amendments thereto.

2 The Commissioner wanted to
3 speak today and make comments as to
4 the bill personally for his own
5 personal beliefs. But our
6 testimony is on the record and has
7 already been submitted.

8 With that, I introduce
9 Commissioner Bethel.

10 COUNCILMAN JONES: That is
11 a wise use of your rank.

12 COMMISSIONER BETHEL: Well,
13 you know, it's always good having
14 as your Chief of Staff who's an
15 attorney and who is always here.
16 But I just wanted to come, my
17 comments are brief. But I wanted
18 to come first and foremost to thank
19 the Committee for their work in
20 bringing forth a bill that helps us
21 as we go about our work.

22 As you know, my charge
23 under the Mayor is really to
24 address the quality-of-life issues
25 that impact our community, the

1 nuisance locations that impact our
2 community and the like, right. So
3 part of my purpose being here today
4 is to stand along with Fran to make
5 sure it's understood how much I
6 appreciate the Committee willing to
7 lean into this space.

8 For somebody who's been in
9 law enforcement for 38 years, I've
10 watched the devastating impact that
11 we've had, whether it be alcohol
12 introduced into our communities or
13 the stop-and-gos, whether it be the
14 other gambling machines that we had
15 and that are slot machines that we
16 would see in our space.

17 We also have looked at the
18 drugs that have come into our
19 community, particularly when we
20 have the corner stores as you
21 indicated have been a gathering
22 spot and often times have led to a
23 significant level of violence in
24 those locations. And so, we can no
25 longer sit here and allow -- we can

1 talk about drugs being entered into
2 my community as a kid and we
3 understand the addiction that it
4 has brought with it.

5 We have seen the alcohol
6 that's come into our marginalized
7 communities and we've seen the
8 alcoholism that has come with that.
9 So we introduced gambling machines
10 into our community and don't expect
11 that we're going to have issues
12 with gambling and addiction to that
13 as well. And so, those things that
14 are happening in our community are
15 significant. The violence that we
16 see around our stores when we have
17 these gatherings, as you know
18 particularly in some of our more
19 violent pockets and then just
20 adding another ingredient to that
21 space has not helped our work. And
22 I'm so proud as I joined the
23 organization, back in the
24 organization, to see the work that
25 Commissioner Healy and our Nuisance

1 Task Force working in collaboration
2 with many of the individuals here
3 to really, really start to focus on
4 those nuisance locations and focus
5 on those things that impact our
6 community each and every day.

7 And so, I just wanted to
8 come here again to thank the
9 Committee for your work to lean
10 forward, to get ahead of the things
11 that are happening and not just
12 waiting for the response and see
13 the downstream. You've seen it
14 anecdotally, and we'll start to
15 look at the data to see how things
16 are going forward. But I just
17 wanted to bring that information
18 forward and say that I'm here, and
19 I want the community to know we're
20 taking these matters seriously.

21 Those things that impact
22 those communities, the Mayor has
23 very clearly indicated the
24 quality-of-life issues are not
25 acceptable and we're going to be

1 doing everything possible as my
2 take over the organization to make
3 sure we listen to the community and
4 listen to the issues that they are
5 raising on a daily basis.

6 COUNCILMAN JONES: First of
7 all, thank you. And you've leaned
8 in both when you got sworn and
9 announced your new position in
10 Kensington, in the heart of some of
11 the most challenging neighborhoods
12 in Philadelphia.

13 One of the things with the
14 terrain modeling we've noted, and
15 you can see parts of it in the 52nd
16 Block study where there is a
17 propensity for increased violence,
18 you will find stores that have
19 these types of machines operating
20 in them. And what you find is not
21 one thing. It's a preponderance of
22 a lot of things. One, when you
23 sell loosie cigarettes, B, when you
24 sell liquor by the drink, C, when
25 you have these kinds of gambling

1 machines, it almost creates a
2 watering hole for prey. And for
3 them to not have to go far because
4 eventually people will come to
5 them.

6 And we are concerned as to,
7 A, keep track of that through the
8 Nuisance Business Task Force. If
9 someone is operating a business and
10 one of these things happens but if
11 in addition to that, violence,
12 robbery, firearms, gun violence, we
13 want to know and we want to kind of
14 move in on that to improve the
15 quality of life in our
16 neighborhoods.

17 We introduced a bill --
18 good God, none of you were here,
19 I'm getting old -- where we asked
20 for merchants to actually -- it was
21 the Good Samaritan piece, Josh,
22 where we wanted store owners to
23 take a greater responsibility about
24 what happened in and around their
25 stores to protect their customers.

1 That was met with a lot of
2 opposition, a lot of opposition.
3 And I kind of understand it. It is
4 not their job to want to jump into
5 the fray to make sure that --

6 Member O'Rourke, how are you, sir.
7 Welcome.

8 COUNCILMAN O'ROURKE:
9 (Nodded head).

10 COUNCILMAN JONES: That we
11 didn't want to jump in -- and,
12 Member Young, I see you.

13 COUNCILMAN YOUNG: (Nodded
14 head).

15 COUNCILMAN JONES: To jump
16 into the midst of being police
17 officers, but that exchange of
18 information via conversations with
19 the police or with cameras that
20 were affixed, a lot of people
21 didn't want to do it because they
22 were afraid.

23 When we talked to -- we
24 were at the Governor's Budget
25 Address, Commissioner, and members

1 from outside of Philadelphia that
2 were State Reps and Senators said,
3 well, quite frankly, what is Philly
4 going to do for Philly, what are we
5 going to step up and do to protect
6 our own neighborhoods. And so, in
7 a way this answers in part that
8 question.

9 So tell me how is the
10 Nuisance Business Task Force
11 tracking these kinds of activities.
12 I think it was a surprise to me
13 when I attended your meeting how
14 specific you guys are organized.
15 Can you share that with the members
16 of this Committee?

17 DEPUTY COMMISSIONER HEALY:
18 If I may. As you know in November
19 of this past year, we pushed forth
20 out from the Nuisance Business Unit
21 that we have a tracker. 9-4400 of
22 the Code is very specific as to
23 first, second, third letters of
24 notification as well as the
25 critical nuisances. So we need to

1 come up with a system to better
2 track that so we can help assist
3 the captains in the field. So
4 that's in play now.

5 Two weeks ago
6 understanding that this is much
7 bigger, we need to put more things
8 into this tracker so we can track
9 them better. We've had a meeting
10 maybe two or three weeks ago with
11 the OIT folks about expanding the
12 scope of that tracker to put more
13 information into it and track it
14 more effectively, so we can
15 basically CompStat the data. We
16 can put that data up on a
17 spreadsheet -- or not a
18 spreadsheet, on a screen so we can
19 actually see what's happening in
20 each location.

21 Some of the other things we
22 want to track is not just these
23 machines, but also I think it's
24 9-206 -- don't quote me on the
25 quote -- it's those businesses

1 doing repairs on City streets. A
2 lot of businesses, specifically in
3 the 12th District and some other
4 districts and the 26th, that's a
5 big problem. So we're looking to
6 make sure that we track all this
7 information into this tracker to
8 make sure that, in fact, we are
9 keeping track of it, but obviously
10 that we're taking the appropriate
11 action and coordinating with the
12 captain.

13 We do have a centralized
14 unit, but that does not mean we'll
15 just dump it on the centralized
16 unit. We're there to assist the
17 captains to do what they need to
18 do, so we're working in tandem to
19 make sure we use all our energies
20 with a sort of synergy so we're
21 actually doing more with less
22 people, which we all have to do.
23 But the tracker will be revised and
24 it's being revised now.

25 We asked for them to

1 include all the issues that the
2 Nuisance Enforcement Unit actually
3 touches upon to make sure all those
4 elements are included into the
5 tracker, not just 9-4400. That's
6 in the works as of about three
7 weeks ago.

8 COMMISSIONER BETHEL: And
9 if I could add to that. Even today
10 I met with our Mapping Team after
11 our crime briefing. We're able to
12 start mapping those locations, so
13 we're starting to put those on the
14 map, which will be very important
15 for us because during our crime
16 briefing where we're working
17 through the process, our commanders
18 will be able to pull those
19 locations up and see exactly the
20 kind of activity we're seeing
21 around those locations which will
22 help us as we move forward with the
23 data.

24 COUNCILMAN JONES: Yeah,
25 the place is as important as who

1 commits the crime. Whether we talk
2 about mass transit or other places,
3 we need to know where it's
4 happening so that we can deploy
5 resources to prevent it. So I
6 appreciate us all working together
7 to try to figure this out.

8 Public safety looks
9 different in different
10 neighborhoods and in different
11 businesses, but there's a recurring
12 theme that statistics tend not to
13 lie. And where we start to see
14 this preponderance of activity, we
15 want to allocate the right
16 resources to prevent it.

17 Any questions?

18 COUNCILMAN HARRITY: Yes.

19 COUNCILWOMAN GAUTHIER:

20 Yes.

21 COUNCILMAN JONES: I'm
22 going to go this way.

23 COUNCILWOMAN GAUTHIER:

24 Thank you so much for your
25 testimony, Commissioner Bethel. I

1 have a couple of questions: One,
2 do we have a sense of how many
3 businesses have these skills games?
4 I know you said we're creating a
5 map, but do we have sort of a
6 global sense?

7 COMMISSIONER BETHEL: No,
8 we do not have that at this point.

9 COUNCILWOMAN GAUTHIER:
10 Okay. From an implementation
11 standpoint -- and I do support this
12 legislation. We have a ton of
13 these businesses. But from an
14 implementation standpoint, do we
15 have a method of sort of
16 proactively notifying these
17 businesses in the event that this
18 law goes through, and will we do
19 that?

20 DEPUTY COMMISSIONER HEALY:
21 The issue right now as of the last
22 vote on this, it was pocket-vetoed,
23 so this issue is still in a little
24 bit of a limbo. But what we are
25 doing with these businesses in the

1 interim, and thanks to City Council
2 for the 9-44 amendments that you
3 made forth, they give us a lot more
4 tools to play with. And probably
5 the most important one is the
6 critical nuisance. That means if a
7 violent crime happens on location,
8 we can actually take immediate
9 action to move on the license.

10 In the course of that --
11 now, we understand some places are
12 legitimate places, just a bad thing
13 happened at a good place. So what
14 we've really put in place in the
15 Nuisance Unit is we'll do a
16 preliminary investigation on every
17 incident that has a -- a business
18 that meets the definition of
19 serious shooting, homicide, rape or
20 aggravated assault. And in the
21 course of that, if we identify --
22 not only if we identify the
23 machines that are in the location,
24 but also we'll notify if they are a
25 stop-and-go that doesn't have

1 enough seats. We're going to use
2 all that information as best we can
3 to go against the license.

4 So we'll give them
5 notification that as part of the
6 resolution for the critical
7 nuisance that they have to enter an
8 abatement plan. Part of that
9 abatement plan what we started
10 doing is requiring them to remove
11 the machines out of the place, so
12 that will be part of the abatement
13 plan. Now, they have to do that
14 voluntarily at this point because
15 right now they're technically not
16 illegal until we vote on this bill.

17 COUNCILWOMAN GAUTHIER: I
18 think I'm asking something
19 different. If we're mapping or
20 tracking businesses that have these
21 skills games, when --

22 DEPUTY COMMISSIONER HEALY:
23 Well, let me be clear. We're not
24 tracking -- there's no way for us
25 to track these machines where

1 they're located. They're in
2 everywhere. They've proliferated
3 not just in Philadelphia but across
4 the state due to the illegal
5 ambiguity since 2016. They're
6 everywhere.

7 COMMISSIONER BETHEL: My
8 statement was to nuisance
9 properties overall, not specific to
10 the gaming at this point. Just to
11 the nuisance properties that we
12 identified.

13 COUNCILWOMAN GAUTHIER: I
14 understand. I think what I'm
15 putting out there is if this
16 legislation is to pass, is there a
17 way or should we proactively try to
18 notify businesses that this law is
19 passed, this is now illegal so that
20 they can take action on their own
21 as opposed to waiting until
22 something happens and having to
23 come up with an abatement plan?

24 COMMISSIONER BETHEL:
25 Absolutely. We 100 percent agree

1 that there should be a period of
2 awareness. Many of the business
3 people have no idea that that is an
4 issue for them. And so, I would
5 definitely believe that there
6 should be some kind of imperative
7 time where they would be notified
8 before the law is officially
9 enacted.

10 COUNCILWOMAN GAUTHIER:

11 Thank you. And last thing I wanted
12 to say is I wholeheartedly support
13 the tracker being updated with
14 these sort of nuisance repair shops
15 that are doing repairs on the
16 street. We have a lot of those in
17 my District.

18 COMMISSIONER BETHEL: Yeah.
19 And I think, Councilwoman, that's
20 just a -- definitely. I mean, the
21 fact that people take that as --
22 again, it's an area where people
23 think the community doesn't care
24 until you have to watch the oil
25 being washed down your street and

1 you're stepping in oil because
2 somebody's dropped oil all over the
3 street or just left those items on
4 the highway and kept going, so 100
5 percent.

6 So we're going to really
7 lean into all of those issues, that
8 as well, because we think it's a
9 continuum, just a gradual continuum
10 of layers of things that are
11 happening in our community that
12 we're not taking action on. And
13 those are the things that are
14 impacting these communities on a
15 daily basis.

16 So some people that say,
17 oh, it's just a great thing. They
18 don't realize the aftermath of what
19 happens when somebody drops 5
20 gallons of oil on the street and
21 think it's supposed to wash away on
22 its own.

23 Thank you, Mr. Chair.

24 COUNCILWOMAN LOZADA:

25 Before I call on my colleague for

1 the next question, let me just
2 mention that I think that part of
3 the work that we need to also be
4 doing is communicating with our
5 Commerce Department who managed
6 some of the commercial corridors in
7 different neighborhoods because
8 they are on the front line and they
9 see every day how some of these
10 establishments are detrimental to
11 some of our commercial corridors,
12 not just our neighborhoods, right,
13 not just our everyday corner stores
14 and the residents, but to
15 commercial corridors.

16 And so, I think that if
17 we're going to start to gather
18 information about where some of
19 these establishments are, working
20 with our Commerce Department who
21 manage some of these commercial
22 corridors where many of these
23 businesses pop up overnight
24 sometimes, some as quickly as
25 within a two-week period, right, we

1 need to make sure that they are a
2 part of this process, not only so
3 that if this becomes law but so
4 that they can help us gather some
5 of the information around where
6 they are.

7 COMMISSIONER BETHEL: Yes,
8 ma'am.

9 COUNCILWOMAN LOZADA: I
10 want to recognize Councilmember
11 Harrity.

12 COUNCILMAN HARRITY: Thank
13 you. Can you hear me?

14 COMMISSIONER BETHEL: Yes,
15 sir.

16 DEPUTY COMMISSIONER HEALY:
17 Yes, sir.

18 COUNCILMAN HARRITY: Just a
19 couple of questions. I know you're
20 making a database now. Are there
21 any numbers so far on robberies
22 outside these places because in my
23 neighborhood it happens quite often
24 but isn't always reported?

25 So I know of one instance

1 where a neighbor of mines, a senior
2 was in a store. She put a lot of
3 money in there and finally hit the
4 machine. They paid her. She got
5 about a half a block away and the
6 young guys robbed her. So I would
7 like to see any kind of numbers
8 that we have on that kind of stuff
9 besides just the outright violent.
10 What kind of theft is going on
11 around that area that may not
12 necessarily be getting put to that
13 business but is related to that
14 business? Did you get that?

15 DEPUTY COMMISSIONER HEALY:

16 The answer, we'll do the best we
17 can. The motive of the robbery is
18 a little hard for us from a
19 statistical perspective to
20 identify, but it's not saying it's
21 impossible. We'll do our best to
22 try to track the motives and see if
23 to track whether or not we can find
24 patterns or trends specifically
25 associated with these machines, per

1 se. Because a lot of times if you
2 notice, they're in the heart of
3 some other crime and disorder so
4 it's very hard --

5 COUNCILMAN HARRITY: Oh,
6 absolutely.

7 DEPUTY COMMISSIONER HEALY:
8 -- to distinguish that was really
9 the driver. But I think as was
10 mentioned before, it's a
11 combination of the above. So if we
12 start whittling it down, we can
13 hopefully make an impact. But
14 we'll do the best we can to try to
15 figure that out with our data
16 people.

17 COUNCILMAN HARRITY: Okay.
18 Thank you. That's all I have.

19 DEPUTY COMMISSIONER HEALY:
20 Can I just make one comment to
21 Councilmember Lozada? You
22 mentioned Commerce. Just so you're
23 aware, we do meet regularly with
24 the Nuisance Task Force that's run
25 by actually the Mayor's Office now

1 through Kristin Bray. Commerce is
2 always a part of that meeting so
3 they're always included in
4 everything that we're discussing as
5 we move forward.

6 COUNCILWOMAN BROOKS: I
7 have a question.

8 COUNCILWOMAN LOZADA:
9 Councilwoman Brooks.

10 COUNCILWOMAN BROOKS:
11 (Inaudible) --

12 UNIDENTIFIED SPEAKER: We
13 really can't hear you.

14 COUNCILWOMAN BROOKS: Oh,
15 you can't hear me. All right. Can
16 you hear me now? Hello. Okay.
17 Yeah, I have questions about
18 enforcement. How will it be
19 enforced? I know you talked about
20 tracking and identifying. But how
21 will we -- after Councilmember
22 Gauthier talked about notification,
23 legislation passed, what does
24 enforcement look like? And then
25 also, will there be penalties for

1 users for machines once this
2 enforcement happens in a nuisance
3 property?

4 DEPUTY COMMISSIONER HEALY:

5 When it comes to the nuisance in my
6 written testimony I was very
7 honest. We have to do an
8 undercover investigation to see
9 whether or not there's a payout.
10 It's not just the mere presence of
11 the machines. So it will take some
12 work. Okay. I'm not going to lie.
13 Our Vice Unit is best-suited for
14 these types of investigations.

15 We have to do the planning,
16 the execution, the deconfliction.
17 But we're looking to prioritize
18 only those places that are really
19 driving our problems so we can
20 focus our resources and have the
21 most impact. That's the best that
22 I see that we're going to be able
23 to enforce. But when we do enforce
24 it and hold these people
25 accountable, we don't actually

1 seize the machines. Under the
2 ordinance, they get I believe a
3 \$2,000 fine for every machine. So
4 that's a substantial fine once we
5 do identify the information.

6 But it will be a challenge.
7 I'm not going to lie. It will be a
8 challenge to do the enforcement on
9 a lot of the areas because they're
10 going to know who's from the
11 neighborhood and who's not in the
12 neighborhood coming in and trying
13 to do an undercover investigation.
14 But we'll work with other partners.
15 We have state and other partners
16 that we can tap into for resources
17 to help us.

18 COUNCILWOMAN BROOKS: Okay.
19 I'm trying to process this. So
20 someone -- you would send an
21 undercover, so to say, to use a
22 machine and you can't do anything
23 until there's a payout. So you
24 can't until they take the slip. So
25 when they take the slip, they have

1 violated the law and then the
2 undercover would have to --

3 DEPUTY COMMISSIONER HEALY:

4 Basically that's correct. That's
5 the pur -- the machine itself is
6 not illegal. It's the payout of
7 them.

8 COUNCILWOMAN BROOKS: It's
9 the payout of the machine.

10 DEPUTY COMMISSIONER HEALY:

11 So for us we have to see that or
12 witness it or have some type of
13 video to prove it.

14 COUNCILWOMAN BROOKS: Okay.

15 COMMISSIONER BETHEL: And
16 we have a Vice team that does that
17 work now and had done that in the
18 past. It's just building that out
19 to incorporate that into the work
20 that they're doing now. If we have
21 to build out the capacity to meet
22 that demand, then we will.

23 COUNCILWOMAN BROOKS: Okay.

24 And that also includes -- what's
25 the other thing we talked about --

1 liquor-by-the-drink, is that the
2 same way that enforcement is
3 happening? Some of the
4 establishments may have the
5 gambling machines as well as you
6 can go buy a shot behind the bar?

7 COMMISSIONER BETHEL: Yes.

8 COUNCILWOMAN BROOKS: I
9 mean, behind the counter, the beer
10 store or whatever. So that has to
11 be enforced, that's the same level
12 of enforcement for that as well?
13 You have to send someone, they have
14 to make the purchase, identify it's
15 illegal and then you guys are able
16 to enforce?

17 DEPUTY COMMISSIONER HEALY:
18 I'm not sure I heard you. Are you
19 talking about other gaming
20 machines, if they're illegal?

21 COUNCILWOMAN BROOKS: I'm
22 talking about with the Nuisance
23 Task Force as a whole, like other
24 violations may occur in some of
25 these establishments.

1 DEPUTY COMMISSIONER HEALY:

2 I'm sorry. I didn't hear you.

3 COUNCILWOMAN BROOKS: Is it
4 the same process across the board
5 so you can hit somebody for
6 multiple violations related to the
7 Nuisance Task Force?

8 DEPUTY COMMISSIONER HEALY:

9 Yes. The nuisance -- the way that
10 9-4400 was amended, if certain
11 violations occur, we use that as
12 the basis for moving into the
13 license. It can be anything, a
14 combination of public disorderly
15 conduct, whatever the case may be.
16 As long as there's a nexus to the
17 business, that's called a chronic
18 nuisance.

19 We have three of those
20 within a year, then we send the
21 business a notice of intent to
22 cease. And then they have a
23 responsibility to reach out to us
24 to try to resolve the problem. If
25 they don't resolve the problem

1 within so many days, then we move
2 forward with L&I against the
3 license.

4 With the critical nuisance,
5 if something serious happens, we
6 don't need three strikes.

7 Basically we can move with that one
8 incident and individuals need to
9 come out and work with us to come
10 up with an abatement plan. That's
11 why we do the preliminary
12 investigation upfront.

13 Like I said and
14 respectfully, Macy's. Macy's
15 technically fell within the
16 definition of a critical nuisance,
17 but we all know it's not a critical
18 nuisance. But how do I distinguish
19 Macy's from some other store. So
20 we wanted to make sure we put a
21 light -- and actually this is -- we
22 met after the Macy's incident to
23 see how and make sure we'd be fair
24 and consistent on how we enforce
25 across the City. And that's why we

1 now do the preliminary
2 investigation once that incident
3 happens. And then we're looking to
4 see if there's anything that the
5 business owner is doing or not
6 doing that helped facilitate or
7 cause that type of behavior to
8 happen on their location. And if
9 that's the case, then we're moving
10 forward with an intent to cease.

11 COUNCILWOMAN BROOKS: Thank
12 you.

13 COUNCILMAN JONES: Thank
14 you, Vice-Chair Lozada.

15 Who's next? Member Young.

16 COUNCILMAN YOUNG: Thank
17 you, Mr. Chair.

18 Good afternoon, gentlemen.
19 Another follow-up question on
20 enforcement: If this bill were to
21 pass and become law, do you feel
22 this is an enforcement issue for
23 the police or more for Licenses &
24 Inspections to enforce?

25 DEPUTY COMMISSIONER HEALY:

1 It can be by both. I mean, and
2 that's the important thing about
3 the bill the way it's drafted. We
4 all have limited resources. When
5 we can come together, we can
6 actually work as a team. L&I is
7 part of the Nuisance Task -- or not
8 Task Force but Nuisance Committee
9 with the City. So we work in
10 tandem in making sure the
11 resources -- so we often every
12 month by policy we'll do what's
13 called a walkaround, I don't know
14 if that's the right word for it,
15 but we'll identify corridors that
16 have nuisance businesses or
17 properties and even some that don't
18 in the mix and we'll go up and
19 down, and that's where Inspector
20 Ritchie from our Nuisance Unit
21 works with L&I, Health, and
22 everybody will go up and down.
23 Basically it's kind of a warning
24 thing making sure everybody is on
25 the same page doing the right

1 thing. But those people that
2 aren't in compliance, it's an
3 opportunity for us -- they can be
4 cited by L&I, Health.

5 We use that as also the
6 community sees us out there as a
7 whole as a team working together,
8 so we work hand-in-hand with L&I
9 all the time and they're a great
10 partner.

11 COUNCILMAN JONES: Member
12 Gauthier or you?

13 COUNCILWOMAN LOZADA:
14 (Gestured).

15 COUNCILMAN JONES: Lozada.

16 COUNCILWOMAN LOZADA: How
17 (inaudible) --

18 COUNCILMAN JONES: Push
19 your button.

20 COUNCILWOMAN LOZADA: I'm
21 sorry. How successful are you all
22 when you go out with L&I and you
23 actually are able to talk to some
24 of these people, right, because
25 some of the experiences that I have

1 heard is that when the inspector or
2 when the police department go into
3 these establishments, the
4 individual is not able to
5 communicate with you because of a
6 language barrier? How successful
7 are you all in communicating with
8 them?

9 How often have you all
10 found that when you walk into these
11 establishments they're operating
12 with a grocery store license as
13 opposed to a gaming type of
14 license, if there's even one,
15 right, because I've asked before
16 what type of license is an
17 appropriate license for some of
18 these establishments who don't have
19 food, who their food is a cup of
20 soup that you warm up in a
21 microwave or there are no household
22 products that they're offering so
23 it's not a real grocery store.
24 It's actually a gaming store, but
25 they're operating off a grocery

1 store license which does not allow
2 them to be open 24 hours a day,
3 right, in an 80 percent residential
4 neighborhood? How successful are
5 you in addressing those issues when
6 you're going out in the community
7 now?

8 DEPUTY COMMISSIONER HEALY:

9 It's a little double prong there.
10 The issue -- let me just step back
11 and talk about the 9-4400 and the
12 success we have with that. When
13 the nuisance happens around
14 locations, we have to give a first
15 letter to the business owner
16 informing them that there's a
17 problem.

18 We've been incredibly
19 successful with that first letter
20 going out saying, business owner,
21 you got a problem, you need to fix
22 it, you could lose your license.
23 And that was really the driving
24 factor why we created the tracker,
25 because we were so successful with

1 those first letters but we had no
2 way to track it.

3 I mean, the only thing we
4 were tracking was the negative
5 outcomes when something had to be
6 ceased. And actually a lot of
7 businesses who were in compliance,
8 a lot of them are either they're
9 not directly owned or they're not
10 operated by the owner or they're
11 operated by agents or managers and
12 they're not aware of what's going
13 on, so that's been incredibly
14 successful.

15 Now, when you're talking
16 about the businesses that are
17 operating basically as a sham is
18 what you're talking about, it's
19 using it for other purposes, when
20 it comes to the liquor license
21 stuff with the 30 chairs, the
22 requirement for the 30 chairs,
23 that's your whole stop-and-go
24 issue. They're supposed to have 30
25 chairs on those locations. And if

1 not, it's a violation of state law.

2 So we're looking -- when we
3 do these walkabouts, that's some of
4 the things we're picking up. We
5 walk in, we gather that
6 information. LCB and the
7 Pennsylvania Control Enforcement
8 are with us when we do these
9 things, so we work in tandem.

10 Now, for your specific
11 issue of a grocery store is really
12 not a grocery store, we would look
13 into that. And if we got the
14 complaint, we would look into that
15 one specifically because
16 technically what are they doing
17 wrong if they're just not selling
18 anything. They have the license
19 but they're not selling anything.
20 We know they're up to something but
21 what is that. So we would look
22 into that further as a team with
23 L&I, Health Department, especially
24 if they have a health license.

25 So we target -- we don't

1 target, that's not an appropriate
2 word. But we identify and look
3 into those places when we get
4 information from your offices or
5 anybody's office. So if you have a
6 specific location, let me know and
7 we'll put it on our list and have
8 somebody look into it immediately.

9 COMMISSIONER BETHEL: And I
10 just want to emphasize, Fran has
11 obviously been leading that and
12 he's been the expert and I'm just
13 kind of just coming back in this
14 space, but I do want to note and
15 want the Committee to know that as
16 we move forward, we're going to be
17 much more seeped into this space.
18 We're going to start to get the
19 synergy around this work because we
20 know this is impacting the
21 community and these are the calls
22 that are coming into your office on
23 a daily basis. And so, we know
24 we're going to be working across
25 departmental, all of the agencies

1 to make sure we're responding.
2 They've done a great job doing that
3 now, but we're really going to
4 elevate this work as we build our
5 new community partnership bureau of
6 our work that will nestle under
7 that space where we're going to
8 bring all of that energy together
9 to make sure we're moving
10 effectively to address these
11 issues.

12 COUNCILWOMAN LOZADA: Thank
13 you.

14 COUNCILMAN JONES:
15 Councilmember Gauthier.

16 COUNCILWOMAN GAUTHIER:
17 Thank you, Mr. Chair.

18 So I understand from the
19 testimony that because of the
20 Commonwealth Court ruling that says
21 that these machines are not
22 illegal, we're kind of taking
23 control of our own destiny and
24 we've developed this system where
25 we would send in these undercover

1 cops and only be able to really
2 enforce when there's a payout. Am
3 I understanding that correctly?

4 DEPUTY COMMISSIONER HEALY:
5 That's correct.

6 COUNCILWOMAN GAUTHIER:
7 Okay. I think it's good that we're
8 taking charge in that way while
9 we're hoping for an appeal, but I
10 have a question around capacity
11 because it sounds like intense
12 work. So I wanted to ask how many
13 people do we have in the Vice Unit
14 that would be devoted to this type
15 of work and how many people in
16 Neighborhood Services would be able
17 to also augment that work knowing
18 that the Neighborhood Service
19 officers do a ton of stuff like
20 remove abandoned autos, right, that
21 we also need them to do.

22 So what's our current
23 capacity? And if it's not
24 sufficient, how do we need to grow
25 our capacity to be able to

1 implement this effectively?

2 COMMISSIONER BETHEL: So
3 that's a great question,
4 Councilwoman. Right now without
5 getting into the specific staffing
6 issues, we know that we're down in
7 staffing across the board. But my
8 position as I've taken on this
9 position, we have a multi-prong
10 organization now. There's no
11 longer one officer just doing one
12 thing.

13 COUNCILWOMAN GAUTHIER:
14 Okay.

15 COMMISSIONER BETHEL: So
16 the way we're going to be
17 addressing these issues, so I'll
18 take you into the 35th District and
19 the captain aide is doing
20 everything, nuisance houses,
21 nuisance corners, all of that. And
22 so, we see the path moving forward
23 is not just this entity Vice Unit
24 is the only one able to do that
25 kind of activity. We're going to

1 have officers that work within
2 those areas to be able to do that
3 work as well. There's nothing
4 precluding them from a policy
5 perspective to do that. And as our
6 staffing has attrited, we're
7 looking at Kevin Bethel may be a
8 three-faceted entity now. He does
9 everything, but not just doing the
10 police work, but he is doing
11 quality-of-life issues. He or she
12 is doing those other things that we
13 need to get done.

14 I will not allow our
15 staffing issues to be the
16 impediment for us doing the work.
17 We have to get back doing the work
18 of policing and doing the work of
19 the community they ask us to do.
20 And so, we're going to use a
21 multitude of ways to do that. Yes,
22 Vice is a component of that, but
23 they can train other people to do
24 Vice work.

25 So part of what we're doing

1 now as we understand that much of
2 the special unit work that we did
3 in special units are now going to
4 be trained to those men and women
5 in the field so they can do those
6 operations as well. You don't have
7 to have Neighborhood Services most
8 recently to have cars towed out of
9 a neighborhood for abandoned auto.
10 They can teach other officers, and
11 they've done that most recently.

12 And so, we see that as a
13 vast number of opportunities to
14 train the men and women in the
15 field to do the quality-of-life and
16 nuisance work as well as doing
17 their 911 response work.

18 COUNCILWOMAN GAUTHIER: And
19 could this also be something that
20 the civilian officers that we're
21 hiring could do?

22 COMMISSIONER BETHEL: I
23 don't know this level of work.
24 I --

25 DEPUTY COMMISSIONER HEALY:

1 Are you referencing the public
2 safety enforcement officers?

3 COUNCILWOMAN GAUTHIER:

4 Yes. Thank you.

5 DEPUTY COMMISSIONER HEALY:

6 They've been a great help. There's
7 some barriers, legal barriers. But
8 for the most part, they're an
9 incredible help for us because what
10 they're doing is we have a very
11 large backlog that we've whittled
12 down quite a bit, but those
13 officers are actually going out to
14 help identify those cars. So
15 they're working with the Abandoned
16 Vehicle Unit to help get those cars
17 off the street quickly so they are
18 actually --

19 COUNCILWOMAN GAUTHIER: I
20 mean, not just cars. I love that
21 we're removing more abandoned
22 autos. But I mean this bill
23 specifically. Could the public
24 safety officers, would they also be
25 able to share in this work to grow

1 our capacity?

2 DEPUTY COMMISSIONER HEALY:

3 I think that probably exceeds the
4 scope of their job.

5 COMMISSIONER BETHEL: I
6 would not put them in harm's way.
7 I mean, there's a possibility --
8 just like any time you're taking a
9 policing type interaction, even
10 something as small as being in a
11 gaming shop going undercover doing
12 a -- could lead to some type of
13 violent episode. So I would say
14 sitting here today without doing a
15 full assessment, I would say I
16 would not put them in that kind of
17 harm's way because of the potential
18 harm that could come to them and
19 they're not armed.

20 COUNCILWOMAN GAUTHIER:

21 Thank you.

22 Thank you, Mr. Chair.

23 COUNCILMAN JONES: Thank
24 you.

25 Anyone else?

1 (No response.)

2 COUNCILMAN JONES: On my
3 way in today, stopped at Bryn Mawr
4 and Wynnefield at a gas station.
5 Went in, paid for my gas. There
6 were 11 machines in full operation.
7 Not everybody was at every --
8 there's a photo. And I thought of
9 Atlantic City without a payout for
10 the City. I thought of Atlantic
11 City without an escort for a winner
12 to go to their car.

13 I thought of Atlantic City
14 without knowing what the ratio --
15 if you buy bologna at the Acme,
16 there's weights and measures that
17 come out to make sure that the
18 weight that you're paying for is
19 accurate. We don't do any of that
20 for this industry, and I just think
21 the time has come. I don't want to
22 see an Eliot Ness-style approach to
23 this.

24 I like the notifications,
25 the letters. And then the license

1 issue without coming in and we're
2 confiscating this and that, we
3 don't need that. What we need is a
4 firm hand to let them know that
5 this isn't worth it. And that if
6 the industry wants to come into
7 compliance, then let's figure it
8 out. Let's figure out where
9 they're supposed to be, where
10 they're not supposed to operate.
11 The hours of operation might be
12 included.

13 I was just given that
14 instruction by one of the people to
15 testify today. It's a helpful kind
16 of addition. Member Driscoll wants
17 to make VFWs a safe place for these
18 machines. And I think anywhere,
19 whether the traditional bar and
20 tavern where you're checking for
21 people's ID anyway to make sure
22 that they're legally able to drink
23 is a more secured environment than
24 the kids on their way to school,
25 got their lunch money and say, I'm

1 going to get lucky today and put my
2 lunch money in this machine and go
3 hungry the rest of the day.

4 So we need to put our arms
5 around this. And I'm so thankful
6 to have partners in the police
7 force and the task force to assist
8 us in figuring it out. So thank
9 you very much.

10 COMMISSIONER BETHEL: Thank
11 you.

12 COUNCILMAN JONES: If there
13 are no other questions for this
14 panel, thank you for your
15 testimony.

16 COMMISSIONER BETHEL: Thank
17 you.

18 DEPUTY COMMISSIONER HEALY:
19 Thank you.

20 COUNCILMAN JONES:
21 Mr. Glass, who do we have next?

22 THE CLERK: Mr. Chairman,
23 our next witness is State
24 Representative Amen Brown.

25 (Witness approached Witness

1 table.)

2 COUNCILMAN JONES:

3 Representative, welcome. How are
4 you, sir?

5 STATE REPRESENTATIVE BROWN:

6 Good. How y'all doing?

7 COUNCILMAN JONES: State
8 your name for the record and please
9 begin your testimony.

10 STATE REPRESENTATIVE BROWN:

11 I am State Representative Amen
12 Brown. I represent the 10th
13 Legislative District of
14 Pennsylvania, which is Logan Square
15 in West Philadelphia. So first and
16 foremost, I want to say thank you
17 guys for addressing this quality-
18 of-life issue. This is something
19 that my office gets several calls
20 and complaints about. So thank you
21 to all of the sponsors.

22 I know we have a lot of
23 issues along 52nd Street which I
24 share with Councilmember Gauthier,
25 and this is a real problem. It

1 hurts me that seniors used to be
2 able to go to their corner store
3 and purchase a loaf of bread or use
4 the ATM machine to pay their rent
5 or so forth and so on. But now,
6 due to these machines their lives
7 are impacted. And that turns into
8 late rent payments because the
9 closest ATM is not in reach anymore
10 because you have several
11 individuals who stand in these
12 stores surveilling what goes on, on
13 these machines in ski masks and so
14 forth just waiting for their next
15 victim. They're waiting for
16 someone to hit.

17 A lot of the crime that
18 might be being committed is not
19 getting reported because they might
20 be robbing their opposition, as
21 they call them. But all this turns
22 into problems in each and every
23 community in Philadelphia and
24 across the Commonwealth.

25 About a year and a half

1 ago, almost two years ago I met
2 with the skills games individuals.
3 I attended an informative session
4 that they had for Statehouse
5 members in Harrisburg. And I
6 listened to everything that they
7 said but also heard what they
8 didn't say. And they're in it for
9 profit.

10 As you just mentioned, this
11 is not something that's being taxed
12 for the state or the City. And
13 these things came about I believe
14 in the beginning of COVID when they
15 hit our City the hardest. And
16 during the height of all the
17 federal or state assistance to our
18 constituents, the money went into
19 the pockets of the owners of these
20 machines.

21 And I get it. For the
22 business owners who are present
23 today who think that these machines
24 are helping you, they're not. They
25 draw in nothing but bad things, and

1 they're taking the little bit that
2 our constituents have, whether it's
3 \$75 dollars or \$5. They're putting
4 it into this machine and they're
5 losing it. And then they have to
6 come to our offices for assistance
7 because now they're late on their
8 rent or they're being evicted or
9 they have a shut-off notice or
10 their utilities are already being
11 shut off because their last
12 whatever went into this machine and
13 they were hoping that they hit big,
14 and that's not what's happening.

15 COUNCILMAN JONES:

16 Question: There's a store, 56th
17 and Arch I guess --

18 STATE REPRESENTATIVE BROWN:

19 Yes. You have 56th and Arch, 56th
20 and Market.

21 COUNCILMAN JONES: -- that
22 is one of the hot spots that I know
23 of where things happen, homicides,
24 robberies. Is there a gambling
25 machine in there?

1 STATE REPRESENTATIVE BROWN:

2 Absolutely.

3 COUNCILMAN JONES: I didn't
4 know that, but it doesn't surprise
5 me because it creates a water hole
6 kind of mentality.

7 STATE REPRESENTATIVE BROWN:

8 Yes.

9 COUNCILMAN JONES: And can
10 you tell us what's happening at the
11 state level on these machines?

12 STATE REPRESENTATIVE BROWN:

13 So our Governor Josh Shapiro, he
14 just proposed -- well, he charged
15 the legislature to come up with
16 some kind of agreement and get
17 something done in the Statehouse
18 for the skill games to tax this
19 industry because we currently are
20 not. That's what's we're doing
21 right now. I know there's members
22 on both sides of it. There's those
23 who oppose and there's those who
24 support. And hopefully within the
25 next coming months, we come to some

1 kind of agreement.

2 COUNCILMAN JONES: One of
3 the things is to be able to provide
4 that incentive to do something
5 because sometimes good ideas bubble
6 up from local to the national.
7 Every now and then we come up with
8 a good idea and whether it was
9 evictions and things like that
10 became a national model, and I
11 think this is not just a Philly
12 problem. It is a Commonwealth
13 problem and it's a regional problem
14 that needs to be addressed. And
15 we're going to God willing be able
16 to at least set some parameters
17 around it. So thank you very much,
18 Representative.

19 Any other questions for
20 him?

21 (No response.)

22 COUNCILMAN JONES: Seeing
23 none, thank you for your testimony.

24 STATE REPRESENTATIVE BROWN:
25 Thank you.

1 COUNCILMAN JONES:

2 Mr. Glass, is that the last panel?

3 THE CLERK: Yes,

4 Mr. Chairman, that was our final
5 panel.

6 COUNCILMAN JONES: And we
7 now have public comment?

8 THE CLERK: Yes,
9 Mr. Chairman.

10 COUNCILMAN JONES: Who do
11 we have for public comment?

12 THE CLERK: Our first
13 individual for public comment will
14 be Andy Toy from the PACDC.

15 (Witness approached Witness
16 table.)

17 COUNCILMAN JONES: Good
18 afternoon, Mr. Toy. Please state
19 your name for the record and begin
20 your testimony.

21 MR. TOY: Sure. I have
22 some written comments and you
23 should have them. Good afternoon,
24 Chairman Jones, Vice-Chair Lozada
25 and City Council Public Safety

1 Committee members. My name is Andy
2 Toy, and I'm the Policy Director
3 for the Philadelphia Association of
4 Community Development Corporation
5 better known as PACDC. Thank you
6 for the opportunity to testify
7 before the Public Safety Committee
8 regarding Bill No. 240010 that
9 seeks to address the growing
10 problem of completely unregulated
11 games that serve as a means of
12 gambling in commercial corridors
13 across our city, especially in
14 lower income neighborhoods.

15 What we at PACDC and our
16 members who manage the commercial
17 corridors in the City have been
18 observing is that the proliferation
19 of these machines, whether you call
20 them games of chance or skill, have
21 become an attractive nuisance in
22 many neighborhoods. Of our
23 Commercial Corridor Managers Poll,
24 not one supports the allowance of
25 these unregulated devices and many

1 have cited negative impacts on
2 their corridors overall.

3 Some places of business
4 only has one, but others have many
5 machines that create a feeling like
6 a mini casino but totally
7 unregulated. In addition, because
8 of the amounts of cash at these
9 locations and people hanging out
10 for hours as we've heard, they can
11 become hostile and potentially
12 unsafe places for others in the
13 community.

14 Finally, for some residents
15 in our communities these games may
16 represent a chance to make money.
17 We know that without the payouts,
18 they're just like regular arcade
19 games and we don't see people
20 playing arcade games for hours and
21 days on end. Some would call these
22 "games of skill" predatory. In the
23 long run, most every player loses
24 or the games wouldn't exist.

25 PACDC supports Bill No.

1 240010 that prohibits these devices
2 unless specifically licensed by the
3 Commonwealth of the Pennsylvania.

4 Thank you.

5 COUNCILMAN JONES: Mr. Toy,
6 how many organizations do you
7 represent and from what part of the
8 City are they?

9 MR. TOY: How many or PC --
10 we have 60 CDCs that we represent
11 plus 100 associate members.

12 COUNCILMAN JONES: And do
13 they run the breadth of the City of
14 Philadelphia?

15 MR. TOY: Yes.

16 COUNCILMAN JONES: From the
17 Greater Northeast?

18 MR. TOY: I'm sorry?

19 COUNCILMAN JONES: From the
20 Greater Northeast?

21 MR. TOY: Yes, we have some
22 in the Lower Northeast part of the
23 City as well.

24 COUNCILMAN JONES: Through
25 West, North, South Philadelphia?

1 MR. TOY: Everywhere, yes.

2 COUNCILMAN JONES:

3 Everywhere, that's my point, that
4 this is not a select sampling or
5 one geographic neighborhood with a
6 socioeconomic income level. It's
7 everywhere. And so, this is a
8 citywide problem -- or issue,
9 issue.

10 So any questions?

11 COUNCILWOMAN LOZADA: Just
12 one question.

13 COUNCILMAN JONES: Member
14 Lozada.

15 COUNCILWOMAN LOZADA: Thank
16 you for your testimony today. You
17 say you represent 60 CDCs. Of
18 those CDCs, have you all started
19 working together to try to figure
20 out where these establishments are
21 along your commercial corridors?

22 MR. TOY: Can you repeat
23 that? How many of them are in
24 commercial corridors, is that --

25 COUNCILWOMAN LOZADA: I'm

1 asking you have the CDCs that you
2 represent along the various
3 commercial corridors, have you all
4 started to collect the information
5 regarding where these particular
6 establishments are?

7 MR. TOY: So anecdotally
8 we've been hearing from some of
9 them and we've asked if there are
10 issues. Many of the CDCs do work
11 on commercial corridors across the
12 City. Some of them only do
13 housing, but many of them or I
14 would say most of them have a
15 commercial corridor in their
16 district, and we didn't hear
17 anything positive.

18 We know some businesses
19 make some money doing it, and our
20 goal would be to make sure that if
21 somebody is struggling that we
22 could help, our corridor managers
23 could help them, but not
24 necessarily this way. So if
25 there's a way that we can help

1 without creating a situation that
2 can be a nuisance, then we would
3 try that.

4 And the City has resources
5 to help as well. We've been -- we
6 try to link people up to various
7 things like facade improvements and
8 things like that. So those are the
9 kinds of businesses that we want to
10 help, but we feel that this is
11 anecdotal. And if you have enough
12 anecdotes, it becomes data. We
13 haven't put that data together yet,
14 but we believe that there is enough
15 evidence that these are a problem.

16 COUNCILWOMAN LOZADA: Thank
17 you.

18 COUNCILMAN JONES: Any
19 other questions?

20 (No response.)

21 COUNCILMAN JONES: Seeing
22 none, thank you so much for your
23 testimony.

24 MR. TOY: Thank you.

25 COUNCILMAN JONES: Next

1 public comment.

2 THE CLERK: Mr. Chairman,
3 our next speaker is Felix Santana.

4 (No response.)

5 COUNCILMAN JONES: Welcome.
6 Please come to the witness stand.

7 (No response.)

8 COUNCILMAN JONES: Who's
9 our next --

10 THE CLERK: Andrea
11 Rodriguez.

12 COUNCILMAN JONES:
13 Ms. Rodriguez, welcome. Thank you
14 for your patience.

15 (Witness approached Witness
16 table.)

17 MS. RODRIGUEZ: Good
18 afternoon.

19 COUNCILMAN JONES: Good
20 afternoon. State your name for the
21 record.

22 MS. RODRIGUEZ: Yes. My
23 name is Andrea Rodriguez. I am in
24 business 32 years. I have a crime
25 in 1993. It's not much in the

1 store. I have a lot of robbery
2 before the machine is not in the
3 store, you know. So for me
4 don't -- because you have machine
5 in the store isn't a lot of
6 robbery. Robbery all the time.
7 Yeah, that's what I see in 32
8 years. I was in business, so the
9 community they feel fine, you know,
10 when sometimes they come to play in
11 the store.

12 I don't see any violence,
13 you know, in my community. But I
14 never hear one crime, and that help
15 a lot to pay bills, you know, and
16 help the store to a little more
17 extra help to do something, pay the
18 kids' college, help allow with
19 something, you know, like you need.

20 So in COVID-19, we are
21 open, you know, 12 hours. A lot of
22 community guys and people go to
23 play on the machine and they feel
24 fine because all the time they be
25 in the house to do nothing. I

1 don't see any problem with that,
2 just see like people can get extra
3 money to do something, you know.

4 COUNCILMAN JONES: Where
5 are you located?

6 MS. RODRIGUEZ: I got a
7 store in 2441 West Norris.

8 COUNCILMAN JONES: And --
9 is that your District?

10 COUNCILMAN YOUNG: Yes.

11 COUNCILMAN JONES: How many
12 machines do you have in your store?

13 MS. RODRIGUEZ: Right now
14 four or five.

15 COUNCILMAN JONES: How
16 many, four or five?

17 MS. RODRIGUEZ: I think
18 four or five.

19 COUNCILMAN JONES: And how
20 much do they make a year?

21 MS. RODRIGUEZ: How much we
22 make?

23 COUNCILMAN JONES: Yes.

24 MS. RODRIGUEZ: Some weeks
25 we can make \$800. Some weeks we

1 don't make nothing, you know. Some
2 weeks we can make \$200, \$300. It's
3 not a lot, like it's a lot of
4 money, you know. That's my
5 experience, you know.

6 COUNCILMAN JONES: Okay.

7 All right. And you have no
8 problems in and around your store?

9 MS. RODRIGUEZ: No, I never
10 have problem with the neighborhood.
11 And sometimes they say -- they feel
12 happy because they don't have to go
13 too far to play, you know.
14 Sometimes they say I have some
15 money to play and when it's close
16 to me, it's better. You know,
17 that's what they say.

18 COUNCILMAN JONES: What's
19 the general demographic age of
20 your --

21 MS. RODRIGUEZ: Yes.

22 COUNCILMAN JONES: --
23 people that use those machines?

24 MS. RODRIGUEZ: I never see
25 kids play machine, you know. I

1 never see that around my
2 neighborhood.

3 COUNCILMAN JONES: Who
4 plays?

5 MS. RODRIGUEZ: You know,
6 all age. Young, you know,
7 sometimes 30, 40, whatever.

8 COUNCILMAN JONES: Okay.
9 All right.

10 Any questions?

11 COUNCILMAN YOUNG: I have a
12 question.

13 COUNCILMAN JONES:
14 Mr. Young.

15 COUNCILMAN YOUNG: Given
16 the location of your store is being
17 very close to a public housing
18 facility, have you seen any
19 increases not necessarily in
20 robberies but in drug dealing
21 around your store?

22 MS. RODRIGUEZ: That's
23 everywhere all the time, you know.

24 (Applause.)

25 COUNCILMAN YOUNG: Has the

1 increased foot traffic in your
2 store led to other quality-of-life
3 issues around your store, any
4 loitering issues and things like
5 that?

6 MS. RODRIGUEZ: No.

7 COUNCILMAN YOUNG: And
8 what's the proximity to your
9 skilled machines to the ATM in your
10 store?

11 MS. RODRIGUEZ: I don't
12 understand.

13 COUNCILMAN YOUNG: How many
14 feet away is your skilled machine
15 from your ATM?

16 MS. RODRIGUEZ: Like they
17 take money from the ATM?

18 COUNCILMAN YOUNG: Yeah.
19 Like, how far -- what's the
20 distance between your closest
21 machine to the ATM?

22 MS. RODRIGUEZ: It's close.
23 It's close, yeah.

24 COUNCILMAN JONES: Anyone
25 else?

1 Member Gauthier.

2 COUNCILWOMAN GAUTHIER:

3 Thank you, Mr. Chair.

4 First, I wanted to thank
5 you for coming to talk to us and
6 for what I'm sure is a vital
7 service that you're providing to
8 your community through your store.
9 I wanted to ask you if this
10 legislation were to go through, are
11 there other ways that you can think
12 of that the City can help your
13 business to succeed? And I also
14 wanted to ask you if you had any
15 thoughts around what you wanted to
16 see from the City on public safety
17 more broadly?

18 MS. RODRIGUEZ: I need
19 somebody to ask me in Spanish that
20 question. It's too long. I'm
21 sorry. You know, my English. I
22 learned my English outside. I
23 never go to the school, so you got
24 to do it a little bit short, the
25 question.

1 COUNCILWOMAN GAUTHIER: Oh,
2 I'm so sorry. First question: If
3 this bill moves through and we make
4 it so you're not really operating
5 the machines, are there other ways
6 that the City can help your
7 business in terms of the money that
8 you would be losing?

9 MS. RODRIGUEZ: Lord, I got
10 32 years in business. I never
11 receive any help while I'm here,
12 any help from the City. I'm sorry,
13 you know.

14 COUNCILWOMAN GAUTHIER:
15 Thank you for your honesty.

16 Thank you, Mr. Chair.

17 MS. RODRIGUEZ: Okay.

18 COUNCILMAN JONES: Thank
19 you.

20 Member Lozada.

21 COUNCILWOMAN LOZADA: Do
22 you know of other programs that the
23 City has available to be able to
24 support small businesses like
25 yours? Have you ever been

1 approached by someone that is
2 related or that works with a City
3 department to be able to provide
4 you or small businesses like you
5 with programs or resources that
6 could help build your business?

7 MS. RODRIGUEZ: Yes. If
8 the City wants to help a little
9 business, it's a lot of ways to do
10 it but we got to find out and they
11 got to find out how we can do it,
12 you know.

13 COUNCILWOMAN LOZADA: There
14 are a lot of programs that the City
15 has that can be resourceful to
16 small businesses like yours. And
17 so, I think it's important one of
18 the things as a legislative body we
19 need to work on is to better
20 connect small businesses that are
21 not along commercial corridors that
22 are not managed by some of these
23 CDCs or some of these Commerce
24 contracts to be able to connect
25 small businesses to some of the

1 resources that we have available to
2 help their businesses grow, right.

3 This doesn't have to be the
4 only way, right. But I think we
5 need to take a different approach
6 at how we connect businesses with
7 business support services that we
8 have available to them. And so,
9 I'd like us to -- I will make an
10 effort out of my office to be able
11 to do that. But I think that as a
12 legislative body we should also be
13 looking at that.

14 COUNCILMAN JONES: We
15 agree.

16 MS. RODRIGUEZ: Yes.
17 Sometimes the City get it confused
18 because they think a little corner
19 store make a lot of money. So
20 sometimes we have to ask for money
21 to pay something else in the month,
22 you know. And so, when you work
23 legally, any kind of business,
24 little like that and you have a lot
25 of things to pay, all the bills,

1 everything is too high. So it's
2 not easy, you know, a little
3 business to keep open.

4 COUNCILMAN JONES:

5 Question: Are you part of a
6 business association?

7 MS. RODRIGUEZ: Yes.

8 COUNCILMAN JONES: What's
9 the name of it?

10 MS. RODRIGUEZ: What is my
11 name? Andrea.

12 COUNCILMAN JONES: No, no.
13 Are you a part of an association of
14 a collective of businesses?

15 MS. RODRIGUEZ: Oh, I'm --

16 COUNCILWOMAN LOZADA:
17 (Spanish translation).

18 MS. RODRIGUEZ: (Replied in
19 Spanish).

20 COUNCILWOMAN LOZADA: She's
21 a part of the Philadelphia Grocers
22 Association.

23 COUNCILMAN JONES: I'd love
24 to take you up, Member Lozada, to
25 meet with them to talk about their

1 particular needs, to bring the
2 Commerce Department with us to see
3 how we can help. We would do that.

4 COUNCILWOMAN LOZADA:
5 (Spanish translation).

6 MS. RODRIGUEZ: Okay.

7 COUNCILWOMAN LOZADA:
8 (Spanish translation).

9 MS. RODRIGUEZ: Yes.

10 COUNCILWOMAN LOZADA:
11 (Spanish translation).

12 MS. RODRIGUEZ: Yes,
13 because a lot of -- a lot of us,
14 the store owner, we don't know. I
15 don't even know if they got any
16 help or not, you know.

17 COUNCILWOMAN LOZADA: She
18 said that she doesn't know if so.

19 COUNCILMAN JONES: I look
20 forward to starting that dialogue
21 about storefront rebates, sign
22 rebates, micro loans, things that
23 we can do. So we're not always
24 taking away. We're giving too.
25 Thank you.

1 MS. RODRIGUEZ: Okay.

2 You're welcome.

3 COUNCILMAN JONES: Thank
4 you for your testimony.

5 Mr. Glass.

6 THE CLERK: Mr. Chairman,
7 our next speaker is Ari Marchand.

8 COUNCILMAN JONES: Thank
9 you for your patience, sir. Are
10 you here?

11 (Witness approached witness
12 table.)

13 COUNCILMAN JONES: Have a
14 seat. State your name for the
15 record and please begin your
16 testimony.

17 MR. MARCHAND: My name is
18 Ari Marchand. I have a little
19 company called Xtreme Skill Games.
20 We do some business in
21 Philadelphia, registered in
22 Pennsylvania, paying taxes in
23 Philadelphia, having insurance,
24 Workmen's Comp. and doing
25 everything by the books.

1 I hope that the panel in
2 front of me has an open mind. I'm
3 not sure if you have an open mind,
4 but I would love to believe that
5 you have an open mind. The truth
6 is we have a patient, the skill
7 game, which is sick. The patient
8 is sick. There is a very easy way
9 to get the patient healthy and
10 productive. The easiest way is
11 just to kill it, just to kill it
12 and, you know, you don't have to
13 administrate anything and so forth.

14 Right now Philadelphia is
15 known around the country as the
16 Wild West of the Skill Game. It's
17 absolutely atrocity what's
18 happening in Philadelphia. And I
19 have a list of suggestions how to
20 solve it. Part of my solution is
21 to generate between \$2 million to
22 \$3 million a month to the City, to
23 the City, and can be done as long
24 as everything is done under law and
25 order.

1 So I would like to bring a
2 few things in no particular order.
3 I heard one of you gentleman
4 calling it disrespect, that those
5 machines are disrespect to the
6 City. Well, what about the ATM?
7 What about Kensington and
8 Allegheny? And I can give you
9 really disrespect places for the
10 City. What has to do with the
11 machine?

12 If the machine is
13 administrated right, it can be
14 very, very useful. You see those
15 ladies and gentlemen here? Do you
16 know how many hours they work?
17 These people are from 6 o'clock in
18 the morning going to the market, to
19 whatever it is, in order to make
20 just a living. And those machines
21 supporting, help them. Without
22 those games, they will have to lay
23 off people.

24 So I would like to bring a
25 few things in no particular order.

1 And by the way as far as
2 disrespect, there are plenty of
3 states like Georgia, Iowa that
4 already have those state-wise
5 confirmed and approved. And I
6 don't think it's fair to call the
7 state of Georgia disrespectful
8 because they passed a law on
9 something that I believe, I truly
10 believe that you don't really
11 understand completely the nature of
12 this business.

13 And by the way, I will be
14 happy to be part of a committee at
15 \$1-a-year salary and to help the
16 City to establish a plan that will
17 help the local merchant as well as
18 the City and to put some order in
19 this mess. Yes, there are places
20 that have 15 machines. What
21 happened to a place when at
22 12 o'clock, 11 o'clock somebody hit
23 the jackpot and he wins \$3,000 or
24 \$4,000 and the local store do not
25 have the money. They don't keep

1 this money.

2 In our company on every
3 game there is our name and number.
4 We ask them to call and we'll tell
5 them somebody will come and upfront
6 the store the money because those
7 people getting irritated sometimes
8 and, yes, it can be nasty. So
9 there is a solution. And when we
10 talk to them and we explain to them
11 keep the ticket, it's like with the
12 lottery, they come down, they don't
13 make any mess and we take care of
14 it.

15 Our suggestion is to
16 have what some other city has, to
17 levy a fee per machine annually,
18 something like \$400 per machine
19 annually paid upfront per year, and
20 you provide us with a sticker, one
21 of the sticker that will be
22 difficult to copy, to forge because
23 in this business plenty of people
24 try to forge it, and to have it per
25 machine and to limit up to five

1 machines per store. And every
2 store that has machines without the
3 sticker, fine the store \$1,000 a
4 day. \$1,000 a day, it will clean
5 up.

6 Furthermore, license the
7 provider or the distributor to do
8 so by qualifying them because we
9 have now people that somehow came
10 from out of state and they put
11 machines, they don't fix them, they
12 don't support them and cause them a
13 lot of problems. Yes, they give
14 them higher commission, but it
15 cause a mess. And by having a
16 program whereby those machines will
17 be "licensed," first you will know
18 who has it because right now nobody
19 including myself has clue how many
20 machines are there because it's not
21 just in the bodega, it's in the
22 barbershop. You name it, they're
23 everywhere. This way we can
24 control it.

25 And as far as security, let

1 me tell you about security. A few
2 years ago somebody broke into one
3 of our machine and he dropped his
4 license plate into the machine. So
5 we picked up the machine, we found
6 the license plate. I took the
7 license plate. I wrote a letter.
8 I went to the detective, to the
9 police and guess what, nothing
10 happened.

11 We give the license plate
12 the guy who broke the machine. We
13 gave them many times videos showing
14 clear face. We had many times
15 store owner calling the police, and
16 I hope the new Chief of Police will
17 take care of it because it's known
18 in Philadelphia that if you call
19 the police about something the
20 machine, you have 45 minutes before
21 they show up, 45 minutes. And I
22 have some friends in the police
23 station in the police force that
24 confirm to me because they don't
25 want to get involved because of

1 many other things, you know. So
2 it's easy to eliminate a lot of the
3 headaches.

4 We by the way a few years
5 ago some of the machines picked up.
6 And I have here citation, criminal
7 and everything. We went to court.
8 Guess what, as they said to me from
9 the police depot, we are one of the
10 few companies that walked out with
11 checks. They gave us all the money
12 back. They gave us the machine and
13 everything. We were ready. We had
14 expert. We have everything.

15 Something else what we do,
16 when somebody breaks into the
17 machine, we put a wanted \$5,000.
18 Guess what, the mother of this guy,
19 of this crook, the mother called
20 us. And by the way, I have many
21 more stuff that I'll be happy to
22 provide you later on in orderly
23 way.

24 There are different numbers
25 around about how many machines are

1 there. I don't know, 50,000,
2 100,000. It's a lot. And --

3 COUNCILMAN JONES: I'm
4 sorry. Could you repeat that
5 number?

6 MR. MARCHAND: 50,000-plus,
7 50,000-plus. 50,000 is on the low
8 end.

9 COUNCILMAN JONES: Jeez.

10 MR. MARCHAND: And again,
11 you will ask, different people they
12 all have different numbers. Nobody
13 really knows. But when you go to
14 places that have 15 of those
15 machines, you know, it's -- we by
16 the way, any place we tell them,
17 five machines we don't want it, you
18 know. But we're trying to do the
19 right thing, but it's not always
20 easy because sometimes somebody
21 from out of town will come to the
22 store and say, listen, I'll give
23 you \$10,000 advance per machine,
24 \$10,000 advance machine, get
25 everybody else out. And the poor

1 store owner, for them \$20,000,
2 \$30,000, you know, it's a lot of
3 money so we understand. So it is a
4 total Wild West.

5 Anyhow this is basically --
6 my concern is that the location
7 here, the store owners they depend
8 on this income and by cutting it
9 down, by slashing it, by
10 eliminating those machines that
11 will have to -- they will have to
12 lay off people. And they do not
13 lay off people like me. I'm all
14 right. They lay those people who
15 need the work, who need the money.
16 And they're all from Philadelphia.

17 And as far as horror
18 stories about machines or whatever,
19 I can give you a lot of horror
20 stories about the City of
21 Philadelphia, what's happening.
22 Those machines are not the reason.
23 It's an excuse for you guys to say,
24 okay, you think we'll solve it. If
25 you will convince me by taking

1 those machines out, the crime rate
2 will drop down by 50 percent, I'll
3 be the first one to say, praise the
4 Lord, let's do it. But you and I,
5 we know that's not the issue.

6 And hopefully again, the
7 new Commissioner unlike the
8 previous Commissioner that I saw
9 several times on T.V. and I'm not
10 going to be very popular and say,
11 oh, please, we have to work
12 together, we cannot continue this
13 one here, and in the meantime not
14 backing up the police. And I feel
15 terrible to be a policeman. You
16 must be out of your mind to be a
17 policeman in Philadelphia. So we
18 support them as much as we can.

19 So basically that's what I
20 had to say. If anybody has any
21 question. And again, this was done
22 without big or long preparation.
23 And I think the patient is sick.
24 It's relatively easy to fix it, but
25 we need your guidance. We need

1 your open mind to work together to
2 something that can help the local
3 stores and to put law and order and
4 to put some additional money in
5 City Hall. Thank you. Any
6 question I will be happy to --

7 COUNCILMAN JONES: So I'm
8 going to defer the mic to my
9 colleague Member Brooks. I want to
10 thank you for coming in and
11 testifying because I like candor.
12 I like straightforward talk because
13 through that we get better
14 understanding. If I don't know
15 where you stand, you don't know
16 where I stand, we can't be clear on
17 the public policy. So thank you
18 for that.

19 MR. MARCHAND: You're
20 welcome.

21 COUNCILMAN JONES: Real
22 quick, have you ever met with the
23 state to talk about these
24 regulations and problems?

25 MR. MARCHAND: Sorry.

1 What?

2 COUNCILMAN JONES: The
3 Commonwealth of Pennsylvania, the
4 people in Harrisburg. Have you
5 ever met with them?

6 MR. MARCHAND: Not
7 directly. We met indirectly with
8 them because the VGT, it's a
9 different level of gambling or the
10 state are talking about the VGT.
11 The VGT will be rewarded to only
12 the few locations, whether it's a
13 liquor store or something. They
14 are not -- and again, the
15 requirements are difficult, but
16 they're not going to solve the
17 problem and they're definitely not
18 going to support the merchant, the
19 average merchant. Because for the
20 VGT you need to have certain
21 condition, whether liquor license
22 or certain size of store metrics in
23 order to be eligible to have five
24 of them.

25 Yes, I wish everything

1 could be done. You can have, you
2 know, if the City wants to have it
3 percentage, it's fine. It's a lot
4 of work, and it's easier for the
5 City to have -- listen, here's a
6 sticker, you may pay us. Because
7 remember, sometimes those machines
8 end up in months in negative. It's
9 not always positive. There is
10 months that they have negative. So
11 I think that the sticker will be
12 easy way. It will be easy way for
13 you to control, you know, exactly
14 who has it, and we will help you
15 with it. And --

16 COUNCILMAN JONES: So I'm
17 going to hold you to that. You
18 will provide us with those
19 suggestions, and we will take them
20 earnestly under consideration.

21 I'm going to yield the mic
22 to Member Brooks.

23 COUNCILWOMAN BROOKS: Thank
24 you.

25 I just have a question for

1 clarity. You mentioned commission.
2 Is the commission received per
3 machine or is the commission for
4 hosting a machine in the store?
5 What's the average? I didn't
6 understand --

7 MR. MARCHAND: Okay. To
8 simplify the process they are doing
9 in some other cities, simplify, you
10 issue a sticker per game. In other
11 words, if there's five games, five
12 stickers, those stickers are valid
13 for one year. You don't really
14 care if the machine breaks up,
15 breaks down and we have to replace
16 the machine. As long as the
17 sticker is valid for the specific
18 period, this way you know if you
19 have 400 and wherever it is, they
20 buy it in advance.

21 Those stickers, they pay
22 the annual amount and they renew.
23 And of course, carrot and the
24 stick. You have to have major fine
25 to the stores if they do not have

1 it and you have to find the store.
2 And probably the store in here
3 would not like to hear it. Don't
4 do it to the distributors. They
5 don't give a damn, you know, in a
6 sense.

7 But the store owner,
8 they'll know it will be heavy fine
9 per day. They'll make sure that
10 they will get somebody licensed to
11 install the machine and to handle
12 it properly. And again, to do it
13 in such a way that not anybody that
14 got sort of shady money and a lot
15 of shady money and has hundred
16 machines and comes into the stores
17 and say, whatever you need, here it
18 is, here it is, whatever it is.
19 Those are breaking down and they
20 cannot reach them. It's hit the
21 jackpot. They cannot pay it.
22 Those are the problem.

23 You have plenty of
24 companies, legitimate companies,
25 that will be able to stand behind

1 it and to do proper services. I
2 said to you, we have our number
3 because even if a customer claims
4 that he hit the jackpot and he does
5 know and the machine cheated him
6 and all this stuff, we heard all
7 the stories. Somebody will answer
8 him professionally telling him the
9 stories, and we never ever had any
10 issue with the police or anything
11 about issues about the machines.
12 Yes, we had in the past broken
13 machines, but I addressed it
14 before.

15 COUNCILWOMAN BROOKS: Thank
16 you so much, Mr. Marchand, for
17 that. But I was just wondering how
18 much is the commission? What is
19 the percentage of the commission
20 per machine?

21 UNIDENTIFIED SPEAKER: 40
22 percent.

23 COUNCILWOMAN BROOKS: Thank
24 you. That's --

25 UNIDENTIFIED SPEAKER: The

1 legal ones.

2 COUNCILWOMAN BROOKS: The
3 legal ones are 40 percent.

4 MR. MARCHAND: Yes.

5 COUNCILWOMAN BROOKS: The
6 illegal ones was --

7 MR. MARCHAND: But whoever
8 mentioned it --

9 COUNCILMAN JONES: So in
10 order for him -- listen, hold up.
11 In order for the recorder to
12 understand what's being said, you
13 have to --

14 MR. MARCHAND: I dispute
15 it.

16 COUNCILWOMAN BROOKS: You
17 dispute what?

18 MR. MARCHAND: I wish he
19 was right. That was three, four
20 years ago, that people from New
21 York coming up giving 70, 75, 80
22 percent which hurt everybody. So
23 by regulating it, we can stop it
24 and make sure that everything is
25 fair. But you have -- and we can

1 give you list of places that's
2 getting -- Pennsylvania Skill, good
3 for them. I wish that everybody
4 will be like this. But even with
5 Pennsylvania Skill, they have some
6 crooked operators that are giving a
7 lot more under the table. And I
8 can provide them the names if they
9 want to.

10 COUNCILWOMAN BROOKS: Thank
11 you so much.

12 COUNCILMAN JONES: So we'll
13 go to Member Gauthier and then
14 Member Harrity. This is getting
15 interesting.

16 COUNCILWOMAN GAUTHIER:
17 Thank you, Mr. Chair. And thank
18 you so much for your testimony and
19 your recommendations.

20 MR. MARCHAND: Okay.

21 COUNCILWOMAN GAUTHIER: I
22 wanted to clarify. We are not
23 talking about a regulation of the
24 use of these machines in totality.
25 We are talking about regulating the

1 use of these machines in spaces
2 that don't sell alcohol or have
3 less than 30 seats if they do sell
4 alcohol or anywhere that is
5 unlicensed currently under the
6 State Gaming Act.

7 So given those boundaries,
8 what percentage of your business in
9 the City of Philadelphia does that
10 represent?

11 MR. MARCHAND: If I
12 understood your question correctly,
13 in our case we have in Philadelphia
14 maybe only three or four locations.
15 Most of our business is outside
16 Philadelphia. Three or four
17 location that serve liquor --

18 COUNCILWOMAN GAUTHIER:
19 So --

20 MR. MARCHAND: But most of
21 our business are the regular
22 bodegas. They don't serve liquor.
23 They most likely serve food but not
24 liquor.

25 COUNCILWOMAN GAUTHIER:

1 Sorry. In the City of
2 Philadelphia, you're saying you
3 have three establishments that sell
4 liquor so like bars?

5 MR. MARCHAND: Yes.

6 COUNCILWOMAN GAUTHIER: So
7 do you under -- I just want to be
8 very clear about what we're talking
9 about.

10 MR. MARCHAND: And by the
11 way, I would like to address it for
12 a second please.

13 COUNCILWOMAN GAUTHIER:
14 Okay.

15 MR. MARCHAND: We have
16 more. And there was a Chinese
17 gangster that send the people to
18 our location owned by Chinese, only
19 owned by Chinese --

20 COUNCILWOMAN GAUTHIER:
21 Okay. We should be careful in our
22 language --

23 MR. MARCHAND: No, no. I
24 have all the proof and I have the
25 meeting with the detective. I

1 talked to the District Attorney.
2 And what he does is send people
3 with sharp object and they just
4 break the screen, and the screen is
5 the most expensive part of this
6 machine. So we are not expanding
7 it and they're afraid of him. We
8 know who he is.

9 COUNCILWOMAN GAUTHIER: But
10 gangsters come in all flavors, so I
11 just want us to be clear. But
12 you're saying that within the City
13 you only have three establishments
14 that are bars so this bill wouldn't
15 impact you that much; am I
16 understanding that correctly or am
17 I misunderstanding you?

18 MR. MARCHAND: No, we have
19 more, many more. But only three or
20 four of them serve liquor.

21 COUNCILWOMAN GAUTHIER: Oh,
22 I'm sorry. How many do you have in
23 the City that don't meet those
24 qualifications?

25 MR. MARCHAND: In the City,

1 probably 30, 40.

2 COUNCILWOMAN GAUTHIER:

3 Okay.

4 MR. MARCHAND: We are
5 relatively small in the City. We
6 have them, many of them -- we're
7 operating for five or six years.
8 And many of them move to some of
9 the new operators and they switch
10 back to us because they realize
11 sometimes amount of commission is
12 not everything.

13 COUNCILWOMAN GAUTHIER:
14 Okay. And then lastly, you talked
15 about your workers. Can you
16 expound on how many workers and
17 contractors you have in totality
18 and how many of them live in the
19 City of Philadelphia?

20 MR. MARCHAND: How many
21 workers we have?

22 COUNCILWOMAN GAUTHIER:
23 Yes, and how many live in the City?

24 MR. MARCHAND: Well, we
25 lost one last week, my wife.

1 COUNCILWOMAN GAUTHIER: Aw,
2 I'm very sorry.

3 MR. MARCHAND: I'm sorry.
4 But we have --

5 COUNCILWOMAN GAUTHIER: I'm
6 very sorry for that.

7 MR. MARCHAND: -- six.

8 COUNCILWOMAN GAUTHIER: I'm
9 sorry for that. I didn't realize.

10 MR. MARCHAND: No, no. I
11 understand. I understand.

12 COUNCILWOMAN GAUTHIER:
13 Thank you for being here even with
14 that tragedy, and thank you for
15 testifying with us in a pretty
16 honest way.

17 COUNCILMAN JONES: Thank
18 you, Member. And thank you. I
19 echo her concerns. For you to be
20 here today shows your character and
21 we appreciate your testimony.

22 Member Harrity.

23 MR. MARCHAND: Thank you.
24 Thank you very much.

25 COUNCILMAN HARRITY: Yes.

1 Again, just a couple more minutes.
2 Thank you again for actually coming
3 with some ideas of how things work.
4 Just for a point of clarification,
5 you said that some of these bad
6 actors are coming in and they will
7 upfront the 10,000 per machine, so
8 five machines that's \$50,000, which
9 then they would not make any money
10 on the machine until after it
11 clears, that \$50,000; is that
12 correct on how it would go?

13 MR. MARCHAND: No,
14 eventually they'll make it back.
15 It will take time. In other
16 words --

17 COUNCILMAN HARRITY: It
18 will take a lot of time, yeah.
19 So --

20 MR. MARCHAND: It's not a
21 gift, but it's sort of a long-term
22 loan that eventually will, you
23 know.

24 COUNCILMAN HARRITY: Yeah,
25 they're going to collect on it per

1 week or whenever they come in and
2 collect their money.

3 MR. MARCHAND: Yeah.

4 COUNCILMAN HARRITY: And
5 then the place will not receive any
6 other money until after that
7 \$50,000 debt is served -- no, they
8 will?

9 MR. MARCHAND: Yeah.

10 UNIDENTIFIED SPEAKER:
11 (Inaudible).

12 COUNCILMAN JONES: We can't
13 get that on record.

14 COUNCILWOMAN BROOKS: He's
15 signed up.

16 COUNCILMAN JONES: You're
17 signed up?

18 COUNCILMAN HARRITY: Oh,
19 you're signed up to --

20 COUNCILMAN JONES: Give us
21 a minute.

22 COUNCILMAN HARRITY: Okay.
23 Good. All right. Well, then I'm
24 good. I'll wait until you come up
25 and I can ask you the same

1 questions.

2 But I appreciate you, sir,
3 coming in here today and actually
4 having some constructive criticism
5 and actually giving us some real
6 information that we can actually
7 use and some good ideas. So thank
8 you.

9 COUNCILMAN JONES: Thank
10 you. And sorry for your loss, sir.

11 COUNCILMAN HARRITY: Sorry
12 for your loss.

13 COUNCILMAN YOUNG: I have a
14 question, Councilman.

15 COUNCILMAN JONES: Thank
16 you for your --

17 COUNCILMAN HARRITY: Sorry
18 about that, Jeffrey.

19 COUNCILMAN YOUNG: Just one
20 question. So what skills are
21 needed to play these games?

22 MR. MARCHAND: It's a very
23 complex question. Basically the
24 game, it's like slot machine in the
25 casino. You put the quarters or

1 the dollars and you wait. You win
2 or you don't win. Here you have to
3 do something. You have to touch
4 something. You have to move it up.
5 You have to move it down. You have
6 to select to do something. You
7 don't have to have a Ph.D. for
8 this, but you have physically to do
9 something in order to win the game,
10 you know, to have a chance to win
11 the game.

12 And I suggest to you guys
13 to walk to one of the stores, ask
14 the store owner to show them, to
15 see, to talk to some of the people.
16 And by the way, for the stores when
17 they play the game, they buy some
18 drink, they buy some sandwiches,
19 they buy something else, you know,
20 because they stay there for one
21 hour and something.

22 One more thing. As far as
23 Pennsylvania Lottery, they're sort
24 of concerned about it, it proved in
25 Iowa, in West Virginia, in Georgia

1 that those machines that have the
2 slot machine and the lottery, the
3 lottery numbers went up, not down,
4 went up. And there is clear
5 numbers available on those figures.

6 COUNCILMAN YOUNG: Thank
7 you. So that kind of alluded to my
8 next question. You talked about
9 how someone plays these games. So
10 I live in a neighborhood where
11 these games are on every corner in
12 every store, right. I live in
13 North Philadelphia, not the nice
14 part, right.

15 Where Ms. Rodriguez talked
16 about, I grew up going to her
17 store. I grew up in Johnson Homes,
18 right. So I grew up going to her
19 store every weekend for my
20 grandmom. So go to that store, go
21 to another store on, you know,
22 Taney and Ridge. I go down the
23 block, you know, there's a gas
24 station that has like seven or
25 eight of these machines sitting in

1 there. So I see these machines at
2 every single store I go to in my
3 community.

4 MR. MARCHAND: Yeah.

5 COUNCILMAN YOUNG: And
6 every time I go to my community, I
7 see someone playing these games.
8 And they are in there for hours
9 playing these games, right. And
10 so, from a community perspective,
11 which we all represent voters, we
12 all represent communities, so from
13 a community perspective, when we
14 are trying to regulate a
15 quality-of-life issue, right,
16 because I've been in these stores
17 and I've seen people -- physically
18 you can tell they're high on
19 whatever drugs they're high on at
20 these machines for hours, they've
21 dipped off, sleep, nodded,
22 whatever.

23 How can we as a body, as a
24 body who is charged with
25 legislating for the public safety

1 and public welfare of the City, how
2 can we regulate that? Because
3 that's what I see when I go into
4 the stores in my community, people
5 standing at these machines for
6 hours on end high off of whatever
7 they're high off of and my son has
8 to see that when he goes to the
9 store with me. Why is that okay to
10 see in our communities, in my
11 community? Why is that okay?

12 MR. MARCHAND: First, I did
13 not say it's okay. Secondly, I
14 think that the biggest culprit
15 here, the lottery, Pennsylvania
16 Lottery. You are bombarded with
17 ads all the time, scratch-offs and
18 everything. And if you go to the
19 store and see a line of people
20 standing sometimes twice a day to
21 get it, then you see everything
22 (inaudible) and every application
23 on the phone, but --

24 COUNCILWOMAN YOUNG: But
25 that's true, but those are not

1 in -- so when I go to the store to
2 play the lottery for my mom, I'm in
3 and out in five minutes, right.
4 We're in and out with the lottery.
5 The phone on my game, it's here on
6 my phone. I'm not interacting with
7 anybody but my phone.

8 When I'm inside one of
9 these establishments and I walk in,
10 it's no longer just a me problem,
11 right. It's a community issue. So
12 that's I guess the question I'm
13 trying to get at. I understand the
14 lottery. The lottery is what it
15 is. Folks are in and out though.
16 They're not in the store for hours
17 on end playing the lottery.

18 MR. MARCHAND: I
19 understand.

20 UNIDENTIFIED SPEAKER:
21 (Inaudible).

22 COUNCILMAN JONES: Okay.
23 We got --

24 MR. MARCHAND: First, you
25 got to remember that many of them

1 play on a quarter. Secondly, there
2 is probably mechanical way to do
3 it, which would be too expensive
4 and then they'll move to another
5 machine or whatever. I understand
6 your issue. I understand your
7 concern. I don't have an answer
8 for it. And if --

9 COUNCILMAN JONES: But if I
10 could, you promised to work with
11 us. And watch what you wish for.
12 So we would love to hear those
13 suggestions and take them into the
14 regulation phase, the enforcement
15 phase so that we hear and add that
16 intelligence, if we could.

17 MR. MARCHAND: Well, as I
18 offered I would love to help you to
19 set it up.

20 COUNCILMAN JONES:
21 Appreciate it.

22 MR. MARCHAND: And to help
23 the City as well as the merchant.

24 COUNCILMAN JONES:
25 Understood.

1 Mr. Young, are --

2 COUNCILWOMAN LOZADA: I

3 have a question.

4 COUNCILMAN JONES: Yes.

5 Member Lozada.

6 COUNCILWOMAN LOZADA: I

7 appreciate all of the

8 recommendations and all of the

9 suggestions that you made today.

10 It's not often that we are able to

11 get or present problems and people

12 come back with solutions. That

13 doesn't happen all the time, so

14 thank you so much for your

15 testimony today.

16 But just following up on

17 Councilmember Young's question,

18 very simply how do you recommend

19 that some of these establishments

20 control the loitering, control how

21 long a person can stay in their

22 establishment interacting with one

23 of these games? What's your

24 recommendation?

25 MR. MARCHAND: The only way

1 to do it is store owners, they know
2 the players and --

3 COUNCILWOMAN LOZADA: And
4 we know --

5 MR. MARCHAND: And maybe --

6 COUNCILWOMAN LOZADA: And
7 we know based off testimony --

8 MR. MARCHAND: -- to have a
9 sticker that it's limited for one
10 hour or whatever. I don't have any
11 concrete --

12 COUNCILWOMAN LOZADA: But
13 we would assume based on today's
14 testimony that the business owner
15 depends on these people continuing
16 to come in and continuing to play.

17 COUNCILMAN HARRITY:
18 Gamble, yep.

19 COUNCILWOMAN LOZADA: So
20 the business owner is not going to
21 do that. The business owner is not
22 going to want us to regulate time.
23 The business owner is not going to
24 want to ask them to leave. Because
25 as long as he's there and he's

1 interacting with the machine, he's
2 going to continue to put money in
3 there, right. And so --

4 MR. MARCHAND: I have a
5 solution.

6 COUNCILWOMAN LOZADA: I
7 think that what we should try to
8 figure out together is how do we
9 prevent the establishment or the
10 individual who continues to come in
11 for hours on end, how do we prevent
12 them from becoming a nuisance
13 business? Because this is what
14 happens, in a lot of cases in a lot
15 of different parts of the City,
16 these machines pop up. They
17 automatically attract more negative
18 business.

19 And we're not saying -- I
20 don't think that any of the members
21 of this Committee are saying that
22 this is the sole reason why
23 negative or nuisance businesses pop
24 up in certain neighborhoods. We're
25 saying that this contributes to it.

1 And so, if together we figure out
2 how do we minimize or eliminate a
3 business becoming a nuisance in the
4 community, then we would all live
5 in much happier, safer
6 neighborhoods --

7 MR. MARCHAND: I agree with
8 you.

9 COUNCILWOMAN LOZADA: --
10 and we would all be better
11 neighbors.

12 MR. MARCHAND: So what
13 about the casino, how they do it?

14 COUNCILWOMAN LOZADA: I
15 think you can't compare a casino to
16 a local bodega or a local grocery
17 store or a local supermarket or
18 shopping establishment. They're
19 not the same, and we shouldn't try
20 to act like they are. These are
21 very small establishments in 80
22 percent or more residential
23 neighborhoods that sometimes
24 attract nuisance activity and it
25 interferes with quality of life.

1 And I think that's the conversation
2 we need to have, right.

3 Let's be very honest.
4 We're not saying that this is the
5 only thing that attracts it. We're
6 saying it contributes to it. So
7 let us work together. Again, I'm
8 grateful for you having come in,
9 right. But I want us to be very
10 honest about what the conversation
11 is and how we need to move forward
12 and as a Committee how we're
13 looking to partner with people like
14 yourself and other businesses in
15 our communities that depend on this
16 in order to keep your businesses
17 supplemented in a different way.

18 Thank you, Mr. Chair.

19 MR. MARCHAND: I don't have
20 a concrete answer. But as I said,
21 the casinos when you sit in the
22 casino and a slot machine, I agree
23 with you most of time it's not the
24 same crowd. But I know from past
25 experience that people in casino

1 lost everything and nobody was
2 there to say, hey, hey, stop.

3 We all have to take some
4 personal responsibility. We're not
5 living in a perfect world and
6 you're right, the store owner, they
7 don't have time. They don't have
8 patience to watch it to see what it
9 is. Physically the machine cannot
10 limit you. There is not -- I mean,
11 as I said there is a way to build
12 the device but it will make it too
13 expensive and then they will move
14 to another store, you know. So
15 somebody can move from one store to
16 another store.

17 COUNCILWOMAN LOZADA: We
18 also have to be conscious that if
19 we expect the business owner to be
20 the person to say to an individual
21 it's time for you to leave, we
22 expose that business owner to
23 compromising their safety, right.
24 So we have to be very careful about
25 putting it on the business owner.

1 We need to come up with a
2 different kind of solution, but it
3 can't be all on the business owner,
4 right. I mean, they have to take
5 responsibility but there has to be
6 a better way to be able to get
7 folks --

8 MR. MARCHAND: But you
9 see --

10 COUNCILWOMAN LOZADA: --
11 out of these establishments or get
12 the machines out of the
13 establishments.

14 MR. MARCHAND: But the
15 player might start with one game in
16 the store and then move to another
17 one. So you might be 20 minutes
18 here and 20 minutes there, so it's
19 not necessarily -- there are some
20 that have their machine and that's
21 it, that's it, you know. But the
22 vast majority will hop around and
23 play different machines so they can
24 have 20 minutes here and 20 minutes
25 here, you know. So I don't really

1 have the solution. But I
2 understand what you're saying, you
3 know. It is a concern. And the
4 other thing is when you're in the
5 store playing the machine, you are
6 not outside in the street doing
7 some worse things.

8 COUNCILMAN JONES: So we're
9 going to stop the testimony on
10 that. The worst thing is scaring
11 me, but thank you. Thank you for
12 your testimony and we really
13 sincerely appreciate those
14 comments.

15 MR. MARCHAND: You can be
16 in touch with me any time. I'll be
17 happy to help you, to supply you
18 with whatever documentation I have
19 and you'll hear the truth from me
20 whether you like it or whether you
21 don't like it. I'm not a
22 politician. So if I offended
23 anybody, I do apologize. Thank you
24 for the opportunity.

25 COUNCILWOMAN LOZADA: Thank

1 you.

2 COUNCILMAN JONES: Thank

3 you so much.

4 (Applause.)

5 COUNCILMAN JONES:

6 Mr. Glass, who do we have next?

7 THE CLERK: Mr. Chairman,

8 our next witness is Anthony

9 Giabron. And the rest of our

10 public commenters who the

11 Sergeant-at-Arms will bring up and

12 sit in the seats along the rail is

13 Akash Patel, Live! Casino, William

14 Beck, Tang Jhen and Brian Castillo.

15 COUNCILMAN JONES: Thank

16 you for your patience guys. Please

17 come in. Please come in.

18 (Witnesses approached

19 Witness table.)

20 COUNCILMAN JONES: And will

21 two of you come up to the mics,

22 state your name for the record and

23 please begin your testimony.

24 MR. PATEL: How are you,

25 Councilmembers. My name is Akash

1 Patel, born and raised in
2 Philadelphia. I believe I'm from
3 Mr. Jones' District, Roxborough.

4 COUNCILMAN JONES: Yes.

5 MR. PATEL: Yeah, my folks,
6 1990. I was born moved '92. We've
7 been running a business in
8 Roxborough since 1998. Yeah, I
9 just kind of wanted to come in and
10 give my two cents on the impact
11 that your legislation would have on
12 families like my own, you know. I
13 just want you to know it's not easy
14 running a business anywhere in the
15 country really, to be an
16 entrepreneur. But especially in
17 this City limits, it's a little bit
18 more taxing literally and
19 figuratively. In recent years,
20 everything from the soda tax to
21 COVID lockdowns and everything,
22 regulations. And on top of that,
23 cigarette tax and everything. And
24 being in Roxborough, that puts us
25 at especially a disadvantaged

1 position because being so close to
2 suburbs.

3 So what my folks did since
4 like '98 to now, put me through
5 Roman Catholic, Community College
6 of Philadelphia. It's kind of like
7 fleeting, you know what I mean, a
8 dream at this point because it's so
9 difficult to run a business in this
10 world really. So again, I think
11 it's really important that we're
12 here today.

13 I think this is long
14 overdue, but I think something that
15 we kind of touched on is we sorely
16 need regulation on these machines.
17 To outright say to ban them I think
18 is pretty disrespectful and
19 callous. And then you're ignoring
20 a large part of your voter base.
21 Every face that's here right now
22 represents a family. I don't know
23 if you realize that, but you
24 should. You know, it's pretty
25 important.

1 I also want to echo what
2 Ms. Rodriguez said back there. I
3 don't know if you heard or
4 understood, but she said robberies
5 of violence were there after the
6 machines and they were there before
7 the machines too. The police
8 weren't doing anything. I also
9 want to echo what Mr. Ari was
10 saying. He had a robbery. The guy
11 dropped his license he said.

12 We had a robbery at my
13 location like two years ago. The
14 robber left a bag with his first
15 and last name. The police
16 detective never reached out to us.
17 Do you understand what I'm trying
18 to say here? It seems as if -- and
19 with all due respect I don't want
20 to sound ungrateful, I completely
21 believe in the police. I thank
22 them, but it seems like they're
23 really, you know, for a lack of
24 policing, they're making it -- do
25 you know what I mean, they're

1 punishing businesses that are doing
2 their job.

3 And I was telling
4 Mr. Curtis, come out to where we
5 run our place, we care about our
6 community and put that into
7 account. You can run these
8 locations where it's safe for all.
9 There can be wholesome places if
10 done properly. That's why I was
11 saying I think regulation is sorely
12 needed. But to blanket ban them, I
13 think is callous and disrespectful.
14 Again, every face here represents a
15 family and I think that's worth
16 thinking about. If you have any
17 questions, please I'd love to, you
18 know.

19 COUNCILMAN JONES: Do we
20 have any questions?

21 COUNCILMAN YOUNG: I do,
22 Mr. Chair. So should we as a city
23 allow people to shoot dice outside
24 of your business establishment?

25 MR. PATEL: That's not what

1 I said, absolutely not. That would
2 be dangerous, you know.

3 COUNCILMAN YOUNG: And --

4 MR. PATEL: And to say that
5 aloud is -- I'm sorry. I didn't
6 mean to cut you off. I'm sorry.

7 COUNCILMAN YOUNG: No, go
8 ahead.

9 MR. PATEL: State lottery
10 is a thing, you know. Like it's
11 a -- when you were asking how do we
12 limit somebody, well, you don't
13 know if my income is \$50,000 a year
14 or \$100,000 a year. You can't do
15 that really, right. This is
16 America. I have the choice to
17 really ruin my life if I want to.

18 There's a sign behind every
19 single bar in this nation. Do you
20 know what it says? If you're
21 pregnant and you get a drink, your
22 kid is going to be messed up, what
23 will you be having tonight. So you
24 really can't regulate what
25 somebody, you know what I mean.

1 We're not the moral police, are we?

2 COUNCILMAN YOUNG: And I
3 get that. My point is about
4 essentially the loitering that
5 happens in these communities where
6 these machines are located.

7 MR. PATEL: Absolutely.
8 And to echo Ms. Rodriguez and
9 Mr. Ari, the police aren't doing
10 their job. If by show of hands ask
11 these people here how many times
12 have called the police for nuisance
13 and the police have left their
14 establishment without doing a
15 goddamn thing, excuse my language.
16 That's the real issue there. We
17 call the cops. They don't do
18 anything. So what are we supposed
19 to do about that? Why are we
20 punishing honest-working,
21 tax-paying constituents for the
22 inability to police the police?
23 COUNCILMAN YOUNG: Have you
24 ever called the police for people
25 loitering in your store playing

1 these machines?

2 MR. PATEL: Not playing the
3 machines. Yeah --

4 COUNCILMAN YOUNG: Thank
5 you.

6 MR. PATEL: -- I have. But
7 isn't it important if the police
8 don't do anything? Isn't it their
9 job? If I'm asking for assistance,
10 right, like hey, man, I need this
11 guy to leave, he's not playing the
12 machine, he's just hanging out, he
13 won't leave, he's just whatever the
14 hell it is.

15 And we live in Roxborough
16 and we're blessed that it's a
17 smaller district, so our police
18 presence is a little bit higher.

19 COUNCILMAN JONES: They
20 have a great Councilman.

21 MR. PATEL: But I'm just
22 saying, you know what I mean, we're
23 blessed, so our nuisance rate is
24 much lower. But again, that's
25 because we have a higher police

1 rate. All these places that have,
2 you know what I mean, a lot more
3 nuisance, ask them how many times
4 the cops are patrolling their
5 neighborhoods. It's a policing
6 issue and regulation issue.

7 COUNCILMAN YOUNG: And so,
8 one thing as a body what we're
9 trying to do is trying to again
10 curb those issues. We're not the
11 police, right. So we're not
12 being -- we can't go to your
13 establishment and remove these
14 folks, but we have the authority to
15 do --

16 MR. PATEL: That's why we
17 call 911.

18 COUNCILMAN YOUNG: Again,
19 what we have the authority to do
20 with your telling us this, we can
21 now take this -- you saw the Police
22 Commissioner, right? So --

23 MR. PATEL: I wish he would
24 have stuck around to hear this
25 honestly.

1 COUNCILMAN YOUNG: -- he's
2 heard these issues that we have
3 been saying. So as a body, we can
4 work with the police on the
5 policing models in our communities
6 because I have an issue with that
7 too, not --

8 MR. PATEL: Absolutely.

9 COUNCILMAN YOUNG: -- just
10 in these particular stores --

11 MR. PATEL: No, absolutely.

12 COUNCILMAN YOUNG: -- but
13 in our entire communities. But
14 again, when we are charged with
15 trying to regulate the public
16 safety and the public welfare of a
17 community, how can we do that in an
18 efficient manner without I guess
19 trying to -- without harming your
20 business --

21 MR. PATEL: Yes. I also
22 want to -- we both agree that we
23 care about the community. This can
24 bring adverse and negative effects
25 into the community if not done

1 responsibly and that's why I think
2 regulation is sorely needed,
3 desperately needed, you know. And
4 just a blanket ban again is just
5 not the answer. That's all I'm
6 saying.

7 COUNCILMAN YOUNG: And I
8 can tell you being in my community,
9 the stores that I've gone to have
10 not done it responsibly at all.

11 MR. PATEL: But why should
12 I be punished for that though; is
13 that fair? Should I be punished
14 for that?

15 COUNCILMAN YOUNG: And you
16 know, throughout all industries,
17 every industry, whether you're a
18 landlord, whether you're a tenant,
19 everyone is always punished for the
20 bad actors in that industry.
21 And --

22 MR. PATEL: I disagree with
23 that. That's your opinion. I
24 disagree with that. And that's
25 what I'm saying with the other

1 thing, they didn't even have data.
2 If you have data on the nuisance
3 spots, why don't you crack down on
4 those places.

5 Again, come out to my
6 establishment. I would love for
7 you to come out. I'll give you 20
8 bucks each. Put it in the machine,
9 have a good time. See what kind of
10 environment is there. See what
11 kind of environment we can bring if
12 done responsibly. If those places
13 aren't doing it, then those l&i's
14 need to be pulled. They need to be
15 punished.

16 COUNCILMAN YOUNG: I can
17 tell you being an attorney and
18 representing my businesses, my
19 clients, right, for the most part
20 are small businesses. They have
21 told me time and time again that
22 they are -- that the good actors
23 are always punished for the bad
24 actors. That's how legislation is
25 made to be quite honest. But

1 someone bad comes and someone has
2 an epiphany or someone has an
3 experience with a bad actor and
4 then they come to us to regulate
5 that, right. Although the entire
6 industry -- and everyone may not be
7 bad actors. But the bad actions
8 that happen kind of usurp
9 everything and --

10 MR. PATEL: I'll say it
11 again, that coming from you is very
12 callous and disrespectful to every
13 single face here that represents a
14 family, represents a voting base,
15 tax dollars, that we're honest-
16 working, hard-working people that
17 you're talking about affecting. I
18 don't think you realize that --

19 COUNCILMAN YOUNG: I'm not
20 saying that everyone is a bad
21 actor. What I'm saying --

22 MR. PATEL: -- but that's
23 fine. So you're telling me to
24 accept it. You're telling me to
25 accept the fact that the actions of

1 a few will impact all -- sorry.

2 COUNCILMAN YOUNG: No,
3 please continue. The actions of a
4 few impact all. It happens in many
5 industries in the City.

6 MR. PATEL: I don't accept
7 that. That's my opinion. I don't
8 accept that.

9 COUNCILMAN YOUNG: You
10 don't accept it, but that's how
11 things happen --

12 MR. PATEL: That's not
13 right. That's not right.

14 COUNCILMAN YOUNG: --
15 that's how many industries are
16 regulated.

17 MR. PATEL: So you're
18 telling me that everybody follows
19 the rules but the actions of a few,
20 we're all going to be punished now.
21 That's so wrong. And that's fine
22 if you feel that way. It's a free
23 country and our votes will dictate
24 that. I disagree with you, sir.

25 COUNCILMAN JONES: Right,

1 it's okay to disagree. We're doing
2 that --

3 COUNCILMAN YOUNG: I would
4 love for you to come to my
5 community, right.

6 MR. PATEL: I will.

7 COUNCILMAN YOUNG: We can
8 walk down the stores and we can see
9 what happens in these stores.

10 MR. PATEL: Mr. Johnson, I
11 absolutely will.

12 COUNCILMAN JONES: Okay.
13 That's duly noted. We'll make the
14 arrangements. I'll go with you.

15 COUNCILMAN YOUNG:
16 Absolutely.

17 COUNCILMAN JONES: But we
18 want to thank you for your
19 testimony.

20 Are there any other
21 questions?

22 (No response.)

23 COUNCILMAN JONES: But we
24 got the point you were making.

25 With that, Anthony Glass,

1 who do we have next?

2 MR. PATEL: Thank you so
3 much.

4 COUNCILMAN JONES: Thank
5 you.

6 (Applause.)

7 THE CLERK: Mr. Chairman,
8 our next speaker will be Live!
9 Casino.

10 (Witness approached Witness
11 table.)

12 COUNCILMAN JONES: Who's
13 next, sir? Repeat that.

14 THE CLERK: Live! Casino,
15 Mr. Chairman.

16 COUNCILMAN JONES: Does
17 Live! Casino have a name?

18 MR. DIEHL: Yes, sir.
19 Right here.

20 COUNCILMAN JONES: Okay.
21 State your name for the record
22 please.

23 MR. DIEHL: Certainly. My
24 name's Thomas Diehl. I'm the Vice-
25 president of Legal at Live! Casino

1 and Hotel Philadelphia and I'm a
2 prior state gaming regulator --

3 SERGEANT-AT-ARMS: Talk
4 into the mic. Okay?

5 MR. DIEHL: Certainly.

6 Thank you, friend. I'm a prior
7 gaming regulator from the
8 Pennsylvania Gaming Control Board.
9 And I simply wanted to read a brief
10 statement and certainly be
11 available for any questions you may
12 have afterwards, and I'm going to
13 cheat with my specs here.

14 I'm here to testify on
15 behalf of Live! Casino of
16 Philadelphia in opposition to Bill
17 240010 just before us today. It
18 was only a year ago that the City
19 Council passed legislation to ban
20 purported skill games that are
21 proliferating across the City and
22 the Commonwealth. But now, through
23 this bill the Council would be
24 authorizing potentially 6,000 new
25 devices throughout the City, more

1 devices by the way than both
2 Philadelphia City casinos combined.

3 This bill does not
4 establish a regulatory oversight or
5 taxing authority and will
6 undoubtedly lead to problems that
7 should be resolved in advance. On
8 top of that, I purport that the
9 timing is imprudent now when the
10 bill appears to be inconsistent
11 with current cases awaiting a
12 decision from the Pennsylvania
13 Supreme Court in which the City has
14 intervened. It is due to follow
15 brief.

16 Additionally, the
17 Governor's recent comments
18 directing the legislature to adopt
19 legislation to tax and regulate
20 these machines through the
21 Pennsylvania Gaming Control Board
22 has created momentum to address
23 this issue on the Commonwealth
24 level. So why would we adopt rules
25 today that would expect to be

1 preempted soon by the state.

2 It would appear the City
3 would be wise to wait and see how
4 those two major factors play out
5 before taking these steps to
6 affirmatively allow these purported
7 skill games within the City limits.
8 When the Commonwealth legalized
9 casino gaming years ago, it set up
10 a rigorous process to establish a
11 framework for licensure, taxation
12 and regulation. And we are
13 confident that we'll do so again
14 regarding any legislature
15 concerning the devices that are
16 issued today, this thorough
17 framework protecting integrity of
18 operations and the welfare of your
19 constituents.

20 In our opinion, this bill
21 does not establish an adequate
22 regulatory structure, and that the
23 City currently does not have the
24 infrastructure to enforce or
25 regulate potentially 6,000 games

1 as it may be proposed by this bill.

2 Further, to go ahead of
3 legislation that is forthcoming
4 from a Supreme Court decision is
5 just simply not a good idea. We
6 stand ready to work with the
7 Philadelphia's Delegation along
8 with other legislative leadership
9 in the Governor's Office to work
10 through the policy decisions
11 necessary to properly tax and
12 regulate these games in future
13 parity with the casino's gaming
14 regulation and taxes. That's the
15 end of my statement.

16 COUNCILMAN JONES: Thank
17 you. Give me a second.

18 MR. DIEHL: Thank you.

19 COUNCILMAN JONES: So I
20 understand if I heard you
21 correctly, that one of your
22 problems is that this legislation
23 will create 6,000 opportunities to
24 do gambling, correct?

25 MR. DIEHL: Potentially,

1 yes.

2 COUNCILMAN JONES: As
3 opposed to banning them totally.
4 Duly noted. And then the second
5 part of it is, is that we should
6 wait to allow our partners at the
7 state level to figure it out for us
8 downstream, correct?

9 MR. DIEHL: No, I don't
10 think that's the case. I think
11 there are means for City Council to
12 address some of these issues. The
13 same questions I've heard you raise
14 during this meeting regarding
15 enforcement, regarding how the
16 revenue and the machines will be
17 distributed, these are all valid
18 questions. But the bill that's
19 before us today doesn't address
20 those.

21 My only recommendation is
22 that you would get answers to those
23 questions that you're asking, I
24 think appropriately so, reduce
25 those answers into a written

1 framework, regulatory framework,
2 including taxation before you move
3 ahead.

4 COUNCILMAN JONES: Well,
5 duly noted what you said. Thank
6 you for your testimony. But I
7 believe the opening of these types
8 of opportunities for skills games
9 happened in 2017?

10 THE CLERK: Yes, Mr. Chair.

11 COUNCILMAN JONES: We've
12 been waiting and waiting and
13 waiting for help from up at the
14 State that we have not received.
15 As they pontificated and figured it
16 out and all of that good stuff,
17 50,000 machines have found their
18 way into our neighborhoods.

19 So you say that thank
20 goodness that the Governor is
21 riding to our rescue. I would
22 argue the chicken came before the
23 egg, that when we introduced this
24 he decided that Philadelphia is
25 serious about these regulations and

1 not to be dumped upon in this
2 manner.

3 So it's not going to be
4 perfect. Please give us some
5 suggestions on how to amend it. We
6 want to work with you. We want to
7 work with people who have
8 testified, but we want to keep it
9 moving. We are not going to sit
10 back another year where people get
11 killed, where people are hunted.
12 We're not doing that. I don't know
13 where you live, but I don't live
14 far from these machines.

15 And I'm saying to you if
16 not now, when?

17 COUNCILMAN YOUNG:
18 (Inaudible).

19 COUNCILMAN JONES: Say that
20 again, Member Young.

21 COUNCILMAN YOUNG: I'm a
22 half a block from 30.

23 COUNCILMAN HARRITY: I'm a
24 half a block from more than that,
25 yeah.

1 COUNCILMAN JONES: So we
2 appreciate how you operate. You
3 operate, you went through the
4 process, you went through
5 regulations, you have security, you
6 have good lighting, you have a
7 payout process. We respect all of
8 that. You employ thousands of
9 people. So we value what you're
10 saying to us.

11 But if we don't help
12 ourselves, we're not sure that
13 after another seven years we'll
14 even have -- that legislative body
15 is divided up there. It's hard to
16 get laws to pass. And if we sit
17 back on our laws, on our heels and
18 do nothing, we can expect more to
19 say of what we've had in our
20 neighborhoods.

21 Now, there are a lot of
22 good people that operate correctly.
23 And unfortunately, this is spilling
24 over on them. The willingness of
25 all of us to listen to what they

1 have to say and figure this out is
2 earnest, but we ain't playing.

3 So I have a Mayor that
4 promised cleaner, greener and
5 safer. Cleaner, greener and safer,
6 and this is the part of the safety
7 part. So we're going to continue.
8 Hopefully you will provide us some
9 assistance in figuring this out.
10 We welcome your ideas. But if we
11 sit back and wait, how long?

12 MR. DIEHL: Again, I
13 appreciate and respect everything
14 you said, sir, and all the
15 questions that have been raised.
16 And my only submission, response --
17 again, I agree that you have a
18 tremendous responsibility ahead of
19 you with respect to public safety.
20 I agree it's not easy. I just
21 simply would submit it's something
22 that I would put the framework in
23 place first with regulation and
24 taxation before moving forward with
25 the bill.

1 COUNCILMAN JONES: So God
2 willing, we will motivate our
3 friends at the state level to do
4 just that. And if I woke up one
5 day and we were superseded by state
6 regulations that tell us where
7 these machines are, it'll be a good
8 day for me. But let me say this:
9 If we don't do for ourselves, we
10 can't expect others to do for us.

11 MR. DIEHL: I don't
12 disagree with that, sir. But I
13 would submit that doing for
14 yourself would include setting up a
15 regulatory framework in advance.
16 I'm not asking you to wait for
17 somebody else to do it for you, and
18 we would lend our assistance as
19 would others in any way that we
20 can. But nevertheless, I would do
21 that part first before legalizing
22 games.

23 COUNCILMAN JONES: So I
24 appreciate your comments. Duly
25 noted. But let me say this: We've

1 been doing this legislation for at
2 least two years now, and this is
3 the first time I met you.

4 Member Lozada.

5 COUNCILWOMAN LOZADA: I
6 think the fact that we've been
7 having this conversation for two
8 years -- the fact that we've been
9 having this conversation for two
10 years is a problem. I don't know
11 if you know, but I learned from the
12 Chairman here last week that there
13 were 15, 18 bills related to gaming
14 machines at the state level.

15 MR. DIEHL: Mm-hmm.

16 COUNCILWOMAN LOZADA: 15 to
17 18 bills related to this same topic
18 at the state level. That is a
19 problem. And so, it is through
20 conversations like this that we
21 create the framework. It is
22 through public testimony. It is
23 through conversations with our
24 residents that we are able to
25 create frames, right, or plans on

1 how we continue to resolve this.
2 We have a responsibility to our
3 neighbors, to our constituents to
4 report when there are nuisance
5 businesses or nuisance activities
6 happening that impede on the
7 quality of life in our Districts.

8 And so, we want to work
9 with our state legislators, right.
10 But often times, as you can see in
11 this case, we have been having
12 conversations for two years. And
13 again, we have a responsibility on
14 the ground to respond to the needs
15 and to the quality of life of the
16 people that we represent. And so,
17 we have to start somewhere. We
18 can't continue to sit back and
19 wait. And hopefully through these
20 conversations, we are going to be
21 able to move the needle forward
22 locally or we will push our
23 counterparts at the federal and
24 state level to do something
25 quickly.

1 COUNCILMAN JONES: Thank
2 you, Member.

3 MR. DIEHL: Thank you for
4 that.

5 COUNCILMAN JONES: Member
6 Harrity.

7 COUNCILMAN HARRITY: Yes.
8 Tom, I was actually pretty amazed
9 that you were actually against this
10 bill. Can you clarify the 6,000
11 machines you say that this would
12 create? Where are they coming
13 from?

14 MR. DIEHL: Yes,
15 potentially. What we're looking at
16 was publicly available information
17 on the number of liquor licenses
18 within the City. I believe that
19 came down to somewhere around 1300
20 and then looking at the potential
21 number of machines per, I think
22 that --

23 COUNCILMAN HARRITY: Well,
24 I can tell you they already have
25 the machines. Most of the bars

1 have the machines in them, any
2 neighborhood you go into. So I
3 don't see where it would be
4 creating 6,000 more. The number
5 that we're concerned about is that
6 50,000 and up machines in our
7 neighborhoods where we also live
8 and have to deal with neighbors
9 coming to our house who say, hey,
10 my husband just put his whole
11 paycheck in the poker machine at
12 the takeout beer store because he
13 went around to get a six-pack,
14 started drinking the six-pack while
15 he was there, caught a buzz, had
16 no -- was willing to stick his
17 whole paycheck in there. That's
18 the kind of things we're trying to
19 stop. We're trying to stop the
20 exploitation of our residents. As
21 you said yourself, Live! Casino,
22 you guys have a lot of machines in
23 there, right?

24 MR. DIEHL: Yes, sir.

25 COUNCILMAN HARRITY: A lot

1 of machines where people are going
2 to gamble, which is their right,
3 legally, licensed. As my partner
4 here has said on numerous
5 occasions, security, lighting,
6 different things that make it a
7 little harder for somebody to get
8 over on one of our residents --

9 MR. DIEHL: I agree.

10 COUNCILMAN HARRITY: --
11 unlike walking in my neighborhood
12 on Kensington and Allegheny four
13 blocks to their house with a young
14 buck following close behind ready
15 to bang them on the head after they
16 just finally hit a machine that
17 they put their whole check into.
18 They're the kind of things that
19 we're trying to stop.

20 We're trying to stop the
21 nuisance and the drug dealers that
22 hang out there waiting for one of
23 these addicts that are playing on
24 the machine to hit so that they can
25 get a couple extra dollars from him

1 for the merchandise he's going to
2 buy. That's why I was really,
3 really confused when you were
4 against this bill.

5 Now, I get the fact that
6 you're saying regulations. We're
7 all for regulations. We're all for
8 taxation so that the City gets its
9 little piece of the pie. That's
10 fine. What we're trying to do is
11 get rid of the machines and the
12 illegal establishments that are
13 doing this in our neighborhoods.
14 If they want to go to a casino,
15 then they should go to a casino and
16 gamble and get the right odds and
17 get the right payouts and have at
18 least an opportunity on how the
19 machines are regulated that they
20 actually may hit and make a couple
21 of dollars rather than put their
22 whole check into it.

23 MR. DIEHL: I thank you for
24 sharing that, because again we
25 mentioned earlier that the dialogue

1 is essentially what we're here for.
2 And I think everybody benefits from
3 it. I certainly have benefited
4 from what I've heard. If I could
5 respond at least from my
6 experiences some of the issues that
7 you've raised.

8 When you're discussing
9 trying to do something about what
10 we refer to as problem and
11 compulsive gamblers, I think you
12 gave the example of the husband
13 that goes and get the six-pack.
14 Again, from the gaming side, at
15 least I'm familiar with the Gaming
16 Control Board, what it had in place
17 and continues to this day is a
18 means to be self-excluded so you
19 would be able to put yourself on a
20 list that would keep licensed
21 entities from the industry like
22 casinos from marketing them. But
23 again, from that was a framework
24 that was put in place before we
25 opened the casinos, before they

1 were legalized and it works pretty
2 well. And --

3 COUNCILMAN HARRITY: You
4 guys have criteria of how you guys
5 do things, you know.

6 MR. DIEHL: Certainly.
7 With respect to security, which is
8 obviously a concern we would have
9 as well, again through the
10 regulation that was put in place,
11 there was a minimal security
12 staffing requirement that we must
13 adhere to. There's cameras,
14 there's surveillance, all of which
15 is strictly regulated.

16 COUNCILMAN HARRITY:
17 Exactly.

18 MR. DIEHL: With respect to
19 the payouts, all of the devices had
20 to be screened by a third party lab
21 that will make sure that the
22 payouts which were purported were
23 accurate. So again, in each of
24 these instances that you raised I
25 agree with you 100 percent. Those

1 are legitimate concerns. But what
2 I'm familiar with is already have
3 the regulatory framework in place
4 prior to the legalization. That's
5 all I'm submitting.

6 COUNCILMAN HARRITY: I'm
7 kind of losing my train of thought
8 here. He said so many things that
9 I'm just trying to get it all
10 wrapped around my head. But, you
11 know, as far as casinos are
12 concerned, when you're walking
13 around a casino, you guys have
14 rules that you're regulated by
15 where you'll see if you have a
16 gambling problem, call
17 1-800-gambler.

18 You warn people while
19 they're playing. Sometimes it pops
20 up on the machines --

21 UNIDENTIFIED SPEAKER:
22 (Inaudible).

23 COUNCILMAN JONES: Hold --

24 COUNCILMAN HARRITY: Out of
25 order, my man. You're going to get

1 a shot. I'm just asking a
2 question. I'm trying to get the
3 information correct so that we can
4 make --

5 COUNCILMAN JONES: A
6 decision.

7 COUNCILMAN HARRITY: -- an
8 informed decision that's going to
9 benefit everybody. All right.
10 It's questions. I have no thought
11 already.

12 UNIDENTIFIED SPEAKER:
13 (Inaudible).

14 COUNCILMAN JONES: We can't
15 record that.

16 COUNCILMAN HARRITY: So
17 what I'm saying is that you guys
18 have rules about that kind of
19 stuff, and this stuff's not
20 regulated in any way whatsoever.
21 These machines -- I think we're
22 falling off the thing -- are
23 illegal. They're not a legal
24 machine. Once they pay out, that's
25 illegal, correct?

1 MR. DIEHL: I'm sorry. I
2 didn't hear -- I don't think I
3 understood the question. Let me
4 ask --

5 COUNCILMAN HARRITY: A
6 machine in a store that pays out is
7 already illegal. It is illegal to
8 gamble in an establishment that is
9 not an established gambling site;
10 is that correct?

11 MR. DIEHL: With respect to
12 these devices, these are the issues
13 that are pending before the court
14 right now with respect to -- I
15 don't think there's an obvious
16 answer to that regrettably given
17 the state of the court. And that's
18 one of my earlier recommendations,
19 to wait until we get some guidance
20 from the Pennsylvania Supreme Court
21 on the issue that you're asking
22 about.

23 COUNCILMAN JONES: Well, in
24 seven more years we'll (inaudible).
25 In the meantime, do you have

1 calibrations on what similar
2 machines have to pay out on
3 average?

4 MR. DIEHL: Oh, yes. I
5 mean, by statute it's regulated
6 for -- again, I'm specifically
7 talking about the Gaming Control
8 Board and the Gaming Act and slots
9 machines that I'm familiar with.
10 There's a specific statutory limit.
11 But to be competitive, it must be
12 higher than that.

13 I believe our -- and again,
14 this is coming from an attorney,
15 not an operator. But I believe our
16 payouts are somewhere between 91 to
17 93 percent, I believe is the range.
18 So again, there's a statutory
19 floor. But to be competitive you
20 really can't go down that low.

21 But the point is the
22 machines are calibrated in advance
23 to put on the gaming floor approved
24 by a third party that they are --

25 COUNCILMAN JONES: Who is

1 that third party?

2 MR. DIEHL: GLI.

3 COUNCILMAN JONES: Say it
4 again.

5 MR. DIEHL: GLI. It's a
6 third party through the -- when I
7 was there actually, the Gaming
8 Control Board had some separate lab
9 and did that and ultimately got --

10 COUNCILMAN JONES: Can you
11 spell out GLI? Who is that?

12 MR. DIEHL: I think it's
13 Gaming Labs International or Gaming
14 Labs, Inc. We always refer to it
15 as the acronym GLI. But, yeah,
16 there is a certification process.
17 And no machines will go on a gaming
18 floor regulated by the Gaming
19 Control Board without the --

20 COUNCILMAN JONES: How
21 often are they checked?

22 MR. DIEHL: I know they're
23 checked before they go on the
24 gaming floor. After that, I would
25 have to get back to you on that.

1 COUNCILMAN JONES: Okay.

2 Member Young.

3 COUNCILMAN YOUNG: I had a
4 question.

5 COUNCILMAN JONES: The
6 Chair recognizes Member Young.

7 COUNCILMAN YOUNG: Thank
8 you, Mr. Chair.

9 Mr. Diehl --

10 MR. DIEHL: Yes.

11 COUNCILMAN YOUNG: Would
12 you I guess equate these machines
13 to gambling or having a
14 gambling-like effect?

15 MR. DIEHL: By -- I'm not
16 sure -- the definition of these
17 machines again is something that's
18 pending. Are you asking whether a
19 problem or compulsion gambler would
20 have a problem on these machines?

21 COUNCILMAN YOUNG: Yes.

22 MR. DIEHL: To be clear,
23 that would be beyond my area of
24 expertise. I think you can
25 certainly draw your own

1 conclusions. I'm here to discuss
2 more from a regulatory standpoint,
3 not maybe from a psychologist. But
4 I certainly would trust your
5 judgment and discernment to draw
6 the conclusions that you may
7 already have.

8 COUNCILMAN YOUNG: And
9 you're here representing a casino,
10 correct?

11 MR. DIEHL: Yes, sir.

12 COUNCILMAN YOUNG: And so,
13 I'm going to draw the conclusion to
14 say that these machines have a
15 gambling-like effect that can read
16 a compulsatory -- a compulsatory --

17 COUNCILMAN JONES:
18 Response.

19 COUNCILMAN YOUNG: Yeah,
20 response. And given that, right,
21 if I'm a compulsive gambler of
22 these machines and I want to gamble
23 more in a more legal, safe
24 environment as the compulsive
25 gambler, is it a more safe

1 environment for me to receive the
2 feelings that I'm looking for at
3 one of your casinos?

4 MR. DIEHL: It would
5 certainly be more regulated. And
6 let me be very specific what I mean
7 by that. You would have the
8 opportunity if you thought you were
9 a problem compulsive gambler to add
10 your name to a list where you would
11 be prohibited from entering and
12 playing in our casinos. That is a
13 mechanism that's been in place from
14 day one at the Gaming Control Board
15 and continues. That mechanism to
16 my knowledge is not in place in the
17 devices that you're discussing.

18 COUNCILMAN YOUNG: It is
19 not. And I would say that then a
20 customer would then have to put
21 themselves on a list to no longer
22 enter their corner store that
23 they've been going into for years
24 upon years upon years, right. So I
25 think that that framework here will

1 be ineffective for what we are
2 trying to accomplish here.

3 And so, I just think that,
4 you know, understanding the
5 psychological effect, you're not
6 here for that. But as a member of
7 the body, we have to look at things
8 holistically --

9 MR. DIEHL: Understood.

10 COUNCILMAN YOUNG: -- and
11 looking at that particular issue, I
12 do think that having these machines
13 in our communities then leads to
14 folks, you know, can lead to your
15 particular employer benefiting from
16 these machines, so I could see why
17 you are here to testify in support
18 of these machines.

19 MR. DIEHL: Thank you.

20 COUNCILMAN JONES: Thank
21 you.

22 Member Harrity.

23 COUNCILMAN HARRITY: Just
24 one follow-up. Would you allow
25 these machines in the casino?

1 MR. DIEHL: I wouldn't make
2 that determination. The Gaming
3 Control Board makes very clear what
4 we can and cannot put in our
5 facilities.

6 COUNCILMAN HARRITY: Thank
7 you. Thank you very much. There
8 you go.

9 COUNCILMAN JONES: I would
10 hire you as my attorney.

11 MR. DIEHL: Well, you've
12 treated me very well. I sincerely
13 appreciate all of you giving the
14 opportunity to provide questions
15 and answers, and I certainly would
16 make myself available in the future
17 if that might be helpful to you
18 even in a small way.

19 COUNCILMAN JONES: Thank
20 you so very much for your
21 testimony.

22 MR. DIEHL: Thank you.

23 COUNCILMAN JONES:
24 Mr. Glass, who do we have?

25 THE CLERK: Mr. Chairman,

1 our next speaker is William Beck.

2 (Witness approached Witness
3 table.)

4 COUNCILMAN JONES: Welcome.
5 Thank you for your patience.
6 Finally.

7 MR. BECK: Yes. Good
8 afternoon, Councilmembers --

9 COUNCILMAN JONES: State
10 your name for the record. Please
11 begin your testimony.

12 MR. BECK: My name's
13 William Beck. I'm in this business
14 and I'm glad I came after the
15 casino gentleman. He's telling
16 some truths, but not all the
17 truths. He don't want skilled
18 machines because they're
19 competition. They have 1-800
20 numbers and they have these do-not-
21 allow-betting lists, but they're
22 not there to help people. They're
23 there so they can stay in business.
24 See this here? Everybody
25 has one of these, a cell phone.

1 Okay. You can go on any app now.
2 You don't even need to walk in
3 brick-and-mortars for anything.
4 Okay. You can just gamble right
5 from the phone. And I watched it
6 destroy my son's life for a little
7 while. Okay. So I don't want to
8 hear about the heroism of the
9 casino.

10 What I do want to say
11 though is I agree with everybody up
12 here, that it is definitely a
13 nuisance if it's not regulated.
14 And I earn off of skill machines,
15 part of what I do in the business.
16 And I work for a company. I'm not
17 going to say their name because I'm
18 not speaking on behalf of them.
19 I'm speaking on my experiences.

20 But this all started, you
21 guys keep saying in 2017. From
22 what I learned or from my
23 experience is in 2014 there was a
24 bill passed -- not a bill passed,
25 actually a court ruling from a

1 judge in Beaver County saying that
2 these skill machines are legal
3 because they're not a game of
4 chance. They're a game of skill,
5 for whatever reasons, whatever you
6 can do, nudge a button, play follow
7 the banana or touch here, whatever
8 they are. And that's why they
9 started coming out.

10 Initially, it was one
11 machine, a Pace machine that was on
12 the court ruling. That was it.
13 Okay. So then I guess around 2017,
14 2018, 2019, COVID especially, you
15 start seeing all these unauthorized
16 skill machines that weren't
17 adjudicated by the judge in Beaver
18 County. What happened was I think
19 that a lot of people from
20 Virginia -- the one gentleman said
21 New York, I don't know -- but they
22 came down and started offering a
23 wide variety of commission
24 structures all unregulated by even
25 the judge, a court. Okay. That's

1 where the problem started. That's
2 where the infiltration of all the
3 neighborhoods, delis, gas stations.

4 You're right. There's six,
5 seven machines, you know. If my
6 aunt or my grandmother, God rest
7 her soul, or my mother walked into
8 a place like that for their
9 convenience, because that's what
10 that store initially owned for,
11 convenience, they might be a little
12 intimidated.

13 I know our company or
14 bigger vending companies out there
15 wanted to do this for tavern and
16 bar owners and VFP Posts, stuff
17 like that, because they needed
18 extra income and that was supposed
19 to be in a bill with VGTs, video
20 gaming terminals. And for years
21 these big vending companies, even
22 though that adjudication was in
23 Beaver County in 2017, they didn't
24 even try to put any of these games
25 out because they didn't want to

1 jeopardize their licenses for the
2 future for legal, regulated video
3 gaming terminals. But for whatever
4 reason, there was a lot of pushback
5 from the powers that be, casinos.
6 It didn't go through.

7 So again, I guess it
8 spread down from Beaver County into
9 the area. Okay. And we were just
10 following regulations from the
11 Beaver County judge. That's what
12 most people in the industry did,
13 until they didn't. And I guess
14 that's why we're all here today
15 because it festered.

16 How do you regulate it, a
17 lot of people were talking about.
18 I'm no expert in that. I would say
19 to the one Councilmember, these
20 games in convenience stores, you
21 know, you would walk in with your
22 little kid, probably one game there
23 and that would keep the traffic
24 down. That would also keep people
25 from playing for hours. And that

1 also wouldn't affect the one
2 woman's business that she says it
3 helps her with income and it
4 probably does. I think you can
5 find a happy medium to everything.
6 But five or six or seven machines
7 is outrageous. And we're in that
8 business and we don't feel like
9 it's appropriate. That's what
10 casinos are for actually.

11 Liquor establishments, bars
12 and stuff like that, like everyone
13 up here was suggesting, they take
14 ID, you're carded. Yeah, that's
15 probably a good place for it,
16 especially now since the regular
17 grocery stores and Acmes and
18 everything like that have a liquor
19 license, they can buy take-out
20 here. That was a big part of a bar
21 when they pay \$100,000 for their
22 liquor licenses, take-out beer was,
23 you know, part of their revenue.
24 Now, it's not. You can just go to
25 the Acme, you know. So I think a

1 happy medium, it's a good business.

2 The City definitely could
3 make a lot of money on it, regulate
4 it and it should be. It could help
5 every inner city, whatever. I grew
6 up in Philadelphia, so I hear
7 everybody talking about the crime
8 this and, you know. In the end, it
9 is the person, you know. But
10 certain things lead to crime, you
11 know. So I wanted to come up and
12 just state some facts because I am
13 in the business. I see the City
14 streets. I'm all over them.

15 Kensington and Allegheny, I
16 spent some time down there before
17 it got out of control. I don't
18 think skilled games are anywhere in
19 that vicinity or are even making
20 money because of the drug problem,
21 so that's an issue. I will be more
22 than happy to answer any questions.

23 COUNCILMAN JONES: Help me
24 to --

25 MR. BECK: Sure.

1 COUNCILMAN JONES: I
2 understand the (inaudible) of a
3 casino. You have people serving
4 you drinks. You have food flowing.
5 You have the ringing of the bell
6 which is like Pavlov. You get
7 stimulated, you want to put your
8 money in. You hear somebody win,
9 ah, I won, and that helps.

10 Tell me when you're sitting
11 in one of these neighborhood places
12 what attracts people to that
13 ambience.

14 MR. BECK: What attracts
15 people what, to play --

16 COUNCILMAN JONES: To go
17 gamble at a corner store versus the
18 casi -- what attracts --

19 MR. BECK: So it's not
20 gambling.

21 COUNCILMAN JONES: It's not
22 gambling.

23 MR. BECK: It's not
24 gambling. It's a skill machine.
25 Okay.

1 COUNCILMAN JONES: Okay.

2 MR. BECK: It's a video
3 game. And so, that attracts
4 people. Before there was skill
5 machines there was arcade games,
6 Ms. Pacman. That's what attracts
7 people. So that's what attracts
8 people because it's there. Now, if
9 there's five or seven or ten of
10 them, well, then there's more of an
11 attraction. I get what you're
12 saying. But when you walk into the
13 store if it's there, just like the
14 vending machine now that you have
15 from the Pennsylvania State
16 Lottery, before it was just walk up
17 and get a ticket. Now, they can go
18 there and put their money in there
19 and get, you know, same thing --
20 well, not the same thing, but the
21 same type of attraction. There is
22 lights. There is music, you know.
23 There is things. It's there.

24 COUNCILMAN JONES:

25 Stimulation.

1 MR. BECK: Mm-hmm. There's
2 advertising and everything though.

3 COUNCILMAN JONES: Okay.
4 No, that's helpful to me, because
5 when I see stools right by there
6 and people sitting on them and I'm
7 looking around, it's cheese and
8 butter and milk and they're sitting
9 there, in their mind I'm thinking
10 where are they. But I see what
11 you're saying. Thank you so much.

12 Any other --

13 MR. BECK: I see -- go
14 ahead. I'm sorry.

15 COUNCILMAN JONES: --
16 questions?

17 COUNCILWOMAN GAUTHIER: I
18 have a question.

19 COUNCILMAN JONES: Member
20 Gauthier.

21 COUNCILWOMAN GAUTHIER: So
22 it took you a long time to get up
23 with your testimony, but you seem
24 mostly to be testifying in support.
25 I mean, you seem mostly to be

1 agreeing with us that it's better
2 to have these games in places that
3 sell liquor and are licensed, you
4 know, more appropriate for their
5 presence.

6 MR. BECK: Right. Because
7 I thought why I was coming here
8 today because I saw the City
9 ordinance, and I thought you guys
10 were making certain adjustments to
11 them as far as 30 more seats, 20 or
12 more seats.

13 COUNCILWOMAN GAUTHIER: Oh,
14 okay.

15 COUNCILMAN JONES: Got it.

16 MR. BECK: And regulation.
17 I mean we're not -- you want law
18 and order just like the other
19 people said. I have children. I
20 don't want to see, you know. I
21 don't want to see kids -- we have
22 stickers that says 18 or older, but
23 come on. But if they're in liquor
24 establishments, they can't go in,
25 you know. And you're more of an

1 adult at a certain age.

2 COUNCILWOMAN GAUTHIER: So
3 you agree with the bill with the
4 amendments that have been made?

5 MR. BECK: Yes, as far as
6 it being regulated. Not totally
7 wiped out.

8 COUNCILWOMAN GAUTHIER: I
9 think we're saying the same thing.

10 MR. BECK: Yeah.

11 COUNCILWOMAN GAUTHIER:
12 Yeah. Thank you.

13 MR. BECK: No doubt. So --
14 I'm sorry.

15 COUNCILMAN JONES: Member
16 Harrity.

17 COUNCILMAN HARRITY: So we
18 did a cut-out because of those
19 reasons that you said, the bars,
20 VFWs, restaurants that have seating
21 for a certain amount. What we're
22 trying to regulate is them in the
23 stores. So you're actually saying
24 regulate them and limit them. Is
25 that what your testimony was for

1 the stores?

2 MR. BECK: Well, if I was
3 writing the bill?

4 COUNCILMAN HARRITY: Yeah.

5 COUNCILMAN JONES: Come on.
6 Here's your opportunity.

7 MR. BECK: So if I was
8 writing the bill, I wouldn't want
9 to hurt store owners either and I
10 think we can come up with a
11 reasonable solution for that, and I
12 guess that would be a combination
13 of everything as far as, you know,
14 if you have a convenience store, a
15 regular convenience store, not a
16 convenience store that says they're
17 a convenience store with three
18 items on the shelf, you know what I
19 mean. One machine, you don't have
20 the traffic. Maybe two machines, I
21 don't know. I don't know their
22 number there, but definitely not
23 more than two because then you're
24 asking for people hanging out.

25 And I saw the video with

1 the police officers and the
2 gentleman that got shot, but the
3 guy that got shot wasn't even the
4 guy playing the skill machine, you
5 know what I mean. But, no,
6 that's -- because you're going to
7 have crime like the one lady said,
8 you know, and you don't want to
9 hurt them. So if you did one skill
10 machine, they can make a decent
11 income.

12 Now, the people that put
13 five to seven machines at our
14 convenience stores, that's greed.
15 That's all that is. And if they're
16 here today, I know it because I
17 deal with you, you know. Those
18 bonuses that guy talked about,
19 people coming in from \$10,000 and
20 giving a bigger percentage, they
21 come from a place that deregulated
22 or didn't -- either they were
23 regulated or -- yeah, they were
24 regulated and I think they got
25 deregulated, so now they're sitting

1 on equipment. They can give you
2 whatever because they've invested
3 so much money on equipment. That's
4 what'll happen next here.

5 You want to get something
6 straight, you know. You just want
7 to get it in one direction where
8 you don't have this crime. You
9 want one or two regulated games
10 like it was from the judge in
11 Beaver County and you had that
12 issue and you compromised the City
13 and there was a ruling on that,
14 that you weren't going to pick up
15 machines. The City has that with
16 just that machine, that
17 manufacturer. And yet and
18 everybody piggybacked off of that,
19 and the bad actors jumped in. So
20 basically you do have legal skill
21 games.

22 COUNCILMAN HARRITY:

23 Absolutely, yeah.

24 MR. BECK: And you have
25 illegal ones. We want to make sure

1 that any skill games that you do
2 have -- or not make sure. We would
3 like to come to a compromise
4 obviously for everybody, safety,
5 income, generate income, you know.
6 That's all.

7 COUNCILMAN JONES: Thank
8 you for your patience and your
9 testimony.

10 MR. BECK: Thank you.

11 COUNCILMAN JONES: It was
12 worth waiting for.

13 MR. BECK: Thank you.

14 COUNCILMAN JONES: All
15 right. Thank you very much.

16 MR. BECK: Sorry. You
17 know, I get --

18 COUNCILMAN JONES: That's
19 all right.

20 MR. BECK: -- when I start
21 hearing the wrong things, I get a
22 little emotional. It's the Italian
23 side of me, you know what I mean.

24 COUNCILMAN JONES: Now, we
25 got it all on the record.

1 COUNCILMAN HARRITY:

2 There's a few of us up here, we get
3 the same way.

4 COUNCILMAN JONES: They get
5 like that too. Thank you so much.

6 Mr. Glass, we have two more
7 to testify?

8 THE CLERK: Mr. Chairman,
9 our next testifier will be Tang
10 Jhen.

11 (Witness approached Witness
12 table.)

13 COUNCILMAN JONES: Okay.
14 Welcome.

15 MR. KHAN: Thank you. Hey,
16 my name is Tariq and I'm a small
17 business owner in South
18 Philadelphia and I'm a member of
19 FOA. We have about 100 store
20 owners in the association. That
21 means that I'm one person but means
22 100 people are speaking.

23 We have a lot of good and a
24 lot of bad out there, but nowadays
25 we are going as a business owner to

1 a lot of challenges, which is high
2 theft, inventory shortages, more
3 taxes in City of Philadelphia than
4 any other county in Pennsylvania.
5 For example, sugar tax, \$2 a pack
6 per cigarette, right, and a lot
7 more is going on there, BIRT taxes,
8 right.

9 We need -- on one hand that
10 I heard most of you guys that
11 trying to support the community,
12 but what I think, you can't support
13 the community without having a
14 small businesses. And only we can
15 be in business if we have a lot of
16 cash flow nowadays because of the
17 inflation. Cost of living is way
18 so up high.

19 Before the COVID, we used
20 to pay \$6 or \$7 an hour -- by the
21 way, I'm a 7-Eleven owner. We used
22 to pay \$7 or \$8 and due to the
23 employee shortages, inventory
24 shortages and a lot of more
25 problems, the wages have went up so

1 high and everybody is mostly at
2 least paying \$12 an hour. For me
3 the small business owner, if we sit
4 in a room and we trying to guess if
5 it's hot or cold out there, we're
6 always going to have a wrong
7 decision if you don't go with it,
8 right.

9 So for us to take a real
10 steps and study the reality, I will
11 recommend to have a team in place
12 and they can go and really
13 understand the small business
14 owner, that how many challenges
15 they are going on daily basis.

16 Long story short, if the
17 skills of game machines was not
18 alive, we would not be in business.
19 My door is open and I'm having
20 about 12 family members there are
21 just eating and their way of reason
22 because we have a skills of game
23 machines and my business is open.
24 If you took the skills of games
25 away, my door will be closed. That

1 mean if my door is closed, there is
2 going to be hundred more 7-Elevens
3 in the City of Philadelphia that
4 will be closed too.

5 We are talking about that
6 there is a positive, negative.
7 Like, okay, people hanging out in
8 the store. This is not because of
9 the skills of games machine. This
10 is because of policing. The police
11 are not responding to the phone
12 call. They're not showing up on
13 time.

14 Even the police are saying
15 we have to be closed. The reason
16 why we say that because the
17 regulation has been met, the
18 (inaudible) are not supporting the
19 police, but they are supporting the
20 criminals. So we need to make
21 better laws for businesses, how
22 they can be alive and make a better
23 laws for policing that, okay, how
24 they respond to the matters.

25 So my suggestion is that we

1 need to make a reg -- you guys need
2 to make a regulation in having a
3 better environment for skills of
4 game machines which is supporting
5 small businesses. So I would like
6 to take any question you guys have.

7 COUNCILMAN JONES: So
8 first, thank you for coming in and
9 your patience. I want you to know
10 that we support small businesses.
11 We are not in the business of
12 killing the goose that laid the
13 golden eggs. You are the employers
14 and people who pay our salaries, so
15 we recognize that.

16 The question I have is what
17 percentage of gaming is your total
18 gross of your business?

19 MR. KHAN: Forty percent.
20 We are making forty percent of the
21 business. My yearly commission is
22 about \$100,000.

23 COUNCILMAN JONES: Say it
24 again.

25 MR. KHAN: A yearly

1 commission is about \$100,000.

2 COUNCILMAN JONES: How many
3 machines do you have?

4 MR. KHAN: I have four
5 machines.

6 COUNCILMAN JONES:
7 (Inaudible) business.

8 MR. KHAN: Let me add this
9 thing. Like before I used to have
10 a lot of employees issues, right.
11 People used to come and shoplifting
12 a lot, right. The employees used
13 to constantly working at the store.
14 The reason why like 2:00 or
15 3:00 a.m. or 4:00 a.m. or
16 12:00 a.m. in the morning they used
17 to be all alone in the store. They
18 used to get scared.

19 Right now these businesses,
20 the skills of game machine is
21 bringing people to the store who is
22 sitting and giving kind of
23 confidence to the employees who
24 they can talk to, right, and they
25 feel more comfortable.

1 COUNCILMAN JONES: Okay.

2 He said 100,000, 40 percent.

3 That's significant.

4 Okay. Any questions?

5 COUNCILMAN YOUNG: I have
6 one, Mr. Chair.

7 COUNCILMAN JONES: Member
8 Young.

9 COUNCILMAN YOUNG: So if I
10 am understanding you correctly,
11 basically --

12 MR. KHAN: So let me take
13 this. If you -- like my yearly
14 payroll is about \$230,000, right.
15 If you take the skills of game
16 machine -- and last year including
17 taxes, I made \$96,000. If that
18 \$100,000 went away from my income,
19 I will make 0 balance and in the
20 negative.

21 COUNCILMAN YOUNG: So in
22 order to operate a convenience
23 store, you have to operate a
24 gambling -- you have to have a
25 gambling-like component to it.

1 That's what you're telling us
2 today?

3 MR. KHAN: Say it again.

4 COUNCILMAN YOUNG: In order
5 to operate a convenience store, you
6 have to have a gambling-like
7 component to it in order to stay in
8 the black?

9 MR. KHAN: I did not
10 understand your question correctly.

11 COUNCILMAN JONES: His
12 question --

13 MR. KHAN: Explain it
14 another way.

15 COUNCILMAN YOUNG: Based on
16 what you've said is that you are no
17 making it -- you cannot make enough
18 money in your store unless you have
19 these machines?

20 MR. KHAN: Yes.

21 COUNCILMAN YOUNG: So
22 again, sir, as a convenient store,
23 you must have these machines in
24 order to keep your doors open?

25 MR. KHAN: Yes.

1 COUNCILMAN YOUNG: Prior to
2 these machines being utilized in
3 Philadelphia, how long has your
4 store been open without the
5 machines?

6 MR. KHAN: My store been
7 open more than 40 years ago, right.
8 But before COVID, there was a
9 different environment. We can't
10 count those. We used to have \$7 or
11 \$8 employees, right. Right now at
12 least we are paying \$12 an hour to
13 every employees. People used to
14 work so hard because there was no
15 Uber, no Lyft, no DoorDash in
16 places, right. And right now
17 people are not into that. People
18 just want to have it easier, so
19 they're not working hard like they
20 used to be, right.

21 So before, like for
22 example, if you used to have two
23 employees per shift to cover the
24 shift, we need at least a third
25 person to cover the shift.

1 COUNCILMAN YOUNG: So
2 essentially because of the employee
3 market, right, the employee market
4 now has driven down your profit
5 margins because employees are now
6 demanding more money to work?

7 MR. KHAN: Yes.

8 COUNCILMAN YOUNG: So in
9 order to cover that profit margin,
10 you're stating that the only way
11 that you can cover that is by
12 having these machines in the store?

13 MR. KHAN: Yes. That means
14 if you go to 100 7-Eleven store
15 owners, right, and sit with them
16 and go through their financial,
17 right -- for example, if you go to
18 a mom-and-pop store, right, I don't
19 think you're going to come out with
20 any type of result because there is
21 nothing documented.

22 But in 7-Eleven that
23 everything is documented, right,
24 and you can see that what the real
25 life is.

1 COUNCILMAN YOUNG: So I can
2 tell you in a past life before I
3 became a member of this body, again
4 I said I represent small
5 businesses, my firm represents a
6 lot of franchise owners. So I
7 understand where your profit
8 margins are, where they're at and
9 where they could be. But this is
10 the first time that I've heard that
11 someone cannot operate their store
12 unless they have these machines in
13 there.

14 MR. KHAN: Yeah. So my
15 store in the City of Philadelphia
16 counted as a higher volume store,
17 right. But for me as a higher
18 volume store if I cannot operate,
19 there is a lot more that they
20 cannot -- these 100 FON member --
21 the 100 FON member supposed to come
22 into this meeting. The reason they
23 cannot come into this meeting
24 because they're poor people. They
25 start 6:00, 5:00 a.m. in the

1 morning and they're getting off
2 work about 9:00 or 10:00 p.m.
3 They're putting every day 16 and 14
4 and 13 hours a day.

5 And probably we all a
6 7-Eleven customer. Probably you
7 guys in the morning go to 7-Eleven.
8 When you get off work and you go
9 back to that 7-Eleven, you're going
10 to see the same employee. Why?
11 Because of all these challenges.

12 COUNCILMAN YOUNG: And I
13 get working hard, right. I was an
14 entrepreneur. I understand getting
15 up early, working late. I mean,
16 that's what happens when you're an
17 entrepreneur. That's what you have
18 to do. It's a part of business.
19 But I just find it hard to believe
20 that the markets will not be able
21 to adjust to this type of
22 regulation and that you are only
23 able to see a profit margin
24 significant enough to stay in
25 business with these machines.

1 That's all.

2 MR. KHAN: So my answer to
3 that question is, if I understood
4 it correctly, right, so myself
5 cannot be in business without
6 having these machines in the store,
7 and this is the voice of every
8 single franchisee that you're just
9 hearing from only one of us.

10 COUNCILMAN JONES: What
11 franchise was that?

12 COUNCILWOMAN BROOKS:
13 7-Eleven.

14 COUNCILMAN JONES:
15 7-Eleven?

16 COUNCILMAN HARRITY: And
17 you're in South Philadelphia?

18 MR. KHAN: South
19 Philadelphia, sir.

20 COUNCILMAN YOUNG: I've
21 gone to 7-Eleven in Center City and
22 I have not seen these machines.

23 MR. KHAN: Say it again.

24 COUNCILMAN YOUNG: I've
25 gone to 7-Eleven inside of Center

1 City and I have not seen these
2 machines in the 7-Elevens in Center
3 City.

4 MR. KHAN: So we was having
5 the gentleman -- he have four
6 stores or three stores,
7 Buwenda(ph). I'm talking about
8 Buwenda. He just left.

9 UNIDENTIFIED SPEAKER:
10 (Inaudible).

11 MR. KHAN: No, he got three
12 stores. He has it in his three
13 stores. He has it.

14 You have them in your
15 store?

16 UNIDENTIFIED SPEAKER:
17 (Inaudible).

18 MR. KHAN: Okay.
19 How many -- you have them in your
20 store?

21 UNIDENTIFIED SPEAKER:
22 (Inaudible).

23 MR. KHAN: And three stores
24 he has it in city of Philadelphia.

25 COUNCILMAN YOUNG: The

1 question is where are they located?

2 MR. KHAN: Okay. So --

3 COUNCILMAN YOUNG: Are they
4 in Center City?

5 MR. KHAN: Some of the
6 address is -- some of it I remember
7 on top of my head. Mine is --
8 okay, if you go 23rd and Passyunk
9 that has it. If you go to Broad
10 and Wolf, that has it. If you go
11 to 10th and Snyder, that has it.

12 COUNCILMAN YOUNG: South
13 Philly.

14 MR. KHAN: You want me to
15 tell you one-by-one?

16 COUNCILMAN YOUNG: So I
17 guess my point is that for you to
18 say that these stores cannot
19 operate without these machines, I
20 have seen 7-Elevens operate in
21 certain areas and places that don't
22 have these machines. That's my
23 point.

24 MR. KHAN: So, like, some
25 people they're having a lot of

1 family support, right. So if you
2 go inside those stores and ask
3 them, right, so probably their son
4 is under 15 was come in out of
5 school. In the morning mom is
6 working. Afternoon father is
7 working. Later on in daytime the
8 son is working, right. So some of
9 the people they are running the
10 store that way, right. That is
11 another story. But the stores that
12 are depending on employees, right,
13 so they cannot operate.

14 MR. KHAN: I mean but
15 again, that's the nature of having
16 a family business. Being a small
17 business owner that happens
18 every -- even look at whatever
19 industry you want to look at. If
20 you're going to be a small business
21 owner, that's the time, that you
22 get up early and you go to sleep
23 late. That's the nature of it. So
24 again, I'm trying to figure out why
25 is it that this particular industry

1 has to have these machines in order
2 to be profitable.

3 MR. KHAN: Okay. So this
4 particular industry, we are making
5 a good amount of money from them,
6 right, and it's easy money for us
7 to make it. And this is safe. We
8 don't have any problems about --
9 okay, if you're talking about the
10 guy he was just saying that, okay,
11 we having the ATM, like somebody
12 cannot get in the ATM. We can just
13 arrange the store and we can put
14 in -- and there should be
15 regulations where we can put it,
16 where we cannot, the number of
17 machines. Make sure that whoever
18 own the machine company they are
19 paying the license fee and they are
20 regulated. These are the kind of
21 changes make it, but it is not --
22 it is highly -- I highly disagree
23 if the machine is going to be taken
24 away from the stores.

25 COUNCILMAN YOUNG: Thank

1 you, Mr. Chair.

2 COUNCILMAN JONES: Thank
3 you so much, Member Young.

4 And thank you for your
5 testimony. We have to have frank
6 discussions to get an
7 understanding, so I appreciate you
8 telling us the reality of running a
9 franchise store and I appreciate
10 it.

11 MR. KHAN: Thank you.
12 Thank you so much.

13 COUNCILMAN JONES: Who do
14 we have next?

15 THE CLERK: Mr. Chairman,
16 our next speaker is Tang Jhen.

17 COUNCILMAN JONES: Tang
18 Jhen.

19 (Witness approached the
20 Witness table.)

21 MR. CASTILLO: My name is
22 Brian Castillo. Nice to meet you
23 guys. I was an immigrant and I was
24 born in Dominican Republic. I came
25 here and started working in a

1 bodega. So within the time in that
2 bodega there was a couple of times
3 a week, couple times a month, maybe
4 three or four months in a row where
5 the store owner told me, I got to
6 pay you tomorrow or I have to pay
7 you next two days because they
8 wouldn't have the numbers.

9 When I stopped working at
10 the bodegas, that was one of the
11 reasons because there was no money
12 to pay the customers. I'm an
13 operator so I got into this
14 business. I was able to go to the
15 same store owner which he was like
16 father to me, go to the store, put
17 in one of these machines in there,
18 one of the skilled games. Now, the
19 guy, he actually has two more
20 employees.

21 It's not just making
22 revenue to the store owner or to
23 the operator, it's actually
24 creating jobs because there's time
25 when grocery store owners where

1 there's a lot here and there's a
2 lot of people that actually had to
3 come here. That one of the reasons
4 they are able to have a little bit
5 more freedom in their business is
6 because they're able to actually
7 pay for another employee.

8 I understand the reason
9 about having six, seven machines
10 being a problem for the community,
11 which total fine. That's why in
12 everything actually -- actually in
13 alcohol, in sodas, in food, that's
14 why the FDA actually exist. There
15 has to be control in everything by
16 the City.

17 So one way for you guys as
18 the City to actually fix that
19 problem is come in and help out but
20 not take them out. We working --
21 there's a lot of people coming in.
22 Everybody said everything that I
23 had to say today, totally right.
24 You have a store, you go to the
25 store, you put the machines. Then

1 you only put two because the store
2 owner said, I don't have any more
3 space.

4 Somebody else come in,
5 offers them \$1,000, \$2,000 per
6 machine to put their machines in.
7 So now we have my two. Then we
8 have the other guy that offered
9 \$4,000, \$5,000 to put their two and
10 then we have another guy. And as a
11 store owner, you have to understand
12 \$5,000 is a lot of money. \$5,000
13 for everybody is a lot of money.
14 So when you have everything in
15 cash, even if the machine doesn't
16 make that much money, it's a lot of
17 money.

18 So one way for you guys to
19 regulate it is actually
20 implementing two machines per
21 store. That would actually help in
22 the four, five, six guys hanging
23 out inside of the store and then
24 somebody comes in like a child or
25 the grandmom, your mom, you,

1 yourself actually go into the
2 store. You don't have to bump into
3 everybody because there's five, six
4 guys playing on the machines.
5 Totally right about that.

6 Percentage-wise, money-wise
7 in Norristown, I know it doesn't
8 really matter in Philly, but in
9 Norristown something they did is
10 that you couldn't put more than six
11 machines inside of a store
12 depending on the square footage and
13 they charge \$100 per year per
14 machine. That's in Norristown of
15 course. And I know that because
16 I've paid it myself. That's one
17 way to actually help out.

18 Another way to help out is
19 regulating the percentage by
20 profit. We usually do 50/50.
21 Pennsylvania Skills is another
22 company that do 60/40, so they say
23 it's 10 percent for the state which
24 is not regulated, so they say they
25 pay taxes, but they're not paying

1 the actual 10 percent to the state.
2 They say that, but it's 60/40. And
3 there's another guy that came from
4 Virginia, that came from New York
5 and from everywhere to be honest
6 because it's a business, that they
7 do 75, 65, 85 percent and that
8 makes business a little bad if we
9 can say that, because the store
10 owner's saying, I'm going to get a
11 little bit more money, but then he
12 wants to stay with you and then it
13 becomes another problem of having
14 seven to eight machines.

15 The problem with doing \$500
16 penalty, \$300 penalty is not worth
17 it. If you're going to do anything
18 with the skill games, it has to be
19 something \$50,000. The store owner
20 gets scared. When you talk about
21 \$2,000, the store owner gets scared
22 because I mean, there's stores they
23 don't make \$1,000.

24 And there are certain
25 locations that they used to make

1 \$1,000 per week, \$500 per week.
2 Now, with the economy it's \$100 a
3 week, \$200 a week. So now,
4 everything is going low. I had a
5 store myself. In bad times, we had
6 to actually fire employees. There
7 was no way for us to cover the
8 cost. That's how I actually
9 started in this business because we
10 put these machines in to make it
11 up.

12 When the sir right behind
13 me said that he has 100 7-Elevens
14 that they are actually dependent on
15 these machines, I believe him
16 because the economy is not what it
17 used to be. Right now, I don't
18 know, a box of juice cost \$3, \$4.
19 It used to be \$1.99, \$1.49. Eggs
20 used to be five for \$5. I used to
21 sell them \$0.50 each dozen. Now,
22 it's not. Now, it's 2.99. Now,
23 it's \$3.99. So you have to
24 understand there's a lot of more
25 cost in everything and less money

1 on the streets.

2 So right now if you open up
3 a store, you can do it yourself.
4 You go and open the store, you sell
5 \$100 worth of eggs, you make \$0.50,
6 you make \$50. But then the
7 employee has to work 12 hours
8 making \$100. You're negative. The
9 only way we can actually figure
10 this one out and actually help
11 everybody out, small businesses,
12 that this is why we are here, it's
13 regulating the machines, making
14 them 100 percent legal, taxating
15 them but also helping the store
16 owner.

17 Most of everything helping
18 the store owner. Because we as
19 distributors, we don't have that
20 much problems as they do. We still
21 have to pay employees. We still
22 have to cover the negative. We
23 still have to cover the cost of
24 fixing the machines, which cost a
25 lot of money. Just one screen cost

1 \$1,000. So when it breaks, it's
2 \$1,000 that we cover, not the store
3 owner. The store owner gets a lot
4 of -- how can I say this -- a lot
5 of profit, which can be taxable if
6 we only can help him out. We do
7 50/50 like we said. There's no
8 problem giving the state or the
9 City 10 percent. I don't know,
10 \$100 per machine.

11 However, you guys can
12 actually understand and actually
13 pay even the officers so we can
14 help the officers, pay them more
15 hours, more everything because --
16 how can I say this. Criminal
17 activity outside of the skill
18 games, they exist.

19 I used to work for an ATM
20 company. They broke into my car.
21 They stole \$50,000 out of my car.
22 I was with my pregnant at the time
23 wife at the time -- well, my wife.
24 She was pregnant. We went to Home
25 Depot. We went to buy some tools.

1 Somebody broke into the car, stole
2 \$50,000. That was two years ago.
3 Up until this day, I haven't heard
4 from the police telling me where is
5 my money or if they actually caught
6 the guys, which they got on video
7 because it was in a Home Depot
8 parking lot. So it exist already.

9 If you go to Kensington
10 Ave, it still exist. You see
11 people robbing in the streets with
12 police passing by. They just don't
13 stop because of the location. I
14 called -- the same day I called for
15 the \$50,000. Let me tell you, it's
16 a lot of money. They took over an
17 hour to be there. That was before
18 the machines.

19 So when certain guys come
20 here and tell you this is harming
21 the community, how is it harming it
22 if it's already there? It doesn't
23 improve it because there's drugs in
24 the street right now that doesn't
25 have nothing to do with us.

1 There's people robbing because of
2 necessity, because I'm not saying
3 they're doing it because they want
4 to. Some people want to actually.
5 But this is not a problem from the
6 skill games.

7 Putting them in liquor
8 stores, just in liquor stores, you
9 would be killing hundreds, if not
10 thousands of store owners that
11 actually made money out of that.
12 And it just doesn't matter how much
13 we can say it is some to the skills
14 games, that's why we're having
15 problems, when the actual problem
16 is out there. Thank you. Any
17 questions?

18 COUNCILMAN JONES: No, but
19 that was good testimony.

20 COUNCILMAN YOUNG:
21 Mr. Chair.

22 (Applause.)

23 COUNCILMAN JONES: Thank
24 you so much.

25 Member Lozada.

1 COUNCILWOMAN LOZADA: No.

2 Question from Member Young.

3 COUNCILMAN JONES: Oh,

4 Member Young.

5 COUNCILMAN YOUNG: Yes.

6 Thank you for your testimony. I
7 really appreciate that, you know,
8 providing a perspective for me.

9 But one thing you said is that how
10 does this regulation change things
11 or how do these machines change
12 things in communities.

13 What I would say is that
14 these machines, it concentrates the
15 negative behaviors in the stores,
16 right. So the negative behavior
17 exist. It's going to exist in
18 these communities, wherever you go,
19 it's there. But you don't want to
20 concentrate that on one location,
21 on one space because that
22 exacerbates the negative things
23 that are happening in communities.

24 So for us as a body, again
25 we want to figure how do we

1 mitigate any negative things that
2 are happening in our communities,
3 and these machines from my
4 perspective concentrates that
5 negative behavior on these stores,
6 right. And that's just like if I
7 put it outside of my house, right,
8 and folks are coming to use this
9 machine outside of my house all the
10 time, congregating outside of my
11 house. How do you think my
12 neighbors will feel, right. And
13 that is what's happening in these
14 communities. These stores are in
15 communities with neighbors, and
16 that's all we're saying. And so,
17 the neighbors, the communities --

18 MR. CASTILLO: One thing --
19 I'm sorry to interrupt you. One
20 thing that -- the players are not
21 from outside. The players are the
22 neighbors. That's one thing. The
23 second thing is negative behavior
24 comes with cigarettes, it comes
25 with alcohol. When somebody goes

1 to the convenience store and
2 actually says, let me go buy a pack
3 of cigarettes and they say, we
4 don't have them, do you know what
5 they do? They even break your
6 store because you don't have them.
7 And this has nothing to do with the
8 machines.

9 And trust me, I told you
10 I've worked in a store. Somebody
11 went, bought a pair of headphones.
12 He bought headphones. They stopped
13 working the next day. He went in
14 there and he broke them on my face.
15 We had a protector, thank God. But
16 he threw them on my face. There
17 was no machines at the time.
18 Negative behavior exists.

19 COUNCILMAN YOUNG: That was
20 my point. They do exist --

21 MR. CASTILLO: It has
22 something to do -- but let me tell
23 you. It doesn't have nothing to do
24 with the machines. Because if you
25 have two machines, there would --

1 if you go to any stores, if you go
2 to, I don't know, let's just 100
3 stores, and I can tell you because
4 we have locations in over 100
5 stores.

6 We pay our taxes. We pay
7 everything. We pay employees. We
8 buy gas stations. We go to store
9 owners. We buy them groceries so
10 it helps -- everywhere helps out.
11 There's no negative behavior in our
12 stores because of the machines.
13 We've never had a problem breaking
14 them. I'm not saying it doesn't
15 happen, but I'm saying it happens
16 not that much a month. Not even a
17 month, it happens --

18 COUNCILMAN YOUNG: I must
19 be going at the wrong times then
20 when I go to the stores.

21 MR. CASTILLO: Of course.
22 I'm not saying -- it's like you're
23 saying that we shall compare
24 Kensington Ave, right, to Central
25 Philly. That doesn't have any

1 sense. There's more drugs on
2 Kensington Ave and more homeless
3 guys than in Central Philly, right,
4 so it doesn't have nothing to do
5 with the location or with the
6 machines. It just have something
7 to do how the community works with
8 education, how the City helps these
9 guys out because we have nothing to
10 do with how somebody is not
11 educated. That's something that
12 has to deal with the City with.

13 The education, I have an
14 education and I've been in trouble
15 before, but you don't see me
16 breaking stuff. You don't see me
17 slamming into other people. If you
18 say that the people that drive,
19 that they have a negative behavior
20 when there's construction down on
21 Roosevelt Boulevard, that always
22 happens. Then at that traffic stop
23 somebody is always put into harm
24 every time and somebody trying to
25 crash on somebody else because

1 there's a traffic stop. And it's
2 not because of us. It's because of
3 the City's actually repairing or
4 building the streets. It doesn't
5 have nothing to do with the
6 machines. It has everything to do
7 with the education that the City
8 provides to the citizens.

9 COUNCILMAN YOUNG: Right,
10 but the machines create the
11 environment for these things --

12 MR. CASTILLO: A good
13 environment if you don't know. You
14 know what they do when they win
15 that I've been there? They get
16 happy --

17 COUNCILMAN YOUNG: Of
18 course.

19 MR. CASTILLO: -- and
20 people paying their rent.

21 COUNCILMAN YOUNG: And you
22 know what they do when they lose
23 all their money? They get upset.

24 MR. CASTILLO: No, no, they
25 don't get that upset. Believe it

1 or not, they don't get that upset.

2 COUNCILMAN YOUNG: Man, I'm
3 going at the wrong times. I'm
4 sorry. I --

5 MR. CASTILLO: Of course.
6 Like I said, if you go into those
7 type of communities where people
8 are not educated, where people are
9 going to break into stuff no matter
10 if they're playing machine, you
11 know what matters, everything to
12 them. If you don't fix their
13 streets, if you don't put
14 cigarettes -- which right now a
15 cigarette license is crazy to get.

16 If you don't get liquor
17 license and somebody is trying to
18 sell beer, you can't do that
19 because it cost \$200,000. So for
20 you to go regulate something for
21 the liquor store owner only, you
22 have a certain amount that you're
23 going to give the people so it's
24 going to be like a monopoly. Just
25 a certain amount of people can have

1 it, the people that have that
2 money. So somebody with a grocery
3 store, \$100,000, that's a lot of
4 money.

5 So you know what's
6 \$200,000? Just to purchase the
7 licensing for the liquor license,
8 \$200,000 to \$300,000 just to
9 purchase the liquor license and
10 then you have to build a business.
11 It's over a half a million
12 investment. There's not everybody
13 that has that kind of money. So --

14 COUNCILMAN YOUNG: That is
15 a risk of being a small business
16 owner. When you --

17 MR. CASTILLO: Of course.
18 But the risk comes with the City
19 too. So if the City doesn't work
20 for the citizens, then we're in
21 trouble. You guys as the City
22 have to help the small business
23 owner to succeed, to stop becoming
24 a small business --

25 COUNCILMAN YOUNG: But not

1 to the detriment of our
2 community --

3 MR. CASTILLO: That's the
4 thing --

5 COUNCILMAN YOUNG: Not to
6 the detriment and quality of life
7 in our neighborhoods.

8 MR. CASTILLO: -- when you
9 become from a grocery store now you
10 have enough money to actually
11 become a supermarket, that
12 generates a lot of traffic and it
13 generates a lot of employees.
14 That's just -- it is what it is.
15 Business works just like you said.
16 The problem is when you say the
17 community now they're having
18 problems -- there's one store in
19 every single street. Every corner
20 there's a store. We don't have
21 nothing to do with that. The City
22 does because if you don't want 100
23 people in one store, then you let
24 them open a lot of stores.

25 So if you don't want

1 everybody to go just to the casinos
2 and go to the liquor stores, it's a
3 monopoly. Just two guys can have
4 it and the guy that has a lot of
5 money. Remember, this is America.
6 So one of the things, most of the
7 immigrants actually come here it's
8 because we are able to succeed in
9 this country because we are not
10 able to actually open it in our
11 country.

12 Remember, in our country
13 that's the problem that we have.
14 For you to open up a successful
15 business, you must be a millionaire
16 or you must have a lot of money or
17 friends with a lot of people. In
18 America you can open up a business
19 with \$10,000; \$20,000 that you get
20 from a loan and you open up a small
21 business.

22 Do you know what the dream
23 of everybody, to grow, not stay a
24 small business. So these machines
25 help these guys out to actually

1 open two stores, three stores.
2 There's people that actually have
3 opened two, three, four stores.
4 You know what those stores do?
5 They pay taxes, they pay sugar
6 taxes. They pay employees and
7 employees pay their taxes. So it
8 helps them. It helps everybody
9 out.

10 When you give these guys an
11 opportunity to make \$500 which
12 maybe for you guys is not a lot of
13 money, but \$500 pays a lot of
14 bills. Remember, rent is \$1500
15 these days. So right now if you
16 take this \$1500 a month from these
17 guys of \$6,000 a year, you're
18 taking their rent, you're taking
19 two, three employees getting fired,
20 you're taking us as operators
21 firing our guys and you're taking
22 even the store owner paying taxes
23 and us paying more taxes than we
24 should. So we're helping
25 everybody. It's just like a

1 circle. Everybody's helping each
2 other.

3 COUNCILMAN YOUNG: So
4 should we allow other activities to
5 occur in stores? If we were able
6 to tax it, should we allow store
7 owners to sell other illegal items
8 because it's being taxed because
9 you're making money contributing to
10 the economy, should we do that?

11 MR. CASTILLO: I'm sorry to
12 say this. But in this country it
13 happened with weed, because it
14 makes a lot of money, because it
15 makes everything. Now, we're
16 regulating weed. So can you tell
17 me, can you actually tell me skill
18 games are more dangerous than weed?

19 COUNCILMAN YOUNG: I'm not
20 saying that the skilled games
21 are --

22 MR. CASTILLO: It's not
23 more dangerous but it's being
24 regulated and it's becoming legal
25 in every state.

1 COUNCILMAN YOUNG: Well,
2 weed is illegal in Pennsylvania.

3 MR. CASTILLO: And trust
4 me, it is far more dangerous having
5 people outside because it's legal
6 than having people two machines per
7 store because how --

8 COUNCILMAN YOUNG: But to
9 my point, you have those machines
10 and you said people outside selling
11 drugs. When I go to see these
12 stores, the people who I see on
13 these machines are people who are
14 high on drugs at these stores. So
15 you know who follows --

16 MR. CASTILLO: So take the
17 drugs away.

18 COUNCILMAN YOUNG: --
19 addicts? Drug dealers follow the
20 addicts. They're going to go to
21 where the addicts are. So --

22 MR. CASTILLO: I believe
23 what you're saying.

24 COUNCILMAN YOUNG: -- if
25 the addicts are at these stores,

1 that's where they're going to go.

2 MR. CASTILLO: I believe
3 what you're saying. But then it
4 becomes a two-way problem. Drugs
5 have been in this country and in
6 this state for more -- I wasn't
7 even born in that time. So if you
8 think about it, if you want to kill
9 the problem from the inside, kill
10 the drugs. And why don't you guys
11 do it because don't tell me that
12 the greatest country in the world
13 don't have the means to kill
14 actually the drugs. It does.
15 There's enough police. There's --

16 COUNCILMAN JONES: We're
17 not going to do the drug war here.

18 MR. CASTILLO: No, of
19 course we're not doing that. But
20 I --

21 COUNCILMAN JONES: I want
22 you to know you were winning up
23 until -- you were winning up until
24 a point and then you flipped the
25 script on me.

1 MR. CASTILLO: No, I'm not
2 flipping it. I'm just saying that
3 if we keep that closed mind and
4 we're not able to grow, for us as
5 small businesses we have to -- even
6 you guys are the ones deciding if
7 we can keep our business, you have
8 to keep an open mind and think
9 about -- it's not me. I have two
10 childs. My father, he has four.
11 If you think about everybody that
12 was here and all the store owners,
13 there's over 400, 500 stores just
14 in Philadelphia.

15 If you think 500 times 5
16 counting their families, times 6,
17 actually counting their employees,
18 7, you're talking about with this
19 business we are trying to protect
20 over 2800 families. So it's not
21 just the community that are getting
22 hurt. I'm not saying it is not.
23 I'm just saying you can keep them.
24 You're right, but we can regulate
25 it. We can keep two machines.

1 COUNCILMAN JONES: You're
2 winning again. Stop.

3 Member Lozada, comment.
4 And a question, Member Harrity.

5 COUNCILWOMAN LOZADA: I
6 just want to make a comment. You
7 know, I think that what is
8 important to note here is that
9 we're not against small businesses.
10 I want to say that again.

11 MR. CASTILLO: Of course.

12 COUNCILWOMAN LOZADA: We
13 are not against small businesses,
14 but we have a responsibility to
15 protect quality of life in our
16 District and in our City. When a
17 business becomes a nuisance
18 business because of the activity
19 that they are allowing to
20 concentrate in their establishment,
21 we must respond to it.

22 And so, I think that this
23 is what I hope is the beginning of
24 many conversations about how we
25 support small businesses, how do we

1 allow and help and connect you to
2 grow to be able to take care of
3 your families for generations, but
4 how do we keep quality of life
5 intact in our communities. And I
6 think that's very important, right.
7 Because where you live and where
8 your family lays their head to rest
9 at night, you want it to be a safe,
10 peaceful space, right. And I think
11 across the City of Philadelphia
12 everyone wants the same thing.

13 So we're not saying you're
14 wrong. We're not saying anybody
15 here -- I think that this is the
16 beginning of us having a
17 conversation about how do we create
18 a balance where small businesses
19 can take care of their families and
20 grow while we still protect quality
21 of life in neighborhoods.

22 MR. CASTILLO: We can
23 definitely do that by being
24 organized. Within the organization
25 we can actually do everything we

1 want to. You're totally right
2 about what you're saying about
3 quality of life. I'm just saying
4 if we organize within the City, not
5 because you guys have the power to
6 actually say there's only two
7 machines, there's only four
8 machines, there's only one machine
9 per store, it's fine. We're not
10 saying that you should not do that.
11 We're saying you should just
12 control it, organize it.

13 Seven machines per location
14 is a lot, which it's not just a
15 lot. It cost a lot of money to put
16 six machines. So just by you
17 organizing how these machines must
18 be placed, they must be within 6
19 feet within each other, you must
20 have enough space for somebody to
21 be playing and somebody to be
22 walking right behind you so they
23 can go through the store, it's
24 totally fine because it's
25 organized --

1 COUNCILWOMAN LOZADA: The
2 only way we can get to there, the
3 only way we can get to a balance is
4 that, that you all as the operator
5 understand that there is a
6 problem --

7 MR. CASTILLO: Of course.

8 COUNCILWOMAN LOZADA: --
9 right. Again, we need you all to
10 assume responsibility, accept --

11 MR. CASTILLO: We do
12 assume the --

13 COUNCILWOMAN LOZADA: --
14 that there is an issue, right.

15 MR. CASTILLO: Of course.

16 COUNCILWOMAN LOZADA: And
17 that some of your business is
18 hurting quality of life. We need
19 you to get there in order for us to
20 have honest conversation about how
21 we regulate and what we regulate,
22 what is the max and what is the
23 minimum --

24 MR. CASTILLO: Of course.

25 COUNCILWOMAN LOZADA: --

1 what comes along with that. If you
2 all are not willing to have that
3 conversation, then we're not going
4 to get anywhere. We're going to
5 continue to go in a circle, and two
6 years from now we're going to have
7 this same conversation.

8 MR. CASTILLO: Of course,
9 and you're 100 percent -- that's
10 exactly what I'm trying to say.
11 You're 100 percent right about
12 everything you just said. We
13 already -- we actually know that
14 there is a problem with having
15 seven machines. Trust me, us as
16 operators, we're not happy to put
17 six machines in one store. They
18 cost over \$10,000. So just imagine
19 \$60,000 sitting in the store making
20 \$500 a week doesn't make the
21 numbers. You're totally right
22 about what you're saying. The
23 problem is if you don't put six
24 machines, then somebody else come
25 in and put six machines, and then

1 somebody else come in and they put
2 two more machines and you have a
3 store with 12 machines.

4 COUNCILMAN JONES: So what
5 we're going to do is let Member
6 Harrity --

7 MR. CASTILLO: Of course.
8 I'm sorry.

9 COUNCILMAN JONES: -- make
10 his question.

11 COUNCILMAN HARRITY: Yeah.
12 My thing is just I think we're
13 losing track on the fact that these
14 are licensed businesses that are
15 licensed grocery stores. They're
16 not licensed casinos. They're not
17 licensed for gambling. You guys
18 may be right, it's our fault for
19 letting you get away with it
20 because it's illegal. The machines
21 are illegal. It's illegal to pay
22 them out. You're paying them out,
23 that's illegal. It's not
24 registered. It's not licensed.

25 We gave you a license as a

1 small business to sell groceries.
2 That's what you're licensed for,
3 and that's what we got to come to
4 grips with, that we did not give
5 you a license to be a neighborhood
6 casino. We did not give you a
7 license to have illegal stuff going
8 on in your thing. It may not be
9 hurting anybody as far as you know,
10 but they are illegal.

11 MR. CASTILLO: We can
12 say -- that's what I'm saying about
13 being organized. You're totally
14 right, but we can say that same
15 thing happens with the ATMs. ATMs
16 is a bank. The ATM is --

17 COUNCILMAN HARRITY:
18 They're not illegal. They don't --

19 MR. CASTILLO: But --

20 COUNCILMAN HARRITY: -- pay
21 out.

22 MR. CASTILLO: But
23 that's --

24 COUNCILMAN HARRITY: They
25 are not illegal and you are making

1 money on the ATM, \$3 a pop.

2 MR. CASTILLO: I'm trying
3 to get there. We're trying to get
4 there. It's not like we're not
5 trying. We are trying to be legal.
6 We are trying to actually have
7 licensing. We are trying to
8 actually have all the paperwork
9 that you guys need for you to be
10 safe. But like I said, we are one
11 part. Remember, this is a two-way
12 street. One way is really to work
13 with you guys. We're just waiting
14 for you guys to work with us.

15 COUNCILMAN HARRITY: But
16 one of the things you said was
17 that, you know, the fact of the
18 matter is that they're doing these
19 machines because they're
20 oversaturated with grocery stores
21 in neighborhoods. Maybe that's
22 where we go, limiting the number of
23 grocery stores per neighborhood.
24 Would that make you feel better?

25 MR. CASTILLO: Of course

1 not, because you would be -- if you
2 eliminate the grocery stores, do
3 you know how many families would
4 that actually harm?

5 COUNCILWOMAN BROOKS: You
6 just that you didn't need all of
7 them.

8 COUNCILMAN HARRITY: You
9 said we didn't need them all.
10 That's why they --

11 MR. CASTILLO: No, I'm not
12 saying --

13 COUNCILMAN HARRITY: That's
14 why they have to use the gambling
15 machines to supplement their
16 income. So if --

17 MR. CASTILLO: It doesn't
18 matter if you have 10 --

19 COUNCILMAN HARRITY: So if
20 we cut the number of stores, then
21 that would definitely take care of
22 itself, correct?

23 MR. CASTILLO: Of course.
24 But it doesn't matter if you have
25 10 stores of if you have 5. If you

1 have 5, then the --

2 COUNCILMAN HARRITY: You
3 just said it did.

4 COUNCILMAN JONES: You were
5 winning.

6 COUNCILMAN HARRITY: You
7 just said it did.

8 COUNCILMAN JONES: We got
9 your point. We got it. Thank you
10 for your testimony though.

11 MR. CASTILLO: Thank you.

12 COUNCILMAN JONES: That's
13 where honest dialogue comes in.

14 Mr. Glass, do we have the
15 last person to testify?

16 THE CLERK: Juan Xavier.

17 (Witness approached Witness
18 table.)

19 MR. XAVIER: Yes, sir.

20 COUNCILMAN JONES:
21 Mr. Xavier, thank you for your
22 patience. Please begin your
23 testimony.

24 MR. XAVIER: Thank you.
25 Thank you, Mr. Chairman. I

1 appreciate the opportunity. Thank
2 you to all the members. I -- like
3 he say, my name is Juan Xavier. I
4 partner a few business in the City
5 of Philadelphia. I'm here not to
6 testify for myself. I'm here to
7 try to be part of the community in
8 this testimony and not talking just
9 for the business I partner in
10 Center City in this great City of
11 Philadelphia.

12 But before I start, I would
13 love to ask a few questions and
14 introduce myself and a little bit
15 of my background so you can
16 understand all my point of view.
17 My first question is going to be,
18 is there somebody here who owns a
19 grocery store can you please raise
20 your hand?

21 (Hands raised.)

22 MR. XAVIER: Okay. There
23 is somebody here who being robbed
24 in the grocery store because of the
25 machines? Oh, I love the noise. A

1 question for you, a lot of members
2 of this concept, do you before own
3 a grocery store?

4 (Two Councilmembers raised
5 hands.)

6 MR. XAVIER: You did?
7 Great, I love that. Do you as
8 members take the numbers based on
9 your two Members with all due
10 respect with your experience, with
11 your investment, inventory, profit
12 and lifestyle, do you take that
13 numbers before into this bill and
14 did that analysis?

15 COUNCILMAN JONES: So I was
16 at 16th and Cecil B. Moore, the old
17 Philadelphia Company store. It was
18 a training program, but it was
19 operated in the model of 7-Eleven
20 and I did terrible. So I
21 understand how it is so --

22 MR. XAVIER: Thank you,
23 Mr. Chairman, for that explanation
24 because you better understand how
25 struggle it is to run a business,

1 running a grocery store day-to-day
2 16 hours to make \$80 sometimes.
3 It's hard. You have to be there,
4 you have to leave and work 16 hours
5 a day making \$5 an hour to
6 understand how that feels being a
7 business owner.

8 I am talking from the
9 bottom and (inaudible) having an
10 inventory, getting cost and the
11 store not getting sales because we
12 may not have traffic. I'm getting
13 from the point of view of the
14 business. Now, let's go down a
15 little calm and let me introduce
16 myself. My name is Juan Xavier. I
17 am the first-generation Dominican
18 American. I am a technology
19 expert.

20 I have a great family who
21 gave me the opportunity to be in
22 college, become a systems engineer
23 with two Master's degrees. I have
24 a Master's degree in systems
25 engineering and architect

1 solutions. I used to work for
2 Microsoft. I was 12 years in
3 Microsoft South American market. I
4 was part of the team who created
5 Office 365. I was part of the team
6 for cloud technology with Grupo
7 Carso creating satellite network.
8 I've been in skill games for about
9 six years creating technology and
10 understanding how the system works.

11 And my next question is
12 going to be for you, Notable
13 Members, do we understand what is
14 skill games? Do we understand that
15 terminology? Are we (inaudible).
16 What is a skill language, what's
17 that, because it's something
18 different.

19 I heard this terminology
20 gambling back and forth, and we
21 understand gambling. We understand
22 the luckiness part. We understand
23 the game of chance part, why this
24 is called skill game. Why the
25 court case back in 2013, the

1 M.D. 965 in 2013 allowed this to
2 become legal.

3 Another word I heard in
4 this Committee, in this hearing,
5 what I understood when I was taking
6 my citizenship test, this system in
7 this country is checks and balance,
8 administrative or legislative,
9 administrative and judicial, right.
10 You know this better than I do.

11 In order to become legal,
12 you need (inaudible) -- you need
13 one of the point of view and one of
14 the point of view have to say you
15 are legal. But getting back to the
16 technology and getting back to our
17 amazing concept, do we understand
18 what is the difference between
19 gambling and skill games? Are we
20 confident on that?

21 COUNCILMAN JONES: So can
22 you kind of get to your point in
23 your testimony?

24 MR. XAVIER: Okay. What is
25 the difference or there is some

1 difference between skill games and
2 gambling. There is some difference
3 between skill games and game of the
4 chance. There is something because
5 it has to be something, because why
6 that name. Simple, I will do a
7 little brief and I will be open to
8 any question.

9 I am technology expert. I
10 am not ready. I am not prepared
11 for this. But I am pretty
12 confident I can answer any
13 potential question it can come.

14 COUNCILMAN JONES: So
15 pretty much for me, if it walked
16 like a duck, if it quacked like a
17 duck, it's probably got feathers,
18 it's a duck. And so, whether
19 somebody says to me logically that
20 if I press this button at a certain
21 point, the skill of it allows the
22 rotation of the piece to give me a
23 payout, it's no different than if I
24 pull that one-arm bandit and get a
25 rotation and a probability and a

1 percentage payout based on the
2 algorithm that is set by that.

3 Now, I don't know what you
4 know, but I know if it walked like
5 a duck, if it makes me broke like a
6 duck, it's probably a duck. So
7 that's my point. And whether it is
8 a duck or a bald eagle, we need to
9 figure out how to regulate. We
10 need to figure out where they are.
11 We don't know where they nest. It
12 was testified today that we're over
13 50,000 machines. We don't have a
14 clue where they are. We don't have
15 a clue how much they made last
16 year. We don't know much they paid
17 out to the customer. We don't know
18 any of those things.

19 And my point is, this
20 hearing is not to be against the
21 small businesses in this room that
22 have testified today but to figure
23 it out. And that's our job, to try
24 to figure out those answers.

25 MR. XAVIER: I apologize

1 for all the interruption,
2 Mr. Chairman. I agree and
3 (inaudible) your point. But before
4 get to your point, I would love for
5 you to understand where everything
6 comes from, what is the difference.
7 Game of the chance is luckiness,
8 it's luckiness. It's gamble. It's
9 not interaction. Who makes the
10 last decision is the software. Who
11 makes all of the patrons is the
12 software, it's the machine. I am
13 agree 100 percent to want legality.
14 I am agree.

15 Game of skill has three
16 major components. Number one, who
17 makes the last decision is you.
18 You walk away whenever you want.

19 COUNCILMAN JONES: Okay.

20 MR. XAVIER: Number two,
21 you can't see before you put a
22 penny in there if you're going to
23 win or you're going to lose, and
24 you make the last decision. And
25 you have a second part of the

1 software to go into and just with
2 memory, memorizing this tic-tac-toe
3 games, you can win 105 percent of
4 the time if you play. That is a
5 skill because software don't make
6 the last decision.

7 There is a problem, 100
8 percent I agree. Skill game wasn't
9 created to try to compete with
10 casinos, to try to create mini
11 casinos. The gentleman with the
12 prior testimony, he did it perfect.
13 It has to be regulated. Yes, I am
14 agree 100 percent as the business
15 owner and the business partner, and
16 as the machine operator I 100
17 percent agree.

18 I heard you guys keep
19 saying your intention is not kill
20 the small businesses. That's why I
21 started that way. That's why I
22 started with those questions.
23 Solutions, yes. Kill, I feel this
24 is not the intention with this
25 bill. The intention with this bill

1 to me from my point of view with
2 all due respect to this notable
3 Council and all the members is
4 killing the small businesses.
5 Because me as a partner in the
6 small business and multiple small
7 businesses in Philadelphia, without
8 investment, without inventory, how
9 this machine now help to pay the
10 mortgage.

11 COUNCILMAN JONES: Okay.
12 We're --

13 MR. XAVIER: And now, we
14 need a solution. Regulations, yes,
15 we need it. That's why we see in
16 so many years fighting this at the
17 state level to get these regulated.
18 Illegal machines, there is so many.

19 COUNCILMAN JONES: So are
20 you for this or against it?

21 MR. XAVIER: I am not agree
22 with the bill.

23 COUNCILMAN JONES: Okay.
24 Duly noted. We're going to move on
25 because I got one more one more to

1 hear from, and I want to hear from
2 them. They were so patient.

3 So I'm going to give you
4 two minutes.

5 (Witness approached Witness
6 table.)

7 UNIDENTIFIED SPEAKER:

8 Yeah, I'm going to try to make it
9 as brief as possible. I know it's
10 a long night.

11 COUNCILMAN JONES: Thank
12 you.

13 UNIDENTIFIED SPEAKER: I'm
14 feeling I got to go get something
15 to eat and get hydrated, and I know
16 you guys are --

17 COUNCILMAN JONES:
18 Three-and-a-half. What was it,
19 three-and-a-half hours.

20 UNIDENTIFIED SPEAKER: But
21 I'm here. I'd like to show -- tell
22 you I appreciate that you mentioned
23 how can we help the business
24 owners. I'm not directly involved.
25 I'm indirectly involved. I help a

1 lot of them. There's a language
2 barrier, so I'm very supportive and
3 I have made observations through
4 the years.

5 One of the things is
6 increase police presence. They're
7 alone out there. As far as
8 Councilwoman Lozada and Councilman
9 Young, what you guys call a
10 nuisance is actually security for
11 them, believe it or not. The skill
12 machines had actually helped them
13 with decreasing robberies in the
14 stores. Why? Because when you
15 have a presence in the store, it's
16 a deterrent for the robber to come
17 in. They wait precisely for the
18 moment that the store is empty to
19 go in and do their thing. So as a
20 result, it has decreased, the
21 incidence of robberies.

22 Why do they feel that
23 you're not for the small businesses
24 is because when sugar tax
25 increased, that put a dent to them.

1 Cigarette taxes, another dent.
2 Skill machines come up, we have a
3 savior. It has helped. There's no
4 fluff that the businesses are
5 suffering.

6 A store that used to make
7 \$2,000 now makes \$1200, \$1000 if
8 they're lucky. I'm here because I
9 was asked by various of the store
10 owners that don't speak the
11 language to communicate this to you
12 guys. So I don't know if this
13 would make a difference in what you
14 feel, but it is a big help. These
15 skilled machines is a big help to
16 the business. It has helped them
17 stay afloat. Literally, no BS.

18 COUNCILMAN JONES: Are we
19 okay?

20 COUNCILWOMAN LOZADA: I
21 just want to say I'm not entirely
22 sold on it deters robberies, right,
23 especially not in Districts like
24 mine, where police will tell you
25 that many of these guys who take

1 over the establishment conduct
2 their business inside. So, yeah,
3 they're not going to stick each
4 other up. They're friends with one
5 another, right. They hang around
6 with one another. So, yeah, they
7 may not be sticking up that
8 business at the moment, but it's
9 because they're all involved.

10 And if the business does
11 get held up or get stuck up, none
12 of them inside or none of them who
13 have been hanging outside loitering
14 for hours in the day are going to
15 give up the individual who stuck up
16 the business. That's just my
17 experience in my District.

18 UNIDENTIFIED SPEAKER: Let
19 me make a clarification here. Hold
20 on.

21 COUNCILWOMAN LOZADA: I beg
22 your pardon?

23 UNIDENTIFIED SPEAKER:
24 Because I don't want you to get
25 this wrong. I'm not saying that

1 they're working -- the way you're
2 saying is that they're in cahoots
3 with people that are doing bad
4 business.

5 COUNCILMAN JONES: No,
6 that's not what she said.

7 UNIDENTIFIED SPEAKER: Did
8 you understand that or -- I didn't
9 understand what you were saying.

10 COUNCILMAN JONES: She
11 pushed back gently that the more
12 casino or people playing the
13 machines creates an atmosphere that
14 is safer for the store merchants.
15 Is that what you said?

16 COUNCILWOMAN LOZADA: He
17 said that theft is deterred --

18 COUNCILMAN JONES: Yes.

19 COUNCILWOMAN LOZADA: -- or
20 that people being stuck up --

21 UNIDENTIFIED SPEAKER:
22 Because there's a large --

23 COUNCILWOMAN LOZADA: --
24 that the business being stuck up is
25 lessened because these people are

1 in their establishment. I'm saying
2 in Districts like mine that is not
3 the case.

4 UNIDENTIFIED SPEAKER: I'm
5 talking about Southwest Philly
6 particularly.

7 COUNCILMAN YOUNG: Yeah,
8 not North Philly.

9 COUNCILWOMAN LOZADA: So my
10 point exactly. That's doesn't
11 happen across the City, right. It
12 depends on where you are. And in
13 Districts like mine, that is not
14 the case and I have to advocate,
15 like many of my colleagues up here,
16 we have to advocate for our
17 constituency, right.

18 Again, this is not about
19 not wanting to support small
20 businesses. This is about speaking
21 up for the constituency that you
22 represent. And the Districts --

23 UNIDENTIFIED SPEAKER: We
24 understand that. I'm just telling
25 you what they feel, why they feel

1 that you're against them. Because
2 when pre-sugar tax or pre-cigarette
3 tax, now we have a solution to the
4 problem and now we're going to ban
5 that as well. I'm just letting you
6 know why they feel the way they do.

7 COUNCILWOMAN LOZADA: Duly
8 noted.

9 COUNCILMAN HARRITY: Can
10 I --

11 COUNCILMAN JONES: (Nodded
12 affirmatively).

13 COUNCILMAN HARRITY: The
14 solution that you guys came up with
15 is not the right solution. The
16 machines for whatever reason, they
17 may be helping them out now in the
18 short run. The fact --

19 UNIDENTIFIED SPEAKER:
20 Financially.

21 COUNCILMAN HARRITY: -- of
22 the matter is they're not supposed
23 to be there in the first place. A
24 machine that pays out is not legal.
25 Now, video games, something like

1 that in the store that do it,
2 that's completely different. We're
3 talking about a machine that when
4 somebody hits it, they go, take the
5 ticket and they get paid, you know
6 what I'm saying here. This is not
7 something their license was granted
8 for in the first place.

9 You mentioned cigarettes.
10 That's already --

11 UNIDENTIFIED SPEAKER:
12 There's a legal issue with that and
13 that's a reason why they have it.
14 And now, I know you're saying this
15 is not right. But what's to say
16 that it's not right, you know,
17 legally. Otherwise we wouldn't be
18 at square one, you know. And I
19 know you're trying to correct it.
20 You're trying to make it right
21 because it's -- I don't know if
22 it's a moral issue or --

23 COUNCILMAN JONES: Member
24 Young.

25 COUNCILMAN YOUNG: I'm

1 sorry. You can finish. I didn't
2 mean to cut you off.

3 UNIDENTIFIED SPEAKER: No.
4 I know it's a big issue but how are
5 we going to address it, how are we
6 going to fix it, you know. And
7 you're thinking banning it because
8 you feel it's morally wrong?

9 COUNCILMAN HARRITY: No, I
10 feel it's legally wrong.

11 COUNCILMAN JONES: We're --

12 UNIDENTIFIED SPEAKER: I
13 mean, people are going to pay for
14 services. There's no license.

15 COUNCILMAN JONES: In order
16 for me to keep a quorum, can you
17 finish your testimony.

18 UNIDENTIFIED SPEAKER: No,
19 it's fine. He has a question for
20 me?

21 COUNCILMAN YOUNG: Yeah, I
22 have a question. I mean,
23 essentially when some of the folks
24 you're representing, when they go
25 into this business, right, they're

1 going to the business as a
2 convenience or grocery store, from
3 helping develop business plans for
4 grocery stores and things like
5 that, I have never seen this as a
6 part of their business plan when
7 they're opening up a grocery store
8 to make money.

9 And so, I just want to get
10 the small business owners to know
11 how we can help you in your small
12 business endeavors for what you're
13 licensed for, that's what we want
14 to try to do. We want to try to
15 lower your cost of doing business
16 in the City. However, when you're
17 operating in a manner that is
18 outside the scope of your business,
19 right, this is not a convenience.
20 You're not selling something to the
21 public when you have these machines
22 in there.

23 So why as a City, as a body
24 when we've seen these machines have
25 negative impacts on our

1 communities, why should we continue
2 to allow these things when it's
3 already outside the scope of your
4 business?

5 UNIDENTIFIED SPEAKER: Does
6 it really have a negative effect?

7 COUNCILMAN YOUNG: Yes, it
8 does. It does.

9 COUNCILMAN JONES: All
10 right. Thank you for your
11 testimony and I think we've
12 received your point. There are
13 certain questions that you're
14 making, is it legal, is it moral.
15 And we're not questioning the moral
16 aspect of it. We are questioning
17 the legality.

18 UNIDENTIFIED SPEAKER: I
19 just hope you guys come up with a
20 great solution. I hope that the
21 business owners are able to
22 continue business. One way to
23 help, I don't think it will happen.
24 Let's cut back on the sugar tax.
25 Let's cut back on the cigarettes

1 and let them keep it within their
2 scope so that we don't need skill
3 machines if you don't want them
4 there, and let's have businesses
5 operate as it was operating prior
6 to the damage that was done when we
7 increased those taxes. That might
8 be a solution.

9 COUNCILMAN JONES: Thank
10 you for that. And for the record,
11 none of these individuals voted for
12 the sugar tax. That was all me. I
13 apologize. I apologize.

14 With that, do we have any
15 others to testify?

16 THE CLERK: No more
17 speakers, Mr. Chairman.

18 COUNCILMAN JONES: I
19 appreciate your testimony.

20 UNIDENTIFIED SPEAKER:
21 Thank you for your time.

22 COUNCILMAN JONES: I
23 appreciate your testimony. I
24 appreciate your patience and I
25 understand when we are better for

1 it because of your testimony.

2 Thank you.

3 This concludes our public
4 hearing of the Committee on Public
5 Safety dealing with Bill No.
6 240010. We will now conduct our
7 public meeting. And with that, we
8 have a quorum.

9 And the Chair recognizes
10 Member Lozada for an amendment to
11 Bill No. 240010.

12 COUNCILWOMAN LOZADA: Thank
13 you, Mr. Chair.

14 I offer an amendment to
15 Bill No. 240010. A copy of the
16 amendment has been circulated to
17 all members of this Committee. I
18 move that the amendment be
19 approved.

20 (Duly seconded.)

21 COUNCILMAN JONES: It has
22 been moved and properly seconded
23 that the amendment to Bill No.
24 240010 be amended.

25 All those in favor will say

1 aye.

2 (Aye.)

3 COUNCILMAN JONES: All

4 those opposed?

5 (No response.)

6 COUNCILMAN JONES: The ayes

7 have it.

8 The Chair again recognizes

9 Vice-Chair Lozada for a motion on

10 Bill No. 240010 as amended.

11 COUNCILWOMAN LOZADA: Thank

12 you, Mr. Chairman.

13 I move that Bill No. 240010

14 as amended be reported from this

15 Committee with a favorable

16 recommendation and further move

17 that the rules of Council be

18 suspended to permit first reading

19 of this bill at the next Council

20 session.

21 (Duly seconded.)

22 COUNCILMAN JONES: It has

23 been approved -- it has been moved

24 and properly seconded that Bill No.

25 240010 as amended be reported from

1 this Committee with a favorable
2 recommendation and further move
3 that the rules of Council be
4 suspended to permit first reading
5 at our next session of Council.

6 All those in favor will say
7 aye.

8 (Aye.)

9 COUNCILMAN JONES: All
10 those opposed?

11 (No response.)

12 COUNCILMAN JONES: The ayes
13 have it. Bill No. 240010 as
14 amended has been approved.

15 Thank you. This concludes
16 our business for this Committee on
17 Public Safety, and thank you for
18 your endurance.

19 COUNCILMAN HARRITY: Thank
20 you, Chair.

21 (Committee on Public Safety
22 concluded at 4:50 p.m.)

23

24

25

1 C E R T I F I C A T I O N

2 I, hereby certify that the proceedings
3 and evidence noted are contained fully and
4 accurately in the stenographic notes taken by
5 me in the foregoing matter, and that this is a
6 correct transcript of the same.
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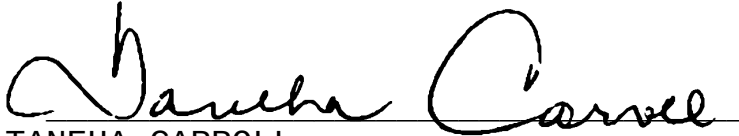
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