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ENTERTAINMENT.



Occupational Safety and Health
Administration
Atlanta Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth St, SW, Room 6T50
Atlanta, Georgia 30303

Attention: Anthony E. Phenix Streeter, Sr., Office of Whistleblower Protection

Re: Whistleblower Complaint # 4-3750-21-090, Harrah's NC Casino Company, LLC dba
Harrah's Cherokee/ Peterson / Hofilena

Dear Mr. Streeter:

Harrah's NC Casino Company, LLC dba Harrah's Cherokee ("Harrah's") has completed our internal review of the claims made by Mr. William Peterson and Ms. Deborah Hofilena and has found that their respective terminations were in no way related to either the internal safety complaint made on February 8th, 2021 or the formal OSHA Complaint made on February 11th, 2021.

Harrah's had knowledge of Mr. Peterson's safety complaint on February 8th, 2021 when he filed a formal complaint with the Harrah's safety committee. Harrah's was informed of Mr. Peterson's OSHA complaint shortly after he filed that complaint as well. Harrah's did not terminate or in any way discipline Mr. Peterson nor Ms. Hofilena immediately following the filing of this complaint. A review of Mr. Peterson and Ms. Hofilena's employee files shows no discipline until the incidents on April 16th, 2021 as well as April 18th, 2021 and described further below. These incidents ultimately led to their terminations from Harrah's.

The OSHA complaint packet sent to Harrah's included, on pages 11-13, an excerpt of documentation related to incidents that led to the terminations of both Mr. Peterson and Ms. Hofilena. We have included additional documentation of the incidents for your review but would like to include a brief summary of the incidents followed by the references to department policies that were violated. On April 16th, Ms. Hofilena, a beverage server at Harrah's, was observed at Table 630, with the game being dealt by her husband, Mr. Peterson. Ms. Hofilena was not assigned to this area of the casino and should not have been physically present at the table. She was observed by the casino surveillance department receiving an unspecified amount of red (\$5) chips from a female patron in spite of not providing any service to that patron.

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The second incident that ultimately led to the termination of both Mr. Peterson and Ms. Hofilena occurred on the gaming date of April 18th, 2021. Mr. Peterson (identified as Trey in the casino surveillance report) was observed by the casino surveillance dealing a Baccarat style game at table 209. Ms. Hofilena was observed entering the area, where she should not have been located per shift responsibilities, on multiple occasions. Mr. Peterson interacts with a female guest at his table pointing to the table several times, making gestures towards himself, and then pointing to the supervisor within his area and making a waving gesture. These gestures alone would be considered unusual in the gaming environment. The female patron begins making token (tip) wagers on behalf of Mr. Peterson. These wagers, once placed on the table, become the money of the casino on behalf of the dealer's and are not allowed to be taken back by the player. The female patron continues making token wagers on behalf of Mr. Peterson then taking the winning wagers back next to her, itself a violation of procedure. This activity continues to occur over the course of nearly an hour, with the patron placing token wagers and then, upon winning the wagers, taking them back next to herself repeatedly. Importantly, the patron never commingles these funds with the funds she is using to gamble for herself, clearing separating the two piles of funds. Ms. Hofilena approaches the table after this activity, again in an area she should not be present, and is given the entire stack of chips, roughly \$80, by the female patron though Ms. Hofilena does not provide any beverage service to the patron.

The incident on the gaming day April 18th, 2021 clearly shows actions taken by Mr. Peterson and Ms. Hofilena to subvert Harrah's policies for their personal gain. Mr. Peterson instructs the female patron on some activity at which point the female patron begins inappropriately taking back token wagers towards her as they win. Mr. Peterson knew this activity was not allowed by the female patron, per his own statement, but continued to allow it for over an hour. Ms. Hofilena comes into a section of the casino where she is not assigned and should not be located and, without providing any service to a patron, receives an \$80 tip in chips from her husband's table. Importantly, when token wagers are properly handled at a casino table, they are put into a secure box and then split amongst all casino dealers while beverage server tips are not commingled together. Mr. Peterson and Ms. Hofilena were suspending pending an investigation at this point and the investigation, for the reasons outlined herein, determined termination to be the appropriate course of action.

Once terminated, Mr. Peterson and Ms. Hofilena both denied wrongdoing and exercised their right to a peer review board to determine if the employment action taken was appropriate. After a review of the case, including witness testimony, on May 5th, 2021 for Mr. Peterson and May 12th, 2021 for Ms. Hofilena, their peers determined that the action taken was appropriate and affirmed the Harrah's decision. The Employee Handbook, in its totality is included with this response. We would like to point to pg. 7 and 8 noting that "...any one of the following acts may be considered a reason for immediate dismissal...8. Employees will not participate in theft, misappropriation, misuse of coworker or customer property". Section 10.2 of the Employee Handbook includes the authority of the peer authority board of review which includes lessening discipline, reinstating employees, and upholding Harrah's management decisions. In the incident at hand, the peers voted to uphold the decision further reinforcing the validity of the decision by

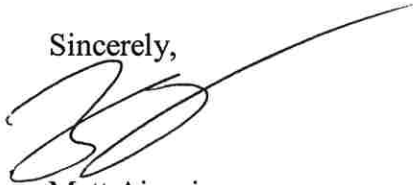
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Harrah's management while also added support that the terminations were in no way related to the OSHA complaint.

We have included with our response many documents to help with review of this matter. These documents include the employee handbook, the discipline issued for Mr. Peterson and Ms. Hofilena as well as their statements, policies relating to table game dealers (for tokes) and beverage servers (leaving their assigned areas), surveillance review of the matters at hand (surveillance in general will be the witness to the activity), and finally the listing of contact information as requested in the OSHA complaint.

We appreciate the opportunity to respond to this matter and look forward to working with you to resolve this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read 'MA', with a long, sweeping horizontal line extending to the right.

Matt Aiazzi
Corporate Counsel