



PENNSYLVANIA GAMING CONTROL BOARD

Meeting of the Board

September 28, 2005 Minutes

A meeting of the Pennsylvania Gaming Control Board was held on September 28, 2005 at the Marriott Hotel, Salon Liberty C, Philadelphia, Pennsylvania. The meeting began at 10:30 a.m.

Members in attendance were:

Thomas Decker, Chairman
Mary DiGiacomo Colins
William P. Conaboy
Jeffrey W. Coy
Joseph W. Marshall, III
Kenneth W. McCabe
Sanford Rivers

Ex-officio members in attendance were:

Robert P. Casey, Jr., State Treasurer (via teleconference)
Dennis Wolff, Secretary of Agriculture

Individuals who appeared officially before the Board:

Mike Walsh – administration update
Nanette Horner – alternative licensing standards
Richard Williamson – Gaming Laboratory update

A quorum being present Chairman Decker called the meeting to order.

Transcript

On a motion by Board Member Marshall, seconded by Board Member Coy, the transcript of the September 8, 2005 meeting was unanimously approved.

Administration

PGCB MOTION NO. 2005-34 HR – Employment

Motion Made: Board Member Coy
Seconded: Board Member Marshall

William H. Kunkle, Jr., Manager, Bureau of Licensing
Patrick Williams, Licensing Analyst

Resolved, the Board hereby approves the hiring of all the above candidates for employment. Permanent status will be contingent upon a satisfactory background check.

Board Decision: Passed by unanimous vote

Regulations

PGCB MOTION NO. 2005-35 REG – Adoption of the Responses to the Public Comment for Category 2, 3, and BIE Regulations

Motion Made: Board Member Colins
Seconded: Board Member Marshall

Resolved, the Board hereby adopts the responses to the Public Comment for Category 2, 3, and BIE Regulations.

Board Decision: Passed by unanimous vote

PGCB RESOLUTION NO. 2005-5 REG – Adoption of the Draft Regulations as Temporary Regulations for Category 2, 3 and Bureau of Investigation and Enforcement

Motion Made: Board Member Colins
Seconded: Board Member Marshall

Whereas On July 5, 2004, the Pennsylvania General Assembly enacted the Pennsylvania Race Horse Development and Gaming Act, establishing the Pennsylvania Gaming Control Board as the primary regulatory agency charged with the responsibility of implementing and overseeing slot machine gaming in the Commonwealth; and

Whereas The Act authorizes the Board to adopt “temporary” regulations in order to facilitate the prompt implementation of the Act during the two years following the Act’s effective date; and

Whereas The Board has developed draft temporary regulations governing the duties and powers of the Bureau of Investigations and Enforcement, general licensing requirements for the slot machine licensees and licensing requirements for Category 2 and Category 3 slot machine licenses; and

Whereas The public has had an opportunity to comment on the draft temporary regulations, and the Board has incorporated appropriate public comments into the regulations; and

Whereas The Board's final temporary regulations are designated as Title 58 Recreation, Part VII Gaming Control Board:

- Subpart A., General Provisions, specifically Chapter 405, Bureau of Investigations and Enforcement
- Subpart C., Slot Machine Licensing, Chapter 441 Slot Machine Licenses, specifically section 441.13, Notification of anticipated or actual changes in key employee qualifiers or key employees and section 441.14, Notification of new financial sources; and Chapter 443 Categories of Licensure, specifically sections 443.4, Category 2 slot machine license and 443.5, Category 3 slot machine license

Whereas The Board reserves the right to amend the temporary regulations as it deems necessary in accordance with the purpose of the Act and in order to further the intent of the Act; be it

RESOLVED That the Board adopts the draft regulations as its temporary regulations for the general duties and powers of the Bureau of Investigations and Enforcement, general licensing requirements for the slot machine licensees and licensing requirements for Category 2 and Category 3 slot machine licensees.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2005-36 REG – Posting of the Draft Temporary Regulations pertaining to Slot Machine Movement and Ownership for Public Comment

Motion Made: Board Member Colins

Seconded: Board Member Marshall

Resolved, the Board hereby approves the posting of the draft temporary regulations pertaining to Slot Machine Movement and Ownership through the publication of the regulations in the Pennsylvania Bulletin and through the Board's website. The Board hereby designates a public comment period of 30 days beginning September 28, 2005 and ending on October 28, 2005.

Board Decision: Passed by unanimous vote

PGCB MOTION NO. 2005-37 REG – Adoption of Amendments to Temporary Manufacturers and Category 1 Regulations

Motion Made: Board Member Colins
Seconded: Board Member Marshall

Resolved, the Board hereby adopts the amendments to 58 Pa. Code §§ 401.4, 423.1, 427.1, 427.2, 433.1, 441.4, 443.2, 443.3, 461, 495.7 and 501.8. The amendments will be posted to the Board's website and published by the Pennsylvania Bulletin. The amendments are effective as of September 28, 2005.

Board Decision: Passed by unanimous vote

Licensing

PGCB MOTION NO. 2005-38 LIC – Extension of Deadline for Conditional Category 1 Slot Machine License Applications

Motion Made: Board Member Colins
Seconded: Board Member Marshall

Resolved, the Board hereby approves the extension of the deadline for the conditional category 1 slot machine license applications. The Board hereby extends the application period until December 28, 2005.

Board Decision: Passed by unanimous vote

Other Business

PGCB MOTION NO. 2005-39 ADM – Retention of Outside Counsel

Motion Made: Board Chairman Decker
Seconded: Board Member Marshall

Resolved, the Board hereby authorizes Chairman Decker to retain outside counsel, specifically the firm of Hoyle Morris, to represent the Pennsylvania Gaming Control Board's interest in pending litigation.

Board Decision: Passed by unanimous vote

Adjournment

There being no further business before the Board, on a motion by Chairman Decker, the meeting was adjourned.