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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

GAMING OVERSIGHT,  
REPUBLICAN CHAIRMAN  
CAPITOL PRESERVATION,  
CHAIRMAN  
STATE GOVERNMENT

May 1, 2007

Thomas "Tad" Decker, Chairman  
Pennsylvania Gaming Control Board  
P.O. Box 69060  
Harrisburg, PA 17106-9060

Dear Mr. Decker:

I realize the time frame for submissions regarding these regulatory changes has intertwined with the creation of the House Gaming Oversight Committee. As such, it has presented interesting challenges regarding the Committee's role with respect to these early regulations. In particular, the pending decision by the Board to toll the regulation in order to make a needed correction to one of the regulatory definitions is applauded. With that in mind, and with the Board's understanding regarding the circumstances which lead to the timeliness of the submission of proposed changes, I thought it worthwhile to offer the following suggestions for the Board's consideration:

**§ 401a.2** - It may be worthwhile to insert at end of (a) "and is not in conflict with statutory law."

**§ 401a.3** - It may be useful to include a definition of "Cheat"

The definition of "Corporation" may need to be changed to mirror the statutory language. The use of "includes" in the statute provides a much broader construction.

"Holding Company" - The statutory definition says "Significant Part," which the regulation sets at 20%. This appears inconsistent with the 5% share in the definition of "controlling interest."

"Licensed Entity" - As per IRRC's suggestion, this should probably mirror the statutory definition.

"Regular or Continuing Basis" - It may be useful to, in (ii), after "with," insert "all"

"Trade Secret" – It may be useful to mirror the definition in 18 Pa.C.S. § 3930.

**§403a.7 (b) and (c)** - This regulation may need modification to reflect the remedies available to the board under statutory law. 4 Pa.C.S. § 1518 (c) (1) (iv) and (viii) provide as follows:

**“(c) Board - imposed administrative sanctions.--**

(1) In addition to any other penalty authorized by law, the board may impose without limitation the following sanctions upon any licensee or permittee:

\* \* \*

(iv) Suspend the license or permit of any person pending the outcome of a hearing in any case in which license or permit revocation could result.

\* \* \*

(viii) Enter cease and desist orders which specify the conduct which is to be discontinued, altered or implemented by the licensee or permittee.”

Pursuant to § 1518 (c) (1) (IV), suspension pending the outcome of a hearing is only available if the possible result of the hearing is license or permit revocation. The regulation appears to allow for this remedy (e.g., suspension) under circumstances that go beyond the statutory language. In other words, it appears that the statutory authority of § 1518 (c) (1) (IV) and (viii) has been morphed into one remedial regulatory scheme.

**§ 403 a.7 (h)** – There may need to be clarification that notice has to be served on the aggrieved party prior to the conduct of the hearing.

**§ 407a.1** - This regulation appears to be authorized by 4 Pa.C.S. § 1206. However, nothing in 4 Pa.C.S. § 1206 appears to establish a time frame for board responses to a request for access. Therefore, since the board is bound by the Right-to-Know law pursuant to 4 Pa.C.S. § 1201.1, it appears the 10 day response time under section 3.3 of the Right-to-Know law may be more appropriate.

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**§ 407a. 3 (b) (3)**-This appears to be in conflict with the provisions of 4 Pa.C.S. § 1206 (f), to the extent that such information may contain "Confidential information about another person," see proposed § 407a.3 (b) (2) (i).

Sincerely,

A handwritten signature in cursive script that reads "Paul".

PAUL I. CLYMER  
State Representative  
145th Legislative District

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