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September 21, 2009

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VIA HAND-DELIVERY

Richard Sandusky, Director of Regulatory Review
Pennsylvania Gaming Control Board
303 Walnut Street, Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Public Comment on Proposed Rulemaking No. 125-103

Dear Mr. Sandusky:

Downs Racing, L.P., t/d/b/a Mohegan Sun at Pocono Downs ("MSPD"), is a Category 1 slot machine licensee that owns and operates a licensed facility located at 1280 Highway 315, Wilkes-Barre, Pennsylvania. MSPD respectfully submits the following comments to the Pennsylvania Gaming Control Board (the "Board") in connection with its Proposed Rulemaking No. 125-103 submitted to the Independent Regulatory Review Commission on August 10, 2009.

Proposed Rulemaking No. 125-103 amends Chapters 435a, 461a, 463a, 465a and 501a of the Board's regulations found in title 58 of the Pennsylvania Code. The above chapters concern employees, slot machines, accounting and internal controls and compulsive and problem gambling. The proposed rulemaking purports to clarify various reporting requirements by essentially delegating Board authority to a Bureau or Office within the Board and attempts to make the Board's regulations correspond with industry practice. Some of the specific changes include:

- Allowing the Bureau of Gaming Operations to approve alternative sizes of the labels on the top and front of the automated gaming voucher and coupon redemption machine.
- Requiring slot machine licensees to develop internal control procedures to ensure employees comply with reporting requirements.
- Allowing the Bureau of Gaming Operations to require doors other than emergency doors to have alarms.
- Requiring slot machine licensees to include photographs of self-excluded individuals in the surveillance system's photo library.
- Requiring that surveillance recordings be made up of the main bank, vault and satellite cages.

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- Including provisions governing the use of computerized access systems for the double entry and exit systems.
- Issuance of gaming vouchers added to the functions of cage cashiers.
- Transferring responsibility for vouchers from automated machines and related documentation from the cage cashiers to main bank cashiers.
- Changing the problem gambling signage requirements for ATM cash dispensing or change machines from within 50 feet of each machine to above or below the cash dispensing opening of each machine.

Whereas the proposed rulemaking generally attempts to improve the existing regulations, MSPD has concerns regarding the following amendments: (1) the new requirement that slot machine licensees develop internal controls to ensure employee compliance with reporting requirements; (2) the requirement that slot machine licensees include photographs of self-excluded individuals in the surveillance system's photo library; and (3) the requirement that surveillance recordings be made up of the main bank, vault and satellite cages.

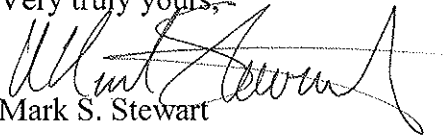
The addition to section 465a.2 requires a slot machine licensee or applicant for a license to include in their written system of internal controls submitted to the Board "[p]rocedures to ensure that the slot machine licensee's employees comply with Chapter 435a (relating to employees)." Here, the Board is shifting its responsibility to oversee employee reporting to slot machine licensees by requiring the development of internal control procedures by slot machine licensees that ensure employee compliance. The Board wants to place yet another responsibility (and burden) on slot machine licensees that is unnecessary. This new requirement will do nothing but result in additional paperwork for slot machine licensees, which the Board denies in its proposed rulemaking. The proposed addition also creates a potential "gotcha" scenario where slot machine licensees may be sanctioned for both a reporting error and automatically for an internal controls violation on oversight, and therefore, the proposed new subsection (a)(9) should not be added to section 465a.2.

MSPD seeks clarification of the amendments to section 465a.9(c)(5)(iv) and (e)(7). As stated above, subsection (c)(5)(iv) now requires slot machine licensees to include photographs of self-excluded individuals in the surveillance system's photo library. It is unclear whether this amendment requires the photographs of self-excluded individuals to be included in the same database as all current employees or in a separate database dedicated solely to self-excluded individuals. The latter filing system is the most logical to keep the photo library organized for efficient use by the surveillance department, the Board and the Pennsylvania State Police. It is also unclear whether the amendment to subsection (e)(7) requires a fixed camera to be dedicated to the gaming floor entrances.

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For all of the above-stated reasons, MSPD urges the Board to consider favorably its requests for clarification and adjustment to proposed rulemaking #125-103. Thank you for considering the comments of MSPD in regard to the proposed rulemaking. We will be happy to answer any questions the Board has on these comments.

Very truly yours,



Mark S. Stewart

cc: Mike Bean, Esquire