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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

January 28, 2009

Frank Donaghue, Acting Executive Director
Pennsylvania Gaming Control Board
Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Regulation #125-95 (IRRC #2733)
Pennsylvania Gaming Control Board
Suppliers' Principal Place of Business; Temporary Credentials and Recordkeeping

Dear Acting Executive Director Donaghue:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. We will send a copy to the new Standing Committees when they are designated.

If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board Regulation #125-95 (IRRC #2733)

Suppliers' Principal Place of Business; Temporary Credentials and Recordkeeping

January 28, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the November 29, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

Section 431a.4. Responsibilities of a supplier. - Clarity.

Subsection (a) mirrors the statutory requirement that a supplier licensee maintain a principal place of business in Pennsylvania. See 4 Pa.C.S. § 1317(b)(1.1). Subsection (a)(2) requires that supplier licensees keep “all agreements, contracts and records, or copies thereof, pertaining to the supplier’s business conducted in this Commonwealth” at their principal place of business in Pennsylvania.

In contrast, Section 451a.1(c) allows licensees, including suppliers, to submit requests for Board approval of a waiver to store records outside the state.

Given Section 431a.4(a)(2), it appears that the waiver addressed in Section 451a.1(c) conflicts with the requirements set forth in Chapter 431a for the supplier’s principal place of business in Pennsylvania. It is our understanding that the Board intends to let supplier licensees apply for waivers and will add a clause to Subsection (a)(2) explicitly allowing suppliers to request a waiver under Section 451a.1(c). This clause should be included in the final-form regulation.

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Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Cheryl Posavec
Richard M. Sandusky (214-8111)
Agency: Pa Gaming Control Board
Phone: 346-8319
Fax: 703-2988
346-8350 (Front Desk)
Date: January 28, 2009
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Gaming Control Board's regulation #125-95 (IRRC #2733). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Richard M. Sandusky* Date: 1/28/09