

## **The Pennsylvania Gaming Control Board's Code of Ethics (January 2021)**

### **1. Code of Ethics Policy.**

The Pennsylvania Race Horse Development and Gaming Act (Act), 4 Pa.C.S. § 1101 *et seq.* (as Amended), as well as title 4, Part III, Video Gaming, Chapter 43, make clear that a purpose of the Commonwealth's regulatory control over the operation of legalized gaming is the prevention of the actual or appearance of corruption and the avoidance of actions that would erode public confidence in the system of representative government. Accordingly, the Pennsylvania Gaming Control Board ("the Board") is committed to maintaining the highest ethical standards in all of its operations and thereby promoting and preserving the good repute of the Board's members, employees and independent contractors among applicants, licensees, interested parties, and the public-at-large. Therefore, it is the Board's policy that all Board members, employees and independent contractors conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the Board. To that end:

Board members, employees and independent contractors shall, at all times, uphold the integrity and independence of the PGCB, and shall perform the duties of their office impartially and diligently.

Board members, employees and independent contractors shall, at all times, avoid having interests that may reasonably bring into question their ability to carry out the obligations of their position in a fair, impartial and objective manner.

Board members, employees and independent contractors shall not knowingly act in any way that would reasonably be expected to create an impression among the public that they are engaged in conduct that violates the public's trust.

Board members, employees, and independent contractors shall not, at any time, use or attempt to use their position with the PGCB to obtain unwarranted privileges or advantages for themselves or others.

Board members, employees and independent contractors shall not be swayed by partisan interests, public clamor, or fear of criticism.

Board members, employees and independent contractors shall not convey or permit other persons to convey the impression that any persons are in a position to influence them.

Board members, employees and independent contractors shall, at all times, conduct their business and personal affairs in compliance with this Code of Ethics.

Board members and employees shall serve as fiduciaries of the Commonwealth.

Board members shall avoid impropriety and the appearance of impropriety at all times and observe standards and conduct that promote public confidence in the oversight of gaming.

## **2. General Restrictions.**

Pursuant to the Act, and 4 Pa.C.S. Part III, the Board hereby reaffirms the following restrictions on Board members, employees and independent contractors:

a. No Board member, employee or independent contractor shall be employed, hold any office or position or be engaged in any activity, the duties of which are incompatible with the duties of the office, employment or contract.

b. No Board member or employee shall be paid for or accept any fee for any service connected with their office or employment other than the salary and expenses provided by law. Nothing in this part shall prohibit an employee from seeking and engaging in any supplemental employment, vocation or activity pursuant to the Board's supplemental employment policy and only upon determination that such supplemental employment, vocation or activity is not otherwise connected to or incompatible with his or her service as an employee of the Board.

c. No Board member shall engage in any business, employment or vocation for which the Board member receives a salary, compensation or fee for services rendered which is in excess of 15% of the Board member's gross annual salary as a member of the Board.

d. No Board member, employee or independent contractor or such individual's spouse or minor or unemancipated child may own or acquire any financial interest in an applicant, licensee, licensed entity, an affiliate, intermediary, subsidiary or holding company thereof during the course of his or her employment, and for one year thereafter.

e. No Board member, employee or independent contractor may directly or indirectly solicit, request from, suggest to, or recommend to any applicant, licensee, licensed entity, or an affiliate, intermediary, subsidiary or holding company thereof, or to any principal, employee, independent contractor or agent thereof, the appointment or employment of any individual in any capacity by the applicant, licensee, licensed entity, or an affiliate, intermediary, subsidiary, or holding company thereof during the course of his or her service, employment or contract and for two years thereafter.

f. Any Board member who is convicted during his term in any domestic or foreign jurisdiction of a felony, infamous crime or gambling offense shall be automatically removed from the Board. Similarly, the employment of any employee who is convicted in any domestic or foreign jurisdiction of a felony, infamous crime or gambling offense shall be terminated forthwith.

g. An employee who is charged with a felony shall be immediately suspended by the Board. The suspension shall continue until the felony charge is dismissed and any appropriate disciplinary process is completed.

### **3. Conflicts of Interest.**

All Board members, employees and independent contractors shall avoid situations in which their personal interests, activities or financial affairs are, or are likely to be perceived as being, in conflict with the interests of the Board.

Board members, employees and independent contractors of the Board shall not participate in a hearing, proceeding or other matter in which the member, employee or independent contractor, or the spouse, parent, brother, sister or child thereof, has a financial interest in the subject matter of the hearing or proceeding or other interest that could be substantially affected by the outcome of the hearing or proceeding, without first fully disclosing the nature of the interest to the Board and other persons participating in the hearing or proceeding. The Board shall determine if the interest is a disqualifying interest that requires the disqualification or nonparticipation of an employee or independent contractor.

A conflict of interest will not exist in any accounting, legal, investment banking, commercial banking, expert or investigative firm, if:

a. The Board has been advised of the fact that the independent contractor has a professional relationship with any applicant, licensed entity, interested party or licensed entity representative thereof; and

b. If the contractor's relationship with the applicant, licensed entity, interested party or licensed entity representative thereof relates in any way to the latter's gaming activities in the Commonwealth, a "wall" has been created within the particular firm to separate the individuals dealing with the Board and the individuals dealing with the applicant, licensed entity, interested party or licensed entity representative thereof.

### **4. Continuing Obligations.**

Each Board member, employee and independent contractor has the continuing duty to review and assess his or her conduct in light of this Code of Ethics; report any conflicts that may arise throughout the year in accordance with paragraph 4(A); and cooperate with the Executive Director and Ethics Officer/Chief Counsel in all matters relating to the operation and enforcement of this Code of Ethics.

A Board member, employee or independent contractor is encouraged to seek advice from the Board's Ethics Officer/Chief Counsel or Executive Director when he or she has questions regarding his or her obligations or those of any other Board member, employee or independent contractor, or the applicability or meaning of any provision of this Code of Ethics.

#### **A. Reporting Obligations.**

An employee or independent contractor, who has a conflict, a potential conflict, or knowledge of or reason to believe that there has been a violation of this Code of Ethics either by the employee, another employee or an independent contractor of the PGCB shall immediately notify the Executive Director or Ethics Officer/Chief Counsel of the Board. A Board member who

has a conflict, a potential conflict, or knowledge of or reason to believe that there has been a violation of this Code of Ethics shall immediately notify the Board.

In addition, an employee or independent contractor, who is charged with a crime (including a summary offense), is required to report the charge to the Executive Director or Ethics Officer/Chief Counsel of the Board. A Board member charged with a crime (including a summary offense) shall report the charge to the Board.

### **B. Required Testimony.**

A Board member, employee or independent contractor, if required and subject to the exercise of any legal privilege shall appear and testify upon matters directly related to the conduct of his or her position before any State or Federal court, grand jury or state investigative organization. However, a Board member shall not testify as a character witness in any proceeding involving matters related to the subject matter of the Act or any applicant or licensed entity, its affiliate, intermediary, subsidiary, or holding company, or any officer, attorney, agent or employee thereof.

### **C. Reporting of Expenses**

A member or employee shall report to the Board's Secretary or other designated person within the PGCB all expenses incurred in the performance of PGCB -related business and to be reimbursed by Commonwealth funds, without regard to the specific fund or agency to which the funds are appropriated, for posting on the Board's website for public view. The list of expenses reported shall specifically identify the nature of the expense, the member or employee attributed to, the date the expense was incurred and the licensed gaming entity to which the expense will be charged if applicable.

## **5. Annual Certification and Disclosure.**

Each Board member, employee and independent contractor shall annually affirm his or her commitment to this Code and assure the public of his or her impartiality by completing the "Code of Ethics Statement and Disclosure Form." A copy of this form is attached as Attachment B (Employee/Independent Contractor) and Attachment C (Board Member).

Each Board member, employee and independent contractor must, at the time of appointment, employment or engagement and annually thereafter, disclose the existence of any financial interest as defined in Section 1201(n) of the Act in any applicant, licensee, licensed entity, or licensed facility, or in any affiliate, intermediary, subsidiary or holding company thereof, known to be held by a Board member's, employee's or independent contractor's parent, brother, sister or emancipated child, using the Code of Ethics Statement and Disclosure Form. Such disclosures shall be made as soon as practicable after the Board member, employee or independent contractor becomes aware of such interest. The Board member, employee, independent contractor or such individual's spouse, minor or unemancipated children shall, within thirty (30) days, divest themselves of such financial interests.

Board members may not acquire a financial interest in an applicant, licensee, licensed facility or licensed entity or in any affiliate, intermediary, subsidiary or holding company while employed by the Board and for two years after their termination from the Board.

Employees and independent contractors may not acquire a financial interest in an applicant, licensee, licensed facility or licensed entity or in any affiliate, intermediary, subsidiary or holding company while employed by the Board and for one year after their termination from the Board.

Additionally, on an annual basis, each Board member and employee who meets the definition of “public employee” contained in Section 1102 of the Pennsylvania State Ethics Act, 65 Pa.C.S. § 1101 *et seq.* must file the Statement of Financial Interests required by Section 1104 of the Pennsylvania State Ethics Act.

The annual disclosure statements of Board members, employees and independent contractors shall be filed with the Executive Director of the Board and the disclosure statements of the Board members will also be filed with the appointing authority for each Board member.

These disclosure statements shall be open to inspection by the public at the Harrisburg office of the Board during the normal business hours of the Board during the tenure of the Board member, employee or independent contractor and for two (2) years after the expiration of their term, employment or contact with the Board.

## **6. Pending Proceedings.**

A Board member is prohibited from publicly expressing his or her views, outside of public session, on the merits of a pending matter relating to proceedings of a quasi-judicial nature before the Board.

This restriction does not prevent a Board member from expressing his or her opinions on matters of public policy, Board policy, or Board administrative matters that are not of a quasi-judicial nature or from responding directly or through a third party to allegations in the media or elsewhere concerning the decisions issued by the Board or the Board member’s conduct in a matter.

## **7. Ex Parte Communications.**

With respect to any matter which may reasonably come before the Board in a contested, on the record proceeding, including but not limited to matters involving the discretionary issuance, approval, renewal, conditioning, revocation, suspension, or denial of any license, permit, certification or registration, or other matter presented by way of petition or motion, no Board member, hearing officer or attorney of the Office of Chief Counsel advising the Board on a particular licensing issue or proceeding shall engage in *ex parte* communications with any person.

No attorney representing the Bureau of Investigations and Enforcement or the Office of Enforcement Counsel or an applicant, licensee or permittee in any proceeding shall engage in *ex parte* communications with a Board member, an attorney of the Office of Chief Counsel who is advising the Board on a proceeding or a hearing officer of the Board. In addition, no employee of the Bureau of Investigations and Enforcement or the Office of Enforcement Counsel shall engage

in ex parte communications with a Board member, an attorney of the Office of Chief Counsel who is advising the Board on a proceeding or a hearing officer of the Board.

If a Board member inadvertently receives an unauthorized *ex parte* communication bearing on the substance of a matter where the Board is or may be exercising its quasi-judicial powers to issue, approve, renew, condition, revoke, suspend, or deny any license, permit, certification or registration, or otherwise consider a petition or motion, the Board member shall notify the other members of the Board, note the substance of the communication in a publicly available log, and promptly notify all persons directly affected by the anticipated vote or action of the Board on such matter of the substance of the communication and give those parties an opportunity to respond.

This restriction does not preclude a Board member from consulting with other Board members individually (provided that such consultation is consistent with the Commonwealth's Sunshine Act, (65 Pa.C.S. § 701, *et seq.*) and staff and employees of the Board, Department of Revenue, Pennsylvania State Police, Attorney General or other law enforcement officials whose function is to aid the Board member in carrying out the Board member's adjudicative functions, provided that the Board member takes reasonable steps to avoid receiving factual information that is not and will not be part of the record of the matter.

A Board member may only meet or engage in non-*ex parte* discussions with an applicant, licensed entity, registrant, licensed entity representative, or entity under the jurisdiction of the Board if:

- (a) The meeting or discussion occurs on the business premises of the Board; and
- (b) The meeting or discussion is recorded in a publicly-available log maintained for this purpose.

This restriction that meetings or discussions must take place on the business premises of the Board does not apply to meetings to consider matters requiring the physical inspection of the equipment or premises of an applicant or a licensed entity at their location, provided the meeting is entered in a log maintained for that purpose.

## **8. Recusal.**

A. As provided in Sections 1201(f)(3), 1201(h)(6), 1202.1(c)(3), and 1202.1(c.2)(3) of the Act, a Board member shall disqualify himself or herself and abstain from participating and voting in a proceeding in which his or her objectivity, impartiality, integrity or independence of judgment may be reasonably questioned, including, but not limited to, instances in which the member has engaged in or received an *ex parte* communication if the context and substance of the *ex parte* communication creates substantial doubt as to the individual's ability to act objectively, independently or impartially, or where the Board member knows that the member or the member's spouse, parent, brother, sister or child possesses a substantial financial interest in the subject matter of the proceeding or any other substantial interest that could be materially affected by the outcome of the proceeding.

Because the Board members in certain areas of their responsibilities may perform quasi-judicial functions (*i.e.*, any matter involving the discretionary issuance, approval, renewal, revocation, suspension, or denial of any license, permit, certification or registration or other

consideration of a petition or motion), the intent of this provision is to equate the obligations of a Board member to those of a judge so that a Board member's objectivity, impartiality or independence of judgment in the resolution of such matters is not called into question. In particular, a Board member shall disqualify himself or herself in instances where:

a. The Board member has a personal bias or prejudice concerning a party that would affect their judgment in the matter.

b. The Board member knows that he or she, individually or as a fiduciary, or the Board member's parent, brother, sister or emancipated child, has a financial interest (e.g., possesses a direct or indirect financial, property, leasehold, ownership or other beneficial interest) in the subject matter in controversy or in a party to the proceeding.

c. The Board member knows that he or she, or the member's spouse, parent, brother, sister or child:

- (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
- (ii) Is acting as a lawyer in the proceeding;
- (iii) Is a person who has more than a de minimis interest that could be substantially affected by the proceeding;
- (iv) Is likely to be a material witness in the proceeding.

B. A Board member should inform himself or herself about his or her personal and fiduciary financial interests and make a reasonable effort to inform himself or herself about the personal financial interests of the member's spouse, parents, brothers, sisters and children.

C. Each Board member has a continuing obligation to consider carefully and assess whether he or she has an interest that, pursuant to the requirements of this Code of Ethics, requires the Board member to abstain from participating and voting with respect to any proceeding involving the discretionary issuance, approval, renewal, revocation, suspension, or denial of any license, permit, certification or registration. In connection therewith:

a. A Board member who determines that he or she is required to abstain from participating and voting pursuant to the requirements of this Code of Ethics shall disclose the nature of his disqualifying interest and identify the matter as to which non-participation is believed to be necessary. Copies of the disclosure shall be made a matter of public record and provided to all members of the Board.

b. When any applicant, licensed gaming entity, its affiliate, intermediary, subsidiary or holding company, or other licensee, permittee or holder of a certification or registration believes that a Board member is required to abstain from participating and voting pursuant to the requirements of this Code of Ethics, such person shall submit a verified statement setting forth the circumstances that are believed to require non-participation by the Board member to the Clerk of the Office of Hearings and Appeals, identifying the matter(s) to which non-participation is sought. The Board member in question shall determine whether he or she will abstain from participating

and voting on the matter(s). The verified statement and the Board member's decision shall be made a matter of public record and communicated to the entity that sought the Board member's non-participation and the Board.

### **9. Post-Employment Restrictions.**

A. In accordance with § 1201(h)(13) of the Act and 4 Pa.C.S. §4302, and to the extent allowed by law and rules of the Pennsylvania Supreme Court, and subject to Section 19.4 of Act 1 of 2010, an employee of the Board whose duties substantially involve licensing, enforcement or the development or adoption of regulations or policy or who has other discretionary authority which may affect or influence the outcome of an action, proceeding or decision of the Board may not:

i. Accept employment with an applicant, licensee, licensed entity, or an affiliate, intermediary, subsidiary or holding company thereof, for a period of two years after the termination of his or her employment with the Board.

ii. Appear before the Board in any hearing or proceeding or participate in any other activity on behalf of any applicant, licensee, licensed entity, or an affiliate, intermediary, subsidiary or holding company thereof, for a period of two years after termination of his or her employment with the Board.

An employee may request that the State Ethics Commission determine whether or not the employee's duties substantially involve licensing, enforcement or the development or adoption of regulations or policy or otherwise fall within the proscriptions of the post-employment ban provisions of the Gaming Act. An employee who relies in good faith on a determination from the State Ethics Commission will not be subject to any penalties for an action taken, provided that all material facts set forth in the request filed with the State Ethics Commission are correct.

B. In accordance with § 1201(h)(13.1) of the Act and 4 Pa.C.S. §4302(b), an independent contractor or an employee of an independent contractor whose duties substantially involve consultation relating to licensing, enforcement, development of law, promulgation of regulations or development of policy may not:

i. Be retained by an applicant or a licensed entity or by an affiliate, intermediary, subsidiary or holding company thereof for a period of one year after the termination of the contract with the Board.

ii. Appear before the Board in a hearing or proceeding or participate in activity on behalf of any applicant, licensee, permittee or licensed entity or on behalf of an affiliate, intermediary, subsidiary or holding company thereof for a period of two years after the termination of the contract with the Board.

C. In accordance with § 1201(h)(9) of the Act and 4 Pa.C.S. §4302, and to the extent allowed by law and rules of the Pennsylvania Supreme Court, a Board member is prohibited from accepting employment with any applicant, licensee, licensed entity, its affiliate, intermediary, subsidiary or holding company for a period of two years from the termination of his or her term of office with the Board.



In accordance with § 1201(h)(10) of the Act and 4 Pa.C.S. §4302, and to the extent allowed by law and rules of the Pennsylvania Supreme Court, a Board member is prohibited from appearing before the Board on behalf of any applicant, licensed gaming entity, its affiliate, intermediary, subsidiary or holding company, or other licensee or permittee of the Board for a period of two years after the termination of his or her term of office with the Board.

## **10. Gifts.**

Board members, employees and independent contractors are prohibited from accepting or soliciting any discount, gift, gratuity, compensation, travel, lodging, favor, entertainment or any other thing of value, directly or indirectly, from an applicant, licensee, permittee, holder of a certification or registration or licensed entity representative thereof.

Exceptions to the foregoing prohibition are limited to the following:

a. Gifts of items of monetary value from a close friend, parent, spouse, child, or other close relative when the circumstances (e.g., marriage, illness, or retirement) make it clear that the motivation for the action is a purely personal or family relationship.

b. Food or refreshment of nominal value where a Board member, employee or independent contractor attends a function as an invitee, in his or her official capacity, that is hosted, sponsored, or subsidized by an applicant, licensee, permittee, holder of a certification or registration or licensed entity representative thereof and is available to all members of the general public (e.g., opening ceremonies for licensed slot operator facilities, industry showcases and expositions, symposia, seminars, association meetings, and continuing education programs).

c. Unsolicited advertising or promotional materials such as pens, note pads, calendars, and other objects of nominal value.

d. A plaque, memento or non-monetary gift of nominal value offered as a token of esteem or appreciation on the occasion of a public appearance, speech, or the like.

## **11. Restricted Activities.**

### **A. Political Activities.**

No appointed-Board member, employee or independent contractor shall be a public official or party officer as defined in Section 1512 (relating to financial and employment interests) of the Act in this Commonwealth or any of its political subdivisions.

No appointed-Board member or employee may hold or campaign for public office or hold an office in any political party or political committee; contribute to or solicit contributions for a political campaign, party, committee or candidate; actively participate in a political campaign; publicly endorse a candidate; or appear at any political fund-raiser.

## **B. Non-Profit Organizational Activities.**

A Board member, employee or independent contractor may not solicit funds for any charitable, educational, religious, health, fraternal, civic or other non-profit entity from any applicant, licensee, licensed entity, party to a proceeding before the Board, registrant or licensed entity representative or from an affiliate, subsidiary, intermediary or holding company of an applicant, licensee, licensed entity, party to a proceeding before the Board or licensed entity representative thereof.

A Board member, employee or independent contractor may serve as an officer, employee, or member of the governing body of a non-profit entity and may attend, make personal contributions to, and assist in the planning of or preside over the entity's fund raising events and permit his or her name to appear on the letterhead used for any such event, provided the letterhead lists only the Board member's, employee's or independent contractor's name and office or position in the non-profit entity.

## **C. Gaming Activities.**

In accordance with § 1201(h)(11) of the Act, no Board member, employee or independent contractor may accept a complimentary service, wager or receive any prize from any wager at any licensed facility within this Commonwealth, at any other facility outside this Commonwealth, which is owned or operated by a licensed gaming entity or any of its affiliates, intermediaries, subsidiaries or holding companies or as a result of playing an interactive game including on a multi-use computing device for the duration of their term of office, employment or contract with the Board, and for two years from the date of the termination of their term of office, employment or contract with the Board.

To promote the avoidance of any perceived or actual conflict of interest and to promote public confidence in the integrity and impartiality of the Board's regulation of gaming, the prohibition on wagering includes sports wagering conducted by or on behalf of a licensed facility, the play of fantasy sports for monetary prizes conducted by a fantasy sports operator licensed by the Board, and wagering at video gaming terminals operated by video gaming operators licensed by the Board.

This restriction does not preclude Board employees from utilizing slot machines, table game devices, interactive gaming devices or multi-use computing devices, video gaming terminals or sports wagering equipment for testing purposes or to verify the performance of a slot machine.

A Board member or employee shall not solicit or accept, directly or indirectly, any complimentary service or discount from any applicant, licensed entity, affiliate, subsidiary or intermediary of an applicant or a licensed entity, permittee, registrant or licensed entity representative, which the Board member or employee knows or has reason to know is other than a service or discount that is offered to the general public in like circumstances.

## **D. Nepotism.**

Board members may not solicit, request, suggest or recommend the employment by the Board of any individual related within the second degree of consanguinity to the member as set forth in 23 Pa. C.S. § 1304(e) or the spouse of the individual.

## **12. Independent Contractors.**

Independent contractors retained by the PGCB are prohibited from representing any other person or party before the PGCB during the term of their contract with the Board and may not appear before the Board in any hearing or proceeding or participate in any other activity on behalf of any applicant, licensed entity, or an affiliate, intermediary, subsidiary or holding company thereof, for a period of two years after termination of the contract with the Board.

## **13. Confidentiality.**

No Board member, employee or independent contractor shall, during his or her service on or employment by the Board or thereafter, reveal information, in whole or in part, that has been deemed confidential as provided under Section 1206 of the Act, the Board's regulations or in the Board's "Non-Disclosure Agreement."

A Board member, employee or independent contractor may only use or permit the use of any confidential information which he/she receives or to which he/she has access by virtue of his/her official duties for the purpose of carrying out such official duties, and for no other purpose whatsoever.

Each Board member, employee and independent contractor must sign the Board's "Non-Disclosure Agreement" prior to accepting employment with the Board, performing any work on behalf of Board or obtaining access to any confidential information.

## **14. Violations.**

An employee who violates this Code of Ethics shall be subject to appropriate disciplinary action, ranging from reprimand to dismissal. Disciplinary action shall be instituted promptly against an employee who, while on or off duty, engages in serious misconduct that may bring the Board into disrepute.

An independent contractor who violates this Code of Ethics shall be subject to appropriate disciplinary action, ranging from reprimand to cancellation of their contract with the Board.

If a Board member is alleged to have committed a violation of this Code of Ethics, the remaining Board members shall discuss the alleged violation and refer the matter to the individual's appointing authority. The appointing authority may withdraw the appointment or remove the member from office.

A Board member whose appointment is withdrawn or has been removed from the Board and an employee or independent contractor whose employment has been terminated for a violation of this Code of Ethics:

a. Shall be ineligible for future appointment, employment or contacts with the Board.

b. May not be approved for a license, permit, certification or registration for a period of two years after the violation.

**15. Specific Obligations.**

It is the duty of each Board member, employee and independent contractor to refrain at all times from any criminal conduct and to cooperate with law enforcement officers in the proper performance of their official duties.

Each Board member, employee and independent contractor is prohibited from using or attempting to use his or her position with the Board to obtain unwarranted privileges or advantages for themselves or others.

Each Board member, employee and independent contractor shall refrain from any financial or business dealing that would tend to reflect adversely on the member's, employee's or independent contractor's objectivity, impartiality or independence of judgment.

**17. Pennsylvania State Ethics Act and State Adverse Interest Act.**

This Code of Ethics incorporates the requirements of the Pennsylvania State Ethics Act, 65 Pa.C.S. § 1101 *et seq.*, and the State Adverse Interest Act, 71 P.S. § 776.1 *et seq.*, except in those situations where this Code of Ethics is more restrictive.

## ATTACHMENT A

### Definitions

For the purpose of this Code of Ethics, the following terms have the following meanings:

**Act** – The Pennsylvania Race Horse Development and Gaming Act, as amended.

**Affiliate** – A person that directly or indirectly, through one of more intermediaries, controls, is controlled by, or is under common control with a specified person.

**Applicant**, - Any person who is applying for a license, permit, certification or registration pursuant to the provisions of the Act or the Board’s regulations.

**Board** – The Pennsylvania Gaming Control Board.

**Board Member** – A member of the Board appointed by the Governor, the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives or the Minority Leader of the House of Representatives.

**Compensation** – Anything of value, money, or financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

**Complimentary Service** – Any lodging, service or item which is provided to an individual at no cost or at a reduced cost and which is not generally available to the public under similar circumstances. Group rates, including convention and government rates, shall be deemed to be generally available to the public.

**Employee** – An employee of the Board.

**Ex Parte Communication** – Any off-the-record communications regarding the merits of or any fact in issue relating to a pending matter before the Board or hearing officer, or which may reasonably be expected to come before the Board or hearing officer in a contested on-the-record proceeding. The term shall not include off-the-record communications by or between members and employees of the Board, Department of Revenue, Pennsylvania State Police, Attorney General or other law enforcement officials prior to the beginning of the proceeding solely for the purpose of seeking clarification or correction to evidentiary materials intended for the use in the proceedings.

**Financial Interest** – An ownership, property, leasehold or other beneficial interest in an entity. The term does not include an individual’s interests in mutual or common investment funds such as, employee pension plans and publicly traded mutual funds, unless the individual is involved in the management or investment decisions of such fund or plan or the fund or plan specializes in gaming related issues.

**Impartiality** -- The condition of being without bias or prejudice in favor of, or against, particular parties or classes of parties, or their representatives, and of maintaining an open mind in considering issues that may come before the Board.

**“Independence”** -- Freedom from influence, guidance, or controls other than those established by law.

**Independent Contractor** – A person who performs professional, scientific, technical, advisory or consulting services to the Board for a fee, honorarium, or similar compensation pursuant to a contract.

**Integrity** -- Probity, fairness, honesty, uprightness, and soundness of character.

**Interested Parties** – With respect to any matter involving the discretionary issuance, approval, renewal, conditioning, revocation, suspension, or denial of any license, permit, certification or registration, any person, corporation or entity that is supporting or opposing action by the Board or that would be directly affected by the action of the Board. This includes, without limitation, officers, directors, employees, agents, lobbyists, and attorneys of applicants and licensees and any other party to the proceeding.

**Licensed Entity Representative** – A person acting on behalf of or representing the interest of any applicant, licensee, permittee or holder of a certification or registration, or other person authorized by the Board to engage in an act or activity including an attorney, agent or lobbyist, regarding any matter which may reasonable be expected to come before the Board.

**Lobbyist** – Any individual, firm, association, corporation, partnership, business trust or business entity, that engages in lobbying Board members or employees for compensation.

**Nominal Value** -- Any item valued at \$50 or less.

**Ownership Interest** – Owning or holding, or being deemed to hold, debt or equity securities or other ownership interest or profit interest.

**Pending Matter or Contested on the Record Proceeding** – A matter including the discretionary issuance, approval, renewal, conditioning, revocation, suspension, or denial of any license, permit, certification or registration or any petitions or motions that require Board consideration.

**ATTACHMENT B**

**PGCB Employee  
Code of Ethics Statement and Disclosure Form**

**Initial all boxes; complete the written disclosure; sign, date and return the form to the Office of Human Resources**

I acknowledge and certify that I have completed the web based PGCB Code of Ethics Training.

I further acknowledge that I have received and fully read a copy of the Pennsylvania Gaming Control Board’s Code of Ethics and understand my responsibility to comply with the Code. I understand that I may discuss any questions or issues regarding the Code of Ethics with the Board’s Ethics Officer/Chief Counsel or Executive Director.

I recognize that the Pennsylvania Gaming Control Board is committed to the standards contained in the Code of Ethics and that any violation will result in appropriate disciplinary action, ranging from reprimand to dismissal for employees.

I will not engage in any conduct which violates the Code of Ethics and will immediately disclose to the Executive Director, Ethics Officer/Chief Counsel, or the Board, as appropriate, any circumstance which I reasonably believe may be a violation of the Code of Ethics. I wish to make the following disclosure of a possible ethical concern pursuant to the Code of Ethics. (**Indicate “None” if you make no disclosure.**)

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(You may attach an additional sheet to this Statement if more space is needed for your response.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employment Position

ATTACHMENT C

**Board Member  
Code of Ethics Statement and Disclosure Form**

**Initial all boxes; complete the written disclosure; sign, date and return the form to the Office of Human Resources**

I acknowledge and certify that I have had the opportunity to review the web based PGCB Code of Ethics Training.

I further acknowledge that I have received and fully read a copy of the Pennsylvania Gaming Control Board's Code of Ethics and understand my responsibility to comply with the Code. I understand that I may discuss any questions or issues regarding the Code of Ethics with the Board's Ethics Officer/Chief Counsel or Executive Director.

I recognize that the Pennsylvania Gaming Control Board is committed to the standards contained in the Code of Ethics and that any violation may result in referral to my appointing authority.

I will immediately disclose to the Executive Director, Ethics Officer/Chief Counsel, or the Board, as appropriate, any circumstance which I reasonably believe may be a violation of the Code of Ethics. I wish to make the following disclosure of a possible ethical concern pursuant to the Code of Ethics. **(Indicate "None" if you make no disclosure.)**

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(You may attach an additional sheet to this Statement if more space is needed for your response.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Member