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9/29/09
10:00
am

Commissioner Bedwick:

I wanted to respond to the latest argument raised by the Gaming Board in their most recent letter (9/28/09) prior to the 48 hour IRRC blackout period.

The Gaming Board does not address the "public interest" criteria used by the Commission in considering the merits of a proposed regulation, but instead reasserts that the Gaming Act explicitly authorizes the Board to promulgate such regulations. In so doing, the Gaming Board cites the statutory definition of "key employee" to include "a director or department head . . . who is empowered to make discretionary decisions related to slot machine operations. . .". 4 Pa.C.S.A. § 1103.

However, the Board fails to acknowledge the corresponding statutory definition of "gaming employee" which explicitly includes ". . . persons authorized to extend complimentary services" as well as "supervisors and managers." The legislature included this definition and specifically identified those gaming related employees that are to be licensed as "gaming employees" not "key employees." Those persons include anyone authorized to extend complimentary services - which is also defined as any "item which is provided to an individual at no or at a reduced cost." Id.

Promotional play has no value - it is, in essence, free time in front of a slot machine without cost to the patron or the Commonwealth. It is not included in the calculation of "gross terminal revenue."

Accordingly, it is clear that the plain language of the Gaming Act directs the Gaming Board to license shift supervisors and those persons who may allocate promotional play as a complementary service as a "gaming employee" not a "key employee."

Thank you again for your consideration of this matter. In the interest of full disclosure, a copy of this correspondence will be shared with Jim Smith, IRRC Regulatory Analyst.

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