

BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

IN RE:	:	PGCB DOCKET NO. 11702-2024
	:	
PETITION OF D.B.	:	
FOR REMOVAL FROM	:	ADMINISTRATIVE HEARING
VOLUNTARY SELF-EXCLUSION LIST	:	
	:	
	:	RESPONSE TO PETITION

**RESPONDENT'S ANSWER TO PETITION FOR REMOVAL
FROM VOLUNTARY SELF-EXCLUSION LIST**

AND NOW, comes Respondent, the Office of Enforcement Counsel, after consultations with the Bureau of Investigations and Enforcement, Bureau of Licensing, Bureau of Gaming Laboratory Operations, Office of Compulsive and Problem Gambling, Office of Sports Wagering Operations, Bureau of Casino Compliance, the Bureau of Gaming Operations, and the Office of Diversity, and files this response to the Petition of D.B. ("Petitioner") for Removal from the Voluntary Self-Exclusion Lists from Casinos and Gaming Related Activities as follows:

Reasons Seeking Relief from Self-Exclusion

1. The averment in this paragraph constitutes a prayer for relief to which no response is required.
2. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether Petitioner is in a way better spot financially due to a new job he was given. As such, the averment is denied, and strict proof thereof is demanded.
3. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether Petitioner has a house, new car or

a better life in general. As such, the averment is denied, and strict proof thereof is demanded.

4. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding what Petitioner realized regarding the reality of gambling. By way of further information, the Petitioner indicated on the form that he was either a person who has a gambling disorder; his gambling behavior is currently causing problems in his life; his gambling behavior may in the future, without intervention, cause problems in his life; or that his gambling behavior has, in the past, caused problems in his life. As such, the averment is denied, and strict proof thereof is demanded.
5. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether Petitioner's "been watching streamer online and see that you don't win more then the casinos do" As such, the averment is denied, and strict proof thereof is demanded.

Facts and Circumstances Underlying the Request

6. Denied. It is denied that this was all out of persuasion from his ex. By way of further information, the Petitioner specifically indicated that he was excluding himself from all PA casinos and gaming related activities, including retail sports wagering under his own free will and without any undue influence or coercion from a third party.
7. Denied. It is denied that he thought he signed up for 1 year instead of 5. By way of further information, the Petitioner specifically selected to be excluded for a five (5) year period on his request for voluntary self-exclusion.
8. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner makes double the

amount of money and much less to spend it on. As such, the averment is denied, and strict proof thereof is demanded.

9. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner came to the realization of gambling or that he is in a better mental state. As such, the averments are denied, and strict proof thereof is demanded.

10. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner will not be a problem again with anyone making him do it. By way of further information, the Petitioner indicated on the form that he was either a person who has a gambling disorder; his gambling behavior is currently causing problems in his life; his gambling behavior may in the future, without intervention, cause problems in his life; or that his gambling behavior has, in the past, caused problems in his life. As such, the averment is denied, and strict proof thereof is demanded.

11. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner has a lot of things that he will not let go in his life so he will only use “fun money.” As such, the averment is denied, and strict proof thereof is demanded.

12. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner has a better job that makes him work more and less free time. As such, the averment is denied, and strict proof thereof is demanded.

13. Denied. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner worked 700 hours the past 3 months. As such, the averment is denied, and strict proof thereof is demanded.

Legal Arguments in Support of the Request

14. The averment in this paragraph constitutes a legal conclusion to which no responsive pleading is required.
15. Admitted in part. Denied in part. It is admitted that the Petitioner has been on the list for a year and some months now. By way of further information, the Petitioner signed up for the self-exclusion list on October 15, 2022. After reasonable investigation, the Respondent is without knowledge or information sufficient to form a belief regarding whether the Petitioner can see the effect of what money is actually worth. As such, the averment is denied, and strict proof thereof is demanded.
16. The averment in this paragraph constitutes a prayer for relief to which no response is required.

New Matter

17. Paragraphs 1-16 are incorporated herein.
18. On October 15, 2022, D.B. (Petitioner) submitted a Request Form for Voluntary Self-Exclusion in order to place himself on the Pennsylvania Gaming Control Board's (Board) Voluntary Self-Exclusion List from Casinos and Gaming Related Activities ("Casinos") for a 5-year period.
19. On October 15, 2022, the Petitioner completed the Request Form, including all of Petitioner's personal identifying information.

20. On the request form, the Petitioner filled out the acknowledgment page by placing his initials next to each statement which indicated and acknowledged that he was aware and agreed to each statement.
21. Respondent asserts Petitioner made a voluntary, knowing, and intelligent decision regarding his voluntary self-exclusion.
22. The Petitioner indicated on the form, via his initials, that he was of sufficient mental capacity to understand and appreciate the nature of his voluntary self-exclusion. That he was not under the influence of any alcoholic beverages, controlled substances or prescription medications that would prevent him from making a sober and informed decision.
23. The Petitioner indicated on the form that he was either a person who has a gambling disorder; his gambling behavior is currently causing problems in his life; his gambling behavior may in the future, without intervention, cause problems in his life; or that his gambling behavior has, in the past, caused problems in his life.
24. The Petitioner indicated that he was excluding himself from all PA casinos and gaming related activities, including retail sports wagering under his own free will and without any undue influence or coercion from a third party.
25. The Petitioner indicated that he was aware and agreed that casino self-exclusions do not expire and if he has requested a one year or five-year term of exclusion, he will remain on the self-exclusion list indefinitely unless he requests to be removed after the conclusion of his self-exclusion term.
26. The Petitioner indicated that he was aware and agreed that he cannot revoke, rescind, withdraw or request removal from his casino self-exclusion agreement **prior to the conclusion of the period of self-exclusion that he has selected. At the conclusion of the**

period of his casino self-exclusion, he may request to be removed from the casino self-exclusion list by following the online removal process or by scheduling an appointment at one of the PGCB offices located in Harrisburg, Conshohocken, Pittsburgh and Wilkes-Barre by calling 717-346-8300 or by emailing problemgambling@pa.gov. [emphasis added]

27. On the Request for Voluntary Self-Exclusion from Casinos, the Petitioner signed and dated a Release on the Request Forms on October 15, 2022, acknowledging that he had sufficient opportunity to read the entire document and he agreed to be bound by the terms and that he hereby voluntarily excluded himself from all casinos and gaming related activities in the Commonwealth of Pennsylvania for the period of self-exclusion that he had selected.
28. Finally, by signing the Releases, the Petitioner declared that he had reviewed and understood the information provided in the Request and to the best of his knowledge and belief, it was true, correct, and complete and that his typed electronic signature validated and completed his Requests for Voluntary Self-Exclusion from Casinos and Gaming Related Activities in the Commonwealth of Pennsylvania.
29. On April 4, 2024, Petitioner submitted to the Board's Office of Hearings and Appeals a Petition for Removal from Voluntary Self-Exclusion from Gaming Activities, docketed at 11702-2024.
30. The Petitioner requests to be removed from the self-exclusion list because he "wants to go to sporting events with family and friends," and be allowed on their property and that he is now in a better spot financially.

Objection

Respondent, on behalf of the Bureau of Investigations and Enforcement (BIE), the Bureau of Casino Compliance (BCC), and the Office of Compulsive and Problem Gambling (OCPG),

does hereby **OBJECT** to this Petition for Removal from the Voluntary Self-Exclusion List on the following grounds:

31. Paragraphs 1-30 are incorporated herein.
32. Pursuant to 4 Pa.C.S. § 1516(b), “[t]he regulations of the Board shall establish procedures for placement on and removals from the list of self-excluded persons...”
33. The Board has promulgated regulations governing the placement on, removal from, maintenance and disclosure requirements of the voluntary Self-Exclusion List from Casinos under Chapter 503a of Title 58 of the Pennsylvania Code.
34. Petitioner submitted Requests for Voluntary Self-Exclusion from Casinos for a 5-year period on October 15, 2023.
35. Pursuant to 58 Pa.Code §503a.5(a) for individuals who are self-excluded from licensed facilities or other locations approved by the Board to conduct gaming activity for 1 year or 5 years, upon the conclusion of the period of casino self-exclusion, the individual may request removal from the casino self-exclusion list electronically on the Board’s web site or by scheduling an appointment with the OCPG at (717) 346-8300 or problemgambling@pa.gov. [emphasis added]
36. The five (5) year period that the Petitioner selected for the length of his self-exclusion has not yet concluded.
37. The Petitioner’s reasoning that he wants “to go to sporting events with family and friends,” and be allowed on their property and his claim that he is now in a better spot financially. should not be considered a compelling enough reason for the Board to grant early removal from the voluntary self-exclusion list. The Petitioner specifically selected to be excluded for a five (5) year period on his request for voluntary self-exclusion. The Petitioner

specifically indicated that he was of sufficient mental capacity to understand and appreciate the nature of his voluntary self-exclusion and he is not currently under duress, and he is not currently under the influence of any alcoholic beverages, controlled substances, or prescription medications that would prevent him from making a sober and informed decision at the time he enrolled in the self-exclusion program. Further, the Petitioner indicated that he was either a person who has a gambling disorder; his gambling behavior is currently causing problems in his life; his gambling behavior may in the future, without intervention, cause problems in his life; or that his gambling behavior has, in the past, caused problems in his life.

38. The Petitioner has been on the list for approximately one (1) year and six (6) months, which is under the five (5) year self-exclusion length that he has selected on his request form.

WHEREFORE, based on the above facts, regulations, Petitioner's own knowing, intelligent and voluntary action in placing himself on the Pennsylvania Self-Exclusion List, Respondent respectfully requests this Board issue an Order **DENYING** Petitioner's Request for Removal from the Voluntary Self-Exclusion List.

Respectfully Submitted,
Office of Enforcement Counsel
Cyrus R. Pitre, Chief Enforcement Counsel



By: Thomas Monaghan, Esq.
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VERIFICATION

I, Elizabeth Lanza, hereby state that the facts set forth in the foregoing Office of Enforcement Counsel's Answer and New Matter to the Petition of D.B. for Removal from the Voluntary Self-Exclusion List are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).



Elizabeth Lanza
Director
Office of Compulsive and Problem Gambling

Date: April 23, 2023

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April 2024 a copy of the Answer to the Petition of D.B. for Removal from the Voluntary Self-Exclusion List was served upon Petitioner, in the manner of first-class and electronic mail to Petitioner's email address provided on his Petition:

[REDACTED]

And

[REDACTED]



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PROPOSED ORDER

AND NOW, this _____ day of _____, 2024, it is hereby **ORDERED**
that the Petition of D.B. for Removal from the Voluntary Self-Exclusion List is hereby **DENIED**.

By the Board,

Denise J. Smyler, Chair