

PENNSYLVANIA GAMING CONTROL BOARD
POST EMPLOYMENT AFFIDAVIT MANDATED BY SECTION 1201(h)(13)

On January 7, 2010, Act 1 of 2010 was signed into law amending certain provisions of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§1101, et. seq. Among the amendments is a requirement in Section 1201(h)(13) of the Gaming Act that certain prospective employees, as a condition of employment, sign an affidavit agreeing to post-PGCB employment proscriptions.

Specifically, the provision states:

(13) The following shall apply to an employee of the board whose duties substantially involve licensing, enforcement, development of law, promulgation of regulations or development of policy, relating to gaming under this part or who has other discretionary authority which may affect or influence the outcome of an action, proceeding or decision under this part, including the executive director, bureau directors and attorneys:

(i) **The individual may not, for a period of two years following termination of employment, accept employment with or be retained by an applicant or a licensed entity** or by an affiliate, intermediary, subsidiary or holding company of an applicant or a licensed entity.

(ii) The individual may not, for a period of two years following termination of employment, 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 of any applicant, licensee, permittee or licensed entity.

(iii) An applicant or a licensed entity or an affiliate, intermediary, subsidiary or holding company of an applicant or a licensed entity may not, until the expiration of two years following termination of employment, employ or retain the individual. Violation of this subparagraph shall result in termination of the individual's employment and subject the violator to section 1518(c) (relating to prohibited acts; penalties).

(iv) **A prospective employee who, upon employment, would be subject to this paragraph must, as a condition of employment, sign an affidavit that the prospective employee will not violate subparagraph (i) or (ii).** If the prospective employee fails to sign the affidavit, the board shall rescind any offer of employment and shall not employ the individual.

(Emphasis added)

The position for which you have applied and been offered employment with the Pennsylvania Gaming Control Board has been or may be determined by the State Ethics Commission to be one subject to the Section 1201(h)(13) post employment limitations. Consequently, you are required by statute to sign an affidavit in the form as follows as a condition of employment. If you refuse to sign this affidavit, the Pennsylvania Gaming Control Board is required by statute to rescind its offer of employment.

AFFIDAVIT

I, _____, certify and agree that, as an employee of the Pennsylvania Gaming Control Board, whose position has been designated or may be designated by the State Ethics Commission as one whose duties substantially involve licensing, enforcement, the development or adoption of regulations or policy related to gaming or who has discretionary authority which may affect the outcome of an action, proceeding or decision, including the executive director, bureau directors and attorneys of the Pennsylvania Gaming Control Board, I am bound to comply with restrictions relating to my employment and post-employment as imposed by the Pennsylvania Race Horse Development and Gaming Act, as amended.

I understand that the State Ethics Commission shall issue a written determination of whether my position is subject to the provision of 4 Pa.C.S. §1201(h)(13) and agree that the terms and conditions of this Affidavit shall remain in effect until such time as the State Ethics Commission makes a determination that the position is not subject to §1201(h)(13) or until otherwise determined by law or court order.

So long as any such restrictions are applicable as set forth above, I agree and certify that I will not:

- (1) Accept employment with or be retained by an applicant or licensed entity, or an affiliate, intermediary, subsidiary or holding company thereof of an applicant or licensed entity, for a period of two years following the termination of my employment.
- (2) Appear before the Pennsylvania Gaming Control Board in any hearing or proceeding or participate in any other activity on behalf of any applicant, licensee, permittee or lessened entity, or an affiliate, intermediary, subsidiary or holding company thereof of an applicant, licensee or licensed entity for a period of two years following the termination of my employment.

Dated: _____ Employee Name (print): _____

Employee Name (sign): _____

Sworn to and subscribed
before me this _____ day
of _____, 20____.

Notary Public

To be filled out only if refuse to sign the above affidavit

I, _____, elect to not sign the above referenced affidavit. I understand and acknowledge that the signing of the affidavit is required by statute as a condition of gaining employment with the Pennsylvania Gaming Control Board and that by refusing to sign this affidavit, the Pennsylvania Gaming Control Board is mandated by Section 1201(h)(13) of the Gaming Act, 4 Pa.C.S. § 1201(h)(13), to rescind any offer of employment which has been extended and prohibited from entering into an employment relationship with myself.

Dated: _____ Employee Name (print): _____

Employee Name (sign): _____

Dated: _____ Witness (print): _____

Witness (sign): _____