

PENNSYLVANIA GAMING CONTROL BOARD

RESOLUTION 2024-3-OCC

RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO APPROVE OR DENY REQUESTS TO TRANSFER SURVEILLANCE EMPLOYEES

WHEREAS, Section 465a.9(o) of the Board's Regulations provides that "(a) present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department." 58 Pa. Code §465a.9(o); and

WHEREAS, that same section of the Board's Regulations also provides that "(t)he present or former surveillance department employee may file a written petition . . . requesting the Board to waive this restriction and permit the employment of a present or former surveillance department employee in a particular position." *Id.*; and

WHEREAS, Section 403a.6 of the Board's Regulations provides that the Board may delegate certain of its authority to a member of the Board's staff through adoption of a resolution at a public meeting of the Board, 58 Pa. Code §403a.6; and

WHEREAS, requiring impacted surveillance department employees to avail themselves of the formal petition process delays the matter from being decided for at least 60 days; and

WHEREAS, the delay caused by the petition process negatively impacts both the impacted surveillance department employee and the slot machine licensee; and

WHEREAS, with nearly two decades of casino regulatory experience, the Board does not feel it appropriate or wise to continue to strictly comply with Section 465a.9(o) of the Board's Regulations on every occasion.

WHEREFORE, upon the unanimous affirmative vote at a public meeting held on November 20, 2024, the Board Orders the following:

1. That the authority to approve or disapprove the transfer of a surveillance department employee pursuant to Section 465a.9(o) of the Board's Regulations is delegated to the Board's Executive Director, in consultation with other appropriate Board staff.
2. That a surveillance department employee, or the slot machine licensee on behalf of the surveillance department employee, may request a transfer pursuant to a letter to the Board's Executive Director, with a copy provided to the Board's Chief Counsel.
3. That in considering whether to approve or disapprove the transfer of a surveillance department employee, the Executive Director should consider:
 - (a) Whether the surveillance department employee will be employed in a department or area of operation that the surveillance department monitors.
 - (b) Whether the surveillance and security systems of the slot machine licensee will be jeopardized or compromised by the employment of the surveillance department employee in the particular position.
 - (c) Whether the surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission, by any individual, of irregularities or illegal acts or the concealment of any actions or errors.
4. The Executive Director may decline to act pursuant to this delegated authority, at which point the request must be made to the Board pursuant to Section 465a.9(o) of the Board's Regulations.

5. Any party aggrieved by the Executive Director's decision pursuant to this Resolution may appeal that decision to the Board consistent with 1 Pa. Code §35.20.

A handwritten signature in cursive script, appearing to read "Denise J. Smyler", is positioned above a horizontal line.

Denise J. Smyler, Chair
Pennsylvania Gaming Control Board