



Fox Rothschild LLP  
ATTORNEYS AT LAW

Midtown Building, Suite 400  
1301 Atlantic Avenue  
Atlantic City, NJ 08401-7212  
Tel 609.348.4515 Fax 609.348.6834  
www.foxrothschild.com

Marie Jiapello Jones  
Direct Dial: (609) 572-2259  
Email Address: [mjones@foxrothschild.com](mailto:mjones@foxrothschild.com)  
File No.: 24146-00002

RECEIVED

2008 JUN -3 PM 1:31

INDEPENDENT REGULATORY  
REVIEW COMMISSION

#2691

June 2, 2008

**VIA EMAIL AND REGULAR MAIL**

Mickey Kane, Acting Board Secretary  
Pennsylvania Gaming Control Board  
P. O. Box 69060  
303 Walnut Street  
Strawberry Square  
Verizon Tower, 5th Floor  
Harrisburg, PA 17106-9060

**Re: Modern Gaming Pennsylvania, LLC, License No.: S-2212**  
**Comments to Proposed Rulemaking No. 125-84**

Dear Acting Secretary Kane:

Please be advised that we represent Modern Gaming Pennsylvania, LLC ("Modern"), Supplier License No. S-2212. On behalf of Modern, we are submitting the following comments to proposed amendments to regulations 58 Pa. Code §§ 421a.1, 433a.8, and 435a.2 ("Proposed Rulemaking No. 125-84").

Proposed Rulemaking No. 125-84 intends to impose the requirement that applicants execute releases that will enable the Pennsylvania Gaming Control Board (the "Board") to receive information under the Pennsylvania Right to Know Law (65 P.S. §§ 66.1-66.4) ("PARTKL") or the Freedom of Information Act (5 U.S.C. § 552) ("FOIA"). However, the specific language of Proposed Rulemaking No. 125-84 states that applicants will be required to "[e]xecute releases requested by the Board, including releases whereby the applicant consents to the release of information requested by an **individual** under the PARTKL or FOIA." (Emphasis added.)

We respectfully submit that the language of the Proposed Rulemaking No. 125-84 creates the possibility that certain confidential information could be released to an individual without the applicant's further consent. With the word "individual" included, information



Fox Rothschild LLP  
ATTORNEYS AT LAW

Mickey Kane, Acting Board Secretary  
June 2, 2008  
Page 2

could be released to any individual requesting same from the Board and not just the Board. The preamble to the proposed regulations suggests that the Board's intention was to require an applicant execute such a release allowing the Board to receive information under the PARTKL and FOIA. We do not believe that the Board intended that an applicant would consent to the release of confidential information to an individual other than Board Staff, as the wording of the proposed amendments may allow.

Accordingly, we respectfully suggest that reference to the word "individual" be removed from the proposed amendments to 58 Pa. Code §§ 421a.1, 433a.8, and 435a.2 and that the language of Proposed Rulemaking No. 125-84 be modified to insure that the releases will enable only the Board to receive information under the PARTKL or FOIA.

Thank you for consideration of Modern's comments to the proposed regulations.

Respectfully Submitted,

Marie Jiacopello Jones

MJJ:bb

cc: Arthur Cocodrilli, Chairman, Independent Regulatory Review Commission  
Jason DeGrandmaison, President