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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

July 2, 2008

Frank Donaghue, Acting Executive Director
Pennsylvania Gaming Control Board
Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Regulation #125-84 (IRRC #2691)
Pennsylvania Gaming Control Board
Releases

Dear Mr. Donaghue:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Jane M. Earll, Chairman, Senate Community, Economic and Recreational
Development Committee
Honorable Gerald J. LaValle, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Harold James, Majority Chairman, House Gaming Oversight
Honorable Paul I. Clymer, Minority Chairman, House Gaming Oversight

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board #125-84 (IRRC #2691)

Releases

July 2, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

General. – Need; Reasonableness; Clarity.

Right-to-Know Law reference

Three different subsections of this regulation require executed releases that would allow the Board to obtain further information under the Pennsylvania Right-to-Know Law (Law) and the federal Freedom of Information Act (Act). Board staff has indicated that this is partially to obtain certain criminal information about the applicant. However, we note that a public record request under the Law would not yield access to this information. Additionally, we note that, under the Law, public records are accessible even without a signed release from the subject of the records. Therefore, we question why the Law is included in the proposed regulation. The Board should explain the need for an applicant to execute a release from the Law or it should delete it from the appropriate sections.

Confidentiality of information

Numerous commentators have expressed concern about whether the information obtained through the execution of a release would be protected by the confidentiality restrictions that the Board currently has in place or the confidentiality of information provided for under the Law and the Act. The final-form regulation should specify how this information will be protected.

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Facsimile Cover Sheet

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To: Cheryl Posavec
Richard M. Sandusky (717-14-8111)
Agency: Pa Gaming Control Board
Phone: 346-8319
Fax: 703-2988 346-8350
Date: July 2, 2008
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Gaming Control Board's regulation #125-84 (IRRC #2691). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Mr. Spiller PGCB **Date:** 7/2/08