

Office of the District Attorney

County of Lebanon

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October 30, 2008

Mr. Arthur Coccodrilli, Chairman
Mr. Alvin Bush, Vice Chairman
Mr. John Mizner, Commissioner
Ms. Nancy Sabo Frantz, Commissioner
Ms. Karen Miller, Commissioner
Mr. Kim Kaufman, Executive Director
INDEPENDENT REGULATORY REVIEW COMMISSION
333 Market Street, 14th Floor
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Sandusky Letter of 10/29/08 re
Final-Form Regulation #125-85

Dear Chairman, Commissioners and Executive Director:

It is unfortunate that the letter of Mr. Sandusky misstates the record as is applicable to the issues that are before you. As my letter of Friday, October 24, 2008, indicates, my concern regarding the attempted re-write of the definition of "licensed facility" is based upon concerns for effective law enforcement. Included with this letter is a copy of my prior letter. It is these issues that should frame your consideration of the regulation and whether it meets the intent of the General Assembly.

In this regard, Mr. Sandusky's recital of a number of proposed amendments and definitions of such terms as "associated areas" is irrelevant to the instant proceeding and your consideration of their regulations.

The record is clear and simple:

Prior to amendment by the House, the definition for licensed facility was "[t]he physical land-based location and associated areas at which a licensed gaming entity is authorized to place and operate slot machines." The Act, however, did not define "associated areas". The proposed definitions submitted in Mr. Sandusky's letter were, perhaps, apparently some House member's idea of what that term should mean, but in the end are not useful in determining what was the intent of the general assembly, either in originally using the term or subsequently in abandoning it.

What we do know is the current definition, as “[t]he physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines.”

We also know, as stated in my letter, that protection of the public safety is the primary intent of the General Assembly, and that your responsibility is to see that any proposed regulations carries out that intent.

We also know that the proposed definition by the Gaming Board clearly limits its ability to provide law enforcement as is provided in Chapter 5 in at least three important ways, and perhaps in others.

Mr. Sandusky may well be the first public official with law enforcement responsibilities who has proposed regulations that have the effect of handcuffing his own agency’s ability to carry out its duties. This is exactly what Mr. Sandusky recommended to his board and now weakly defends by citing a number of proposed actions from the House of Representatives.

You are responsible to determine whether the legislative intent was to limit the effectiveness of the Board in its law enforcement, as Mr. Sandusky’s advocates. If you find the legislative intent to be otherwise – which I strongly believe – than you should disapprove the regulation.

Again, on behalf of effective law enforcement, I ask you to disapprove the proposed regulations of the Gaming Control Board.

Very truly yours,



Dave Arnold

CC: Attorney General Tom Corbett
Senator Mike Folmer
Rep. Rosemarie Swanger
Rep. Mauree Gingrich