

**CHAPTER 423a. APPLICATIONS; STATEMENT OF CONDITIONS;
WAGERING RESTRICTIONS**

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Authority

The provisions of this Chapter 423a issued under 4 Pa.C.S. §§ 1202(b)(9), (13)—(20), (23) and (30), 1202.1(b) and (e), 1205, 1311.1, 1311.2, 1317, 1317.1, 1319, 1321(a)(1) and (2), 1325, 1326, 1331 and 1406, unless otherwise noted.

Source

The provisions of this Chapter 423a adopted October 26, 2007, effective October 27, 2007, 37 Pa.B. 5752, unless otherwise noted.

Cross References

This chapter cited in 58 Pa. Code § 427a.2 (relating to manufacturer license applications and standards); 58 Pa. Code § 427a.5 (relating to responsibilities of a manufacturer); 58 Pa. Code § 429a.2 (relating to manufacturer designee license applications and standards); 58 Pa. Code § 429a.5 (relating to responsibilities of a manufacturer designee); 58 Pa. Code § 431a.2 (relating to supplier license applications and standards); 58 Pa. Code § 431a.4 (relating to responsibilities of a supplier); 58 Pa. Code § 433a.8 (relating to principal applications); 58 Pa. Code § 435a.1 (relating to general provisions); 58 Pa. Code § 435a.2 (relating to key employee license); 58 Pa. Code § 435a.3 (relating to occupation permit); 58 Pa. Code § 435a.5 (relating to nongaming employee registration); 58 Pa. Code § 436a.3 (relating to permitting of officers, directors, representatives and fiduciaries); 58 Pa. Code § 437a.2 (relating to gaming service provider registration applications); 58 Pa. Code § 437a.3 (relating to gaming service provider certification applications); 58 Pa. Code § 437a.7 (relating to registered, certified and authorized gaming service provider responsibilities); 58 Pa. Code § 438a.3 (relating to permitting of labor organization officers, agents and management employees); 58 Pa. Code § 439a.3 (relating to gaming junket enterprise license applications); 58 Pa. Code § 439a.6 (relating to junket representative registration); 58 Pa. Code § 440a.2 (relating to applications); 58 Pa. Code § 441a.3 (relating to slot machine license application); 58 Pa. Code § 613a.2 (relating to gaming related gaming service provider certification applications); 58 Pa. Code § 805.2 (relating to interactive gaming manufacturer license application and standards); 58 Pa. Code § 805.6 (relating to interactive gaming manufacturer licensee responsibilities); 58 Pa. Code § 806.2 (relating to interactive gaming supplier application and standards); 58 Pa. Code § 806.6 (relating to interactive gaming supplier licensee responsibilities); 58 Pa. Code § 807.1 (relating to general interactive gaming service provider requirements); 58 Pa. Code § 807.2 (relating to interactive gaming service provider certification applications); 58 Pa. Code § 807.3 (relating to interactive gaming service provider registration applications); 58 Pa. Code § 808.1 (relating to general provisions); 58 Pa. Code § 1403.2 (relating to sports wagering manufacturer license application and standards); 58 Pa. Code § 1403.6 (relating to sports wagering manufacturer licensee responsibilities); 58 Pa. Code § 1404.2 (relating to sports wagering supplier application and standards); 58 Pa. Code § 1404.6 (relating to sports wagering supplier licensee responsibilities); 58 Pa. Code § 1405.1 (relating to general sports wagering gaming service provider requirements); 58 Pa. Code § 1405.2 (relating to sports wagering gaming service provider certification applications); 58 Pa. Code § 1405.3 (relating to sports wagering gaming service provider registration applications); and 58 Pa. Code § 1406.1 (relating to general provisions).

§ 423a.1. General requirements.

(a) For the purposes of this section, a reference to an applicant includes the applicant's affiliates, intermediaries, subsidiaries and holding companies.

(b) An application shall be submitted on forms or in an electronic format supplied or approved by the Board, contain the information and documents required by the Board and include the applicable fees.

(c) Upon request of the Board or Board staff, the applicant shall further supplement information provided in the application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request, or if no time is specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request, the Board may deny the application.

(d) The application, and amendments thereto, and other specific documents designated by the Board shall be sworn to or affirmed by the applicant before a notary public. If there is any change in the information provided to the Board or Board staff, the applicant shall promptly file a written amendment.

(e) The Board will deny the application of an applicant who refuses to submit to a background investigation or provide requested information as required under the act.

(f) An applicant that submits a document to the Board which is in a language other than English shall also submit an English translation of the non-English language document. At its discretion, the Board may accept an English summary of a document instead of a complete translation of the document. The summary or translation must include the signature, printed name, address and telephone number of the translator and a verification by the translator of the truth and accuracy of the summary or translation.

(g) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

Authority

The provisions of this § 423a.1 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.1 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (364479) to (364480).

§ 423a.2. Preliminary submission review.

(a) Upon receipt of an application submission, the Bureau of Licensing will review the submission to ensure that it contains:

- (1) The applicable application fee.
- (2) The applicable application forms and additional information and accompanying documentation required by the act or the Board's regulations governing the specific type of application.
- (3) Completed authorization forms for release of information from governmental agencies and other entities required for the specific type of application.
- (4) For slot machine license applications only, a bond or letter of credit as required by section 1313(c) of the act (relating to slot machine license application financial fitness requirements).

(b) If an application submission fails to include one or more of the items in subsection (a)(1)—(3), the applicant will be notified and given an opportunity to cure the deficiency.

Authority

The provisions of this § 423a.2 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.2 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (364480) and (363703).

§ 423a.3. Application processing.

(a) Upon a determination that an application is required and the prerequisites for filing have been met, the application will be accepted for filing and Board staff, if applicable, will:

- (1) Obtain information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.
- (2) Promptly conduct an investigation of the applicant and on any matter relating to the application.
- (3) Request the Pennsylvania State Police to provide a criminal history background investigation report, determine employee eligibility consistent with § 435a.1 (relating to general provisions), conduct fingerprinting, photograph the applicant and perform other related duties in accordance with the act.
- (4) Request the Department to promptly conduct a tax clearance review.
- (5) Request the Department of Labor and Industry to perform an Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review.
- (6) Request any agencies, entities or persons to conduct investigations or evaluations or to provide information to the Board as deemed necessary by the Board.

(b) The Board will keep and maintain a record of all applicants under this part together with a record of all actions taken with respect to applicants.

(c) An application submitted under this part and information obtained by Board staff relating to the application will be part of the evidentiary record. The Board's decision to approve, issue or deny a license, permit, registration or certification will be based solely on the evidentiary record before the Board.

Authority

The provisions of this § 423a.3 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.3 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial page (363703).

§ 423a.4. Deficient and abandoned applications.

(a) If an application is found to be deficient, Board staff will notify the applicant of the deficiencies in the application and permit the applicant to cure the deficiencies within a time period prescribed by Board staff.

(b) Failure to provide the information necessary to cure the deficiencies required under subsection (a) may result in the denial of the application or in the application being declared abandoned. The Bureau of Licensing may close and declare abandoned an incomplete or deficient application which is not recommended for denial.

(c) An applicant whose application is denied will be subject to the restrictions on filing a new application in § 423a.7 (relating to restriction on application after denial or revocation). An applicant whose application has been declared abandoned may file a new application at any time.

(d) When an application is denied or declared abandoned under subsection (b), the applicant will be given written notice of this action.

Authority

The provisions of this § 423a.4 amended under 4 Pa.C.S. §§ 1202(b)(30), 1308, 1311, 1311.1, 1311.2, 1317.2, 1321, 1406 and 1518(a)(13).

Source

The provisions of this § 423a.4 amended April 4, 2008, effective April 5, 2008, 38 Pa.B. 1585; amended September 14, 2012, effective September 15, 2012, 42 Pa.B. 5857. Immediately preceding text appears at serial pages (334129) to (334130).

Cross References

This section cited in 58 Pa. Code § 423a.7 (relating to restriction on application after withdrawal with prejudice, denial or revocation); and 58 Pa. Code § 1110.3 (relating to deficient and abandoned applications).

§ 423a.5. Application withdrawal and surrender.

(a) A request for withdrawal of an application may be made at any time prior to the Board taking action on the application in accordance with the following requirements:

(1) A request for withdrawal of an entity applying for a license, certification or registration, or an individual applying for a principal license or a qualifier of an entity applying for a license or certification shall be made by filing a petition with the Board in accordance with § 493a.4 (relating to petitions generally).

(2) A request for withdrawal of an individual applying for a key employee license, a permit or registration shall be made on a form supplied by the Bureau of Licensing. If Board staff objects to the request for withdrawal, the person filing the form will be notified and may be required to file a petition for withdrawal with the Board in accordance with § 493a.4.

(b) The petition or form must set forth the reasons for the withdrawal.

(c) When rendering a decision on a petition for withdrawal, the Board may set the conditions of withdrawal and may deny or grant the request with or without prejudice.

(d) A request to surrender a license, permit, certification or registration may be made in accordance with the following requirements:

(1) An entity holding a license, certification or registration, an individual holding a principal license or a qualifier of an entity holding a license or certification that is requesting to surrender shall file a petition with the Board in accordance with § 493a.4.

(2) An individual holding a key employee license, permit or registration who is requesting to surrender the license, permit or registration shall file the request on a form supplied by the Bureau of Licensing.

(e) The petition or form must set forth the reasons for the surrender.

(f) Unless the Board otherwise directs, fees or other payments relating to the application, license, permit, registration or certification will not be refundable by reason of the withdrawal or surrender. Additionally, fees and costs owed to the Board shall be paid prior to granting a withdrawal or surrender.

Authority

The provisions of this § 423a.5 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.5 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (363704) and (362019).

Cross References

This section cited in 58 Pa. Code § 441a.5 (relating to license fee payment bond or letter of credit requirements).

§ 423a.6. License, permit, registration and certification issuance and statement of conditions.

(a) *Issuance criteria.* In addition to the criteria contained in the act, the Board will not issue or renew a license, permit, certification or registration unless the Board finds that the following criteria have been established by the applicant:

(1) The applicant has paid all applicable fees.

(2) The applicant has fulfilled each condition set by the Board or contained in the act, including the execution of a statement of conditions.

(3) The applicant is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a license, permit, certification, registration or other authorization.

(b) *Statement of conditions.*

(1) For the purposes of this subsection, “executive officer” means the individual holding the highest ranking management position within the entity and who is authorized to legally bind the entity. If the entity elects to designate another competent individual with a direct reporting relationship to its executive officer to execute the statement of conditions required in this section and otherwise legally bind the entity, the entity shall adopt a resolution identifying and authorizing the individual to act on behalf of both the entity and its execu-

tive officer. A copy of the resolution shall be provided to the Bureau of Licensing and attached to the Statement of Conditions.

(2) If the Board approves an entity's application for or renewal of a license the executive officer of the entity, or other competent individual designated by the entity in accordance with paragraph (1), shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision contained in the Statement of Conditions by both the entity and the executive officer. The executive officer shall ensure that the entity fully complies with each provision contained in the statement of conditions.

(3) At the time of application for registration or certification, the executive officer, or other competent individual designated by the applicant in accordance with paragraph (1), of a gaming service provider or gaming related gaming service provider shall execute a Statement of Conditions in the manner and form required by the Board. The execution of the Statement of Conditions constitutes the acceptance of each provision in the Statement of Conditions by both the entity and the executive officer. The executive officer shall ensure that the entity fully complies with each provision in the Statement of Conditions.

(4) An individual who has applied for the issuance or renewal of a license, permit, certification, registration or authorization shall execute a statement of conditions in the manner and form required by the Board. The execution of the Statement of Conditions constitutes the acceptance of each provision contained in the statement of conditions.

(5) Failure to fully comply with any provision contained in an executed Statement of Conditions constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation, against the individual or entity to whom the license, permit, certification, registration or authorization was issued.

Authority

The provisions of this § 423a.6 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.6 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (362019) to (362020).

Cross References

This section cited in 58 Pa. Code § 465a.11 (relating to slot machine licensee's organization; jobs compendium); and 58 Pa. Code § 467a.2 (relating to commencement of slot and table game operations generally).

§ 423a.6a. Restriction on wagering after issuance of a license, permit, registration or certification.

(a) An individual who holds a license, permit or registration and is currently employed by or is a principal of a slot machine licensee may not wager at any slot machine or table game in the licensed facility in which the licensee, permit-

tee or registrant is currently employed or associated. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that requires a license, permit or registration before the individual may wager at the licensed facility.

(b) An employee of a slot machine licensee who is not required to obtain a license, permit or registration may not wager in the licensed facility in which the employee is currently employed.

(c) An individual who holds a license, permit or registration and is currently employed by a manufacturer, manufacturer designee, supplier or gaming related gaming service provider may not wager at a slot machine or table game in the licensed facility in which the individual is servicing or installing table games, table game devices, slot machines or associated equipment while the individual is at the licensed facility in the performance of the individual's job duties.

(d) An individual who is a qualifier of a gaming junket enterprise or an individual who is employed as a gaming junket representative may not wager at a slot machine or table game in the licensed facility in which the gaming junket enterprise has an ongoing contractual agreement.

Authority

The provisions of this § 423a.6a issued under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.6a adopted June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829.

§ 423a.7. Restriction on application after withdrawal with prejudice, denial or revocation.

(a) A person whose application has been withdrawn with prejudice, denied or whose license, permit, registration or certification has been revoked may not apply for a license, permit, certification or registration for 5 years from the date that the application was withdrawn with prejudice, denied or the license, permit, certification or registration was revoked.

(b) The 5-year restriction in subsection (a) will not apply:

(1) To applicants for a slot machine license if the denial was for reasons other than unsuitability.

(2) If the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or 1518 of the act (relating to license or permit prohibition; and prohibited acts; penalties), 18 Pa.C.S. (relating to Crimes Code) or the criminal laws of any other jurisdiction and the pending charges did not result in conviction of the disqualifying offense.

(c) Two years from the date that the application was withdrawn with prejudice, denied or the license, permit, certification or registration was revoked, a person may file a petition for permission to apply for a license, permit, certification or registration before the expiration of the 5-year period.

(d) A petition filed under subsection (c) shall be filed in accordance with § 493a.4 (relating to petitions generally).

(e) Petitions filed under subsection (c) must contain:

(1) An explanation of how the conditions that were the basis for withdrawal with prejudice, denial or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, permit, certification or registration.

(3) If the withdrawal with prejudice, denial or revocation was the result of a conviction, the petition must include evidence of rehabilitation, such as:

(i) The nature and seriousness of the offense or conduct.

(ii) The circumstances under which the offense or conduct occurred.

(iii) The date of the offense or conduct.

(iv) The age of the applicant when the offense or conduct was committed.

(v) Whether the offense or conduct was an isolated or repeated incident.

(vi) Social conditions which may have contributed to the offense or conduct.

(vii) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

(viii) Evidence that all obligations for restitution, fines and penalties have been met.

Authority

The provisions of this § 423a.7 amended under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

Source

The provisions of this § 423a.7 amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (362020) and (333701).

Cross References

This section cited in 58 Pa. Code § 423a.4 (relating to deficient and abandoned applications).

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