

**CHAPTER 439a. JUNKET ENTERPRISES**

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**Authority**

The provisions of this Chapter 439a issued under the Pennsylvania Race Horse Development and Gaming Act, 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 439a adopted October 26, 2007, effective October 27, 2007, 37 Pa.B. 5752, unless otherwise noted.

**Cross References**

This Chapter cited in 58 Pa. Code § 439b.1 (relating to gaming junket representatives).

**§ 439a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Gaming junket*—A gaming arrangement made by a gaming junket enterprise or a gaming junket representative for an individual who:

- (i) Is selected or approved for participation in the arrangement based on the individual's ability to satisfy specific financial qualifications and the likelihood that the individual will participate in playing slot machines or table games and patronize a licensed facility for the purpose of gaming.
- (ii) Receives complimentary services or gifts from a slot machine licensee for participation in the arrangement including the costs of transportation, food, lodging or entertainment.

*Gaming junket enterprise*—A person, other than a slot machine licensee, that employs or otherwise engages the services of a gaming junket representative to arrange gaming junkets to a licensed facility, regardless of whether the activities of the person or the gaming junket representative occur within this Commonwealth.

*Gaming junket representative*—An individual, other than an employee of a slot machine licensee, who arranges and negotiates the terms of a gaming junket.

ket or selects individuals to participate in a gaming junket to a licensed facility, regardless of whether the activities of the individual occur within this Commonwealth.

**Authority**

The provisions of this § 439a.1 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.1 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345587).

**§ 439a.2. Gaming junket enterprise general requirements; participation in a gaming junket.**

(a) A gaming junket enterprise seeking to conduct business with a slot machine licensee shall file a Gaming Junket Enterprise License Application and Disclosure Information Form with the Board.

(b) Prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket, the gaming junket enterprise shall be licensed by the Board. A slot machine licensee may not engage the services of any gaming junket enterprise that has not been licensed. An agreement between a slot machine licensee and a gaming junket enterprise must contain a provision stating that the gaming junket enterprise shall obtain a Gaming Junket Enterprise License prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket.

(c) A gaming junket enterprise may not employ or otherwise engage the services of a gaming junket representative except in accordance with § 439a.5 (relating to gaming junket representative general requirements).

(d) An individual may be selected or approved to participate in a gaming junket on the basis of one or more of the following:

(1) The ability to satisfy a financial qualification related to the individual's ability or willingness to gamble, which shall be deemed to occur whenever an individual, as an element of the arrangement, is required to perform one or more of the following:

- (i) Establish a customer deposit with a slot machine licensee.
- (ii) Demonstrate to a slot machine licensee the availability of a specified amount of cash or cash equivalent.
- (iii) Gamble to a predetermined level at the licensed facility.
- (iv) Comply with any similar obligation.

(2) The individual's propensity to gamble, which shall be deemed to occur when an individual has been selected or approved on the basis of one or more of the following:

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- (i) The previous satisfaction of a financial qualification in accordance with paragraph (1).
- (ii) An evaluation that the individual has a tendency to participate in gambling activities as the result of:
  - (A) An inquiry concerning the individual's tendency to gamble.
  - (B) Use of other means of determining that the individual has a tendency to participate in gambling activities.
- (e) A rebuttable presumption that an individual has been selected or approved for participation in a gaming junket based on the individual's propensity to gamble shall be created when the individual is provided, as part of the arrangement, one or more of the following:
  - (1) Complimentary accommodations.
  - (2) Complimentary food, entertainment or transportation which has a value of \$200 or more.

**Authority**

The provisions of this § 439a.2 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.2 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345588).

**§ 439a.3. Gaming junket enterprise license applications.**

- (a) An applicant for a gaming junket enterprise license shall submit to the Bureau of Licensing an original, one paper copy and one compact disc containing the Gaming Junket Enterprise License Application and Disclosure Information Form and additional applications as required under § 439a.4a (relating to individual and entity applications).
- (b) In addition to the materials required under subsection (a), an applicant for a gaming junket enterprise license, shall:
  - (1) Submit the nonrefundable application fee posted on the Board's web site ([pgcb.state.pa.us](http://pgcb.state.pa.us)).
  - (2) Promptly provide information requested by the Board and cooperate with the Board in investigations, hearings, enforcement and disciplinary actions.
  - (3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).
- (c) An applicant for a gaming junket enterprise license shall be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.
- (d) Prior to engaging the services of a gaming junket enterprise, the slot machine licensee shall submit to the Bureau of Licensing a Verification and Due Diligence Form certifying that the slot machine licensee has entered into an

agreement or contract with, and has investigated the background and qualifications of, the gaming junket enterprise. The agreement or contract must contain a provision stating that the gaming junket enterprise shall obtain a license prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket.

**Authority**

The provisions of this § 439a.3 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.3 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345589).

**§ 439a.4. [Reserved].**

**Authority**

The provisions of this § 439a.4 reserved under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.4 reserved may 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345589).

**§ 439a.4a. Individual and entity applications.**

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Information Form—Gaming Junket Enterprise and be found qualified by the Board:

(1) Each officer and director of a gaming junket enterprise applicant or licensee. The term “officer” means a president, chief executive officer, chief financial officer, chief operating officer and any individual routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the gaming junket enterprise. An applicant for a gaming junket enterprise license shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(b) Each entity or trust that directly owns 20% or more of the voting securities of a gaming junket enterprise applicant or licensee shall be required to submit a Gaming Junket Enterprise Form—Private Holding Company and be found qualified by the Board.

(c) A gaming junket representative is required to submit an electronic application, using the SLOTS Link system, and be found suitable to hold an occupation permit. An individual who wishes to receive an occupation permit under this chapter may provide the gaming junket enterprise with written authorization to

file an application on the individual's behalf. When an application for an occupation permit is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board within 10 days of the submission of the SLOTS Link application by an applicant for or a holder of a gaming junket enterprise license.

(d) The following persons may be required to submit a Gaming Junket Enterprise Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a gaming junket enterprise applicant or licensee not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a gaming junket enterprise applicant or licensee.

(3) An employee of a gaming junket enterprise applicant or licensee who is not otherwise required to be qualified or permitted.

(4) A person that holds any direct or indirect ownership or beneficial interest in a gaming junket enterprise applicant or licensee, or has the right to any profits or distributions, directly or indirectly, from the gaming junket enterprise applicant or licensee.

(5) A trustee of a trust that is required to be found qualified under this section.

(e) Individuals who are required to submit applications in accordance with subsections (a), (c) and (d) shall submit fingerprints to the Board in a manner prescribed by the Bureau of Investigations and Enforcement.

(f) An applicant for an occupation permit and individuals, entities or trusts that are required to be found qualified shall be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

#### Authority

The provisions of this § 439a.4a issued under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

#### Source

The provisions of this § 439a.4a adopted May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439.

#### Cross References

This section cited in 58 Pa. Code § 439a.3 (relating to gaming junket enterprise license applications).

### § 439a.5. Gaming junket representative general requirements.

(a) An individual may not act as a gaming junket representative in connection with a gaming junket to a licensed facility unless the individual has obtained

an occupation permit under § 435a.3 (relating to occupation permit) and is employed by a gaming junket enterprise that is licensed by the Board.

(b) A gaming junket representative may be employed by only one gaming junket enterprise at a time. For the purposes of this section, to qualify as an employee of a gaming junket enterprise, a gaming junket representative shall:

- (1) Receive all compensation for services as a gaming junket representative within this Commonwealth through the payroll account of the junket enterprise.
- (2) Exhibit other appropriate indicia of genuine employment, including Federal and State taxation withholdings.

**Authority**

The provisions of this § 439a.5 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.5 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial pages (345589) to (345590).

**Cross References**

This section cited in 58 Pa. Code § 439a.2 (relating to gaming junket enterprise general requirements; participation in a gaming junket).

**§ 439a.6. [Reserved].**

**Authority**

The provisions of this § 439a.6 reserved under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.6 reserved May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345590).

**§ 439a.6a. Gaming junket enterprise license and occupation permit term and renewal.**

(a) A gaming junket enterprise license and gaming junket representative occupation permit issued under this chapter will be valid for 3 years from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of the license or occupation permit.

(c) A license or occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the gaming junket enterprise license or occupation permit that the Board has approved or denied the license or occupation permit.

(d) The gaming junket enterprise license and the gaming junket representative occupation permit are nontransferable.

**Authority**

The provisions of this § 439a.6a issued under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.6a adopted May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439.

**§ 439a.6b. Conditional licenses.**

(a) The Board may grant an applicant for a gaming junket enterprise license a conditional license to conduct junkets in this Commonwealth. To be eligible to obtain a conditional gaming junket enterprise license, the applicant shall:

(1) Submit completed gaming junket enterprise applications, including the nonrefundable application fees, as posted on the Board's web site, and pass a preliminary review.

(2) Submit agreements entered into between the slot machine licensee and the gaming junket enterprise or representative.

(3) Be licensed or credentialed, in good standing, to arrange or negotiate the terms of a gaming junket in a jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Agree, in writing, that the grant of permission to conduct business with a conditional license does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the conditional license granted to the applicant, with or without prior notice to the applicant, if the Bureau of Licensing is notified that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

(c) If the conditional license is rescinded, the Bureau of Licensing will notify the holder of the conditional license and the slot machine licensee by registered mail that:

(1) Permission for the conditional licensee to conduct business has been rescinded.

- (2) The slot machine licensee shall cease conducting business with the gaming junket enterprise by the date specified in the notice.
- (d) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct new business in this Commonwealth.
- (e) The slot machine licensee shall investigate the background and qualifications of the applicant for a gaming junket enterprise license with whom the slot machine licensee intends to have a relationship or enter into a contractual agreement.
- (f) The slot machine licensee has an affirmative duty to avoid agreements or relationships with persons applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth or who threaten the integrity of gaming in this Commonwealth.
- (g) The slot machine licensee has a duty to inform Board staff of an action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or this part.

#### Authority

The provisions of this § 439a.6b issued under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

#### Source

The provisions of this § 439a.6b adopted November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057.

### § 439a.7. Gaming junket schedules.

- (a) A slot machine licensee shall prepare a gaming junket schedule for each gaming junket that is arranged through a gaming junket enterprise or its gaming junket representative.
- (b) A slot machine licensee shall file a gaming junket schedule with the Bureau of Gaming Operations by the 15th day of the month preceding the month in which the gaming junket is scheduled. If a gaming junket is arranged after the 15th day of the month preceding the arrival of the gaming junket, the slot machine licensee shall file an amended gaming junket schedule with the Bureau of Gaming Operations by the close of the next business day.
- (c) An employee of the slot machine licensee shall certify the gaming junket schedules which includes the following:
- (1) The origin of the gaming junket.
  - (2) The number of participants in the gaming junket.
  - (3) The arrival time and date of the gaming junket.
  - (4) The departure time and date of the gaming junket.



(5) The name and registration number of all gaming junket representatives and the name and license number of all gaming junket enterprises involved in the gaming junket.

(d) Changes in the information which occur after the filing of a gaming junket schedule or amended gaming junket schedule shall be reported in writing to the Bureau of Gaming Operations by the slot machine licensee by the close of the next business day. These changes, plus any other material change in the information provided in a gaming junket schedule, shall also be noted on the arrival report.

#### Authority

The provisions of this § 439a.7 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

#### Source

The provisions of this § 439a.7 amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5562; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial pages (345590) to (345591).

#### Cross References

This section cited in 58 Pa. Code § 439a.8 (relating to gaming junket arrival reports).

### § 439a.8. Gaming junket arrival reports.

(a) A slot machine licensee shall prepare a gaming junket arrival report for each gaming junket arranged through a gaming junket enterprise or its gaming junket representative with whom the slot machine licensee does business.

(b) Gaming junket arrival reports must:

(1) Include a gaming junket guest manifest listing the names and addresses of the gaming junket participants.

(2) Include information required under § 439a.7 (relating to gaming junket schedules) that has not been previously provided to the Bureau of Gaming Operations in a gaming junket schedule pertaining to the particular gaming junket, or an amendment thereto.

(3) Be certified by an employee of the slot machine licensee.

(c) A slot machine licensee shall prepare gaming junket arrival reports in compliance with the following:

(1) A gaming junket arrival report involving complimentary accommodations shall be prepared within 12 hours of the arrival of the gaming junket participant.

(2) A gaming junket arrival report involving complimentary services that does not involve complimentary accommodations shall be prepared by 5 p.m. of the next business day following arrival. A gaming junket arrival which occurs after 12 a.m. but before the end of the gaming day shall be deemed to have occurred on the preceding calendar day.

(3) Gaming junket arrival reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request.

**Authority**

The provisions of this § 439a.8 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.8 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5652; amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5562; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial pages (345591) to (345592).

**§ 439a.9. Gaming junket final reports.**

(a) A slot machine licensee shall prepare a gaming junket final report for each gaming junket for which the slot machine licensee was required to prepare either a gaming junket schedule or a gaming junket arrival report.

(b) A gaming junket final report must include the actual amount of complimentary services provided to each gaming junket participant.

(c) A gaming junket final report shall be:

(1) Prepared within 7 days of the completion of the gaming junket.

(2) Maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request.

**Authority**

The provisions of this § 439a.9 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.9 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345592).

**§ 439a.10. Monthly gaming junket reports.**

(a) Each slot machine licensee shall, on or before the 15th day of the month, prepare and file with the Bureau of Gaming Operations a monthly gaming junket report listing the name and gaming identification number of each individual who performed the services of a gaming junket representative during the preceding month.

(b) Copies of the monthly gaming junket reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request.

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**Authority**

The provisions of this § 439a.10 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.10 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5652; amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5562; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345592).

**§ 439a.11. Purchase of patron lists.**

(a) Each slot machine licensee, gaming junket representative and gaming junket enterprise shall prepare and maintain a report with respect to each list of names of gaming junket patrons or potential gaming junket patrons purchased from or for which compensation was provided to any source whatsoever.

(b) The report required under subsection (a) must include:

- (1) The name and address of the person or enterprise selling the list.
- (2) The purchase price paid for the list or any other terms of compensation related to the transaction.
- (3) The date of purchase of the list.
- (4) The zip codes of all participants or potential participants.

(c) The report required under subsection (a) shall be filed with the Bureau of Gaming Operations, no later than 7 days after the receipt of the list by the purchaser.

**Authority**

The provisions of this § 439a.11 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.11 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5652; amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5562; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345592).

**§ 439a.12. Gaming junket enterprise and representative prohibitions.**

(a) Gaming junket representatives and qualifiers of a gaming junket enterprise shall comply with the wagering restrictions in § 435a.1 (relating to general provisions).

(b) A gaming junket enterprise or gaming junket representative may not:

- (1) Engage in efforts to collect on any check provided by a gaming junket participant that has been returned by a financial institution.
- (2) Exercise approval authority over the authorization or issuance of credit under section 13A27 of the act (relating to other financial transactions).

(3) Receive or retain a fee from an individual for the privilege of participating in a gaming junket.

(4) Pay for any service, including transportation, or other thing of value provided to a participant participating in a gaming junket except as authorized by this part.

**Authority**

The provisions of this § 439a.12 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Chapter 16.

**Source**

The provisions of this § 439a.12 amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439. Immediately preceding text appears at serial page (345593).

[Next page is 439b-1.]

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