



## FINAL DETERMINATION

**STADIUM CASINO WESTMORELAND  
RE, LLC,  
Direct Interest Participant**

[illegible]

**Docket No: AP 2026-3284**

|                                      |   |
|--------------------------------------|---|
| <b>SARATOGA HARNESS RACING, INC.</b> | : |
| <b>(“SHRI”),<sup>1</sup></b>         | : |
| <b>Direct Interest Participant</b>   | : |
|                                      | : |
| <b>AND</b>                           | : |
|                                      | : |
| <b>CHESTER DOWNS AND MARINA, LLC</b> | : |
| <b>(DBA HARRAH’S PHILADELPHIA),</b>  | : |
| <b>Direct Interest Participant</b>   | : |
|                                      | : |
| <b>AND</b>                           | : |
|                                      | : |
| <b>DOWNS RACING, LP (DBA MOHEGAN</b> | : |
| <b>PENNSYLVANIA),</b>                | : |
| <b>Direct Interest Participant</b>   | : |
|                                      | : |
| <b>AND</b>                           | : |
|                                      | : |
| <b>MOHEGAN PA, L.P. (DBA MOHEGAN</b> | : |
| <b>PA),</b>                          | : |
| <b>Direct Interest Participant</b>   | : |

## FACTUAL BACKGROUND

On July 28, 2026, Diana Colon-Guzman and UNITE HERE International Union (collectively “Requester”) submitted a request (“Request”) to the Pennsylvania Gaming Control Board (“Board”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. For the list of names on the Active Applicant Report posted on the [Board] website ([https://pgcb.pa.gov/files/licensure/Reports/Active\\_User\\_Report.pdf](https://pgcb.pa.gov/files/licensure/Reports/Active_User_Report.pdf)), documents that reflect the casino, job title, and home address associated with each name.
2. Documents reflecting the aggregate number of active badges and job title per casino for all casinos licensed with the [Board].

On August 4, 2026, the Board partially granted Item 2 of the Request and provided a responsive “spreadsheet reflecting the aggregate number of active licenses (non-gaming, gaming, gaming level 2) per casino.” Board Request response, pg. 2. The Board denied Item 1 and part of

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<sup>1</sup> SHRI holds a majority ownership in SC Gaming OpCo, LLC d/b/a Happy Valley Casino.

Item 2 of the Request seeking job title information because the requested information is confidential pursuant to the Pennsylvania Race Horse Development and Gaming Act (“Gaming Act”) and not subject to public disclosure under the RTKL. *See* 4 Pa.C.S. §§ 1101 *et seq.*; 1206(f); 58 Pa. Code § 407a.3(a)(1).<sup>2</sup>

On August 11, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure, asserting that the Board is required to provide job title information and casino location for the list of names on the Active Applicant Report and the total number of active licenses per job title per casino.<sup>3</sup> The OOR invited both parties to supplement the record and directed the Board to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On August 21, 2026, the Board requested additional time to make submissions and to contact potential Direct Interest Participants (“DIP”). At that time, the OOR extended the deadlines based on the Board’s request. From August 26, 2026, through September 25, 2026, DIPs captioned above filed Requests to Participate and they assert, among other things, that the requested information is personal information of their respective employees, who are directly affected by the outcome of this appeal, and they object to the disclosure of such information because it is confidential under to the Gaming Act and Board regulations.<sup>4</sup> *See* 4 Pa.C.S. § 1206(f); 58 Pa. Code § 407a.3(2).

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<sup>2</sup> The OOR notes that the Board’s Request also response cites to 65 P.S. §§ 67.708(b)(1)(ii), (b)(6), (b)(17), i but does not discuss the RTKL exemptions.

<sup>3</sup> The Requester does not challenge the denial of the home address information associated with each name on the Active Applicant Report.

<sup>4</sup> On August 26, 2026, Greenwood Gaming Entertainment, Inc. (d/b/a Parx Casino) (“Greenwood”) filed a Request to Participate in the appeal. The OOR granted Greenwood direct interest participant status on the same day. On September 3, 2026, GW Cumberland Op Co. (d/b/a Parx Shippensburg) (“Shippensburg”) filed a Request to Participate. The OOR granted Shippensburg direct interest participant status on the same day. On September 17, 2026, Stadium Casino (d/b/a Parx Casino) and Stadium Casino Westmoreland RE, LLC (collectively “Stadium”) filed a Request to Participate. The OOR granted Stadium direct interest participant status on the same day. On September 18, 2026, Chester Downs and Marina, LLC (d/b/a Harrah’s Philadelphia) filed a Request to Participate. The OOR granted Harrah’s Philadelphia direct interest participant status on the same day. On September 25, 2026, the Mohegan PA, L.P. (d/b/a Mohegan PA) filed a Request to Participate. The OOR granted Mohegan PA direct interest participant status on the same day.

On September 17, 2026, the Board submitted a position statement and attestations made under the penalty of unsworn falsification to authorities<sup>5</sup> authored by Luana DeBernardis (“DeBernardis Attestation”),<sup>6</sup> the Board’s Agency Open Records Officer (“AORO”) and Paul Mauro (“Mauro Attestation”), the Board’s Director for Bureau of Investigations and Enforcement (“BIE”). The Board reiterates that the requested information – private individual’s casino location and job title - is confidential under the Gaming Act and the records sought are not subject to the disclosure under the RTKL as part of noncriminal investigations. *See* 4 Pa.C.S. §1206(f); 65 P.S. § 67.708(b)(17).

### LEGAL ANALYSIS

The Board is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Board is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

In this appeal, the issue is whether, in addition to an individual’s name provided on the Board’s website, the Board should disclose the casino where the individual is employed and the individual’s job title. The Board and the DIPs assert that this requested information is deemed confidential under the Gaming Act and the Board’s regulations and not subject to public disclosure. 4 Pa.C.S. § 1206(f).

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<sup>5</sup> 18 Pa.C.S. § 4904.

<sup>6</sup> Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

The Gaming Act provides, in relevant part:

(f) Confidentiality of information.

(1) The following information submitted by an applicant, permittee, certificate holder, interactive gaming certificate holder or licensee pursuant to section 1310(a) (relating to slot machine license application character requirements), 1308(a.1) (relating to applications for license or permit), 13B12 (relating to interactive gaming certificate required and content of petition), 13B14 (relating to interactive gaming operators), 13C12 (relating to petition requirements) or 13F12 (relating to casino simulcasting permit) or obtained by the board or the bureau as part of a background or other investigation from any source shall be confidential and withheld from public disclosure:

(i) All information relating to character, honesty and integrity, including family, habits, reputation, history of criminal activity, business activities, financial affairs and business, professional and personal associations submitted under section 1310(a) or 1308(a.1) or otherwise obtained by the board or the bureau.

(ii) Nonpublic personal information, including home addresses, telephone numbers and other personal contact information, Social Security numbers, educational records, memberships, medical records, tax returns and declarations, actual or proposed compensation, financial account records, creditworthiness or financial condition relating to an applicant, licensee, permittee, certificate holder, interactive gaming certificate holder, interactive gaming operator, casino simulcasting permit holder or sports wagering certificate holder, or the immediate family thereof.

(iii) Information relating to proprietary information, trade secrets, patents or exclusive licenses, architectural and engineering plans and information relating to competitive marketing materials and strategies, which may include customer-identifying information or customer prospects for services subject to competition.

(iv) Security information, including risk prevention plans, detection and countermeasures, location of count rooms, location of interactive gaming restricted areas and redundancy facilities, emergency management plans, security and surveillance plans, equipment and usage protocols and theft and fraud prevention plans and countermeasures.

(v) Information with respect to which there is a reasonable possibility that public release or inspection of the information would constitute an unwarranted invasion into personal privacy of any individual as determined by the board.

(vi) Records of an applicant or licensee not required to be filed with the Securities and Exchange Commission by issuers that either have securities registered under section 12 of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 781) or are required to file reports under section 15(d) of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 780).

(vii) Records considered nonpublic matters or information by the Securities and Exchange Commission as provided by 17 CFR 200.80 (relating to commission records and information).

(viii) Any financial information deemed confidential by the board upon a showing of good cause by the applicant or licensee.

4 Pa.C.S. § 1206(f).

The Board's evidence shows that pursuant 4 Pa.C.S. §1206(f) of the Gaming Act, an applicant or permittee is required to provide personal information to demonstrate that the applicant or permittee meets all the requirements of the Gaming Act and Board regulations and are suitable for licensure. The Board establishes that the requested information and records are obtained by the Board as part of the application process which makes the information confidential under the Gaming Act. *See* DeBernardis Attestation, ¶¶ 4-8, 17-23; 4 Pa.C.S. § 1206(f)(1); 58 Pa. Code §465a.2(2), §465a.11. Additionally, upon receipt of an application, the Board opens an investigation file into the applicant's suitability for licensure. The Board asserts that all the information within the investigative files, including information contained within an individual's application, is information obtained by the Board from any source as part of its investigation into an applicant or permittee and is confidential under the Gaming Act and not subject to public disclosure. *See* Mauro Attestation, ¶¶ 3-4; 4 Pa.C.S. §1206(f); *see also* 4 Pa.C.S. § 1517. Moreover, any Board employee who knowingly discloses this confidential information is subject to a 3rd degree misdemeanor and administrative discipline to include termination. *See* 4 Pa.C.S. § 1206(f)(6); 65 P.S. § 67.306 ("[n]othing in [the RTKL] shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law, regulation or judicial order or decree."); *see also* 65 P.S. § 67.3101.1 ("If the provisions of [the RTKL] regarding access to records conflict with any other Federal or State law, the provisions of [the RTKL] shall not apply."). Accordingly, the Board met its burden that the requested

information – private citizen’s casino location and job title - is confidential under the Gaming Act.  
*See* 4 Pa.C.S. § 1206(f)(6); 65 P.S. § 708(a)(1).<sup>7</sup>

### CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Board is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>8</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: October 22, 2026**

*/s/ Damian J. DeStefano*

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DAMIAN J. DESTEFANO  
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Diana Colon-Guzman; Estee L. Ward, Esq.; Denise Miller-Tshudy, Esq.; Elizabeth Mincer, Esq.; Thomas G. Servodidio, Esq.; Lauren M. Burge, Esq.; Stephen D. Schrier, Esq.; Kevin C. Hayes, Esq.

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<sup>7</sup> Given the determination that the records are confidential under the Gaming Act, the OOR need not address the Board’s and Direct Interest Participant’s alternate grounds for nondisclosure.

<sup>8</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).