

CHAPTER 499a. REPRESENTATION BEFORE THE BOARD

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Authority

The provisions of this Chapter 499a issued under 4 Pa.C.S. §§ 1202(b)(30) and 1205, unless otherwise noted.

Source

The provisions of this Chapter 499a adopted October 26, 2007, effective October 27, 2007, 37 Pa.B. 5774, unless otherwise noted.

§ 499a.1. Appearance in person.

(a) An individual who is a party in a proceeding before the Board may represent himself before the Board.

(b) A party, other than an individual appearing on his own behalf, in an adversarial proceeding before the Board shall be represented by an attorney authorized to appear before the Board in accordance with § 499a.2 (relating to appearance by attorney).

(c) This section supersedes 1 Pa. Code § 31.21 (relating to appearance in person).

Authority

The provisions of this § 499a.1 amended under 4 Pa.C.S. §§ 1202(b)(30), and 1207(2) and (9).

Source

The provisions of this § 499a.1 amended February 1, 2013, effective February 2, 2013, 43 Pa.B. 660. Immediately preceding text appears at serial page (344573).

Cross References

This section cited in 58 Pa. Code § 499a.2 (relating to appearance by attorney); and 58 Pa. Code § 499a.3 (relating to other representation prohibited at hearings).

§ 499a.2. Appearance by attorney.

(a) A party in a proceeding before the Board who elects to be represented by an attorney in the proceeding, or who is required under § 499a.1 (relating to appearance in person) to be represented by an attorney in the proceeding, shall be represented by:

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(1) An attorney at law admitted to practice before the Pennsylvania Supreme Court.

(2) An attorney admitted to practice before the highest court of a jurisdiction other than this Commonwealth which permits attorneys licensed in this Commonwealth to practice before its courts and agencies without benefit of licensure in that state.

(3) An attorney authorized in accordance with subsection (b) to appear in connection with the proceeding.

(b) An attorney admitted to practice before the highest court of a jurisdiction other than this Commonwealth which does not permit attorneys licensed in this Commonwealth to appear before its courts and agencies may, at the discretion of the Board, be authorized to appear in connection with a particular proceeding. The Board will determine whether to grant the authorization upon the filing of a motion with the Clerk by an attorney admitted to practice law before the Pennsylvania Supreme Court and in good standing therewith, which contains the information required to satisfy the written notice provision of Pa.B.A.R. 301 (relating to admission pro hac vice), and provided that the attorney filing the motion shall be and remain the attorney of record in the proceeding and further provided that both the attorney of record and the attorney admitted under this subsection shall both sign all documents submitted or filed in connection with the proceeding.

(c) Subsection (a) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney).

Authority

The provisions of this § 499a.2 amended under 4 Pa.C.S. § 1207(2) and (9).

Source

The provisions of this § 499a.2 amended February 1, 2013, effective February 2, 2013, 43 Pa.B. 660. Immediately preceding text appears at serial pages (344573) to (344574).

Cross References

This section cited in 58 Pa. Code § 499a.1 (relating to appearance in person); and 58 Pa. Code § 499a.3 (relating to other representation prohibited at hearing).

§ 499a.3. Other representation prohibited at hearings.

(a) Participants, individuals, partnerships, associations, corporations or governmental entities may not be represented at a hearing before the Board except:

(1) As stated in §§ 499a.1 and 499a.2 (relating to appearance in person; and appearance by attorney).

(2) As otherwise permitted by the Board in a specific case.

(b) Subsection (a) supersedes 1 Pa. Code § 31.23 (relating to other representation prohibited at hearings).

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§ 499a.4. Notice of appearance or withdrawal.

(a) An individual appearing without representation before the Board shall file with the Office of the Clerk an address for service of a notice or other written communication. A change in address which occurs during the course of the proceeding shall be reported to the Office of the Clerk within 3 business days.

(b) An attorney whose name and address appear in a representative capacity on an initial pleading filed with the Office of the Clerk shall be considered to have entered an appearance in that proceeding. An attorney who enters the matter at a later stage of the proceeding shall file with the Office of the Clerk a written notice of the appearance as required under § 499a.5 (relating to form of notice of appearance). The notice shall be served on the other parties in the proceeding. A change in address which occurs during the course of the proceeding shall be reported to the Office of the Clerk within 3 business days.

(c) Except as provided in subsection (e), an attorney may not withdraw his appearance without leave of the Board or presiding officer. An attorney may request leave to withdraw his appearance through petition to the Board or presiding officer. Copies of the petition shall be served on all parties. The attorney requesting withdrawal shall immediately notify the party previously represented by ordinary mail of an order granting leave to withdraw.

(d) An attorney may withdraw his appearance without leave of the Board or presiding officer if one of the following occurs:

- (1) Another attorney has previously entered his appearance on behalf of the party.
- (2) Another attorney is simultaneously entering an appearance on behalf of the party, and the change of attorneys does not delay any stage of the litigation.

(e) An attorney who wishes to withdraw an appearance under subsection (d) shall file with the Office of the Clerk. The notice shall be served on the other parties.

(f) Subsections (a) and (d) supersede 1 Pa. Code § 31.24 (relating to notice of appearance).

Source

The provisions of this § 499a.4 amended July 10, 2009, effective July 11, 2009, 39 Pa.B. 3446. Immediately preceding text appears at serial pages (331276) to (331277).

§ 499a.5. Form of notice of appearance.

- (a) The form of notice of appearance is as follows:

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COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA GAMING
CONTROL BOARD

In the Matter of:

[File, Docket or Other Identifying No.:]

NOTICE OF APPEARANCE

Please enter my appearance in the above designated matter on behalf of .

I am authorized to accept service on behalf of said participant in this matter.

[CHECK ONE]

On the basis of this notice, I request a copy of each document hereafter issued by the Board in this matter.

I am already receiving or have access to a copy of each document issued by the Board in this matter and do not on the basis of this notice require an additional copy.

Signature

Attorney Identification Number

Name (Printed)

P. O. address

City, state and zip code

Telephone number (including area code)

Fax Number (including area code)

Email address

(b) Subsection (a) supersedes 1 Pa. Code § 31.25 (relating to form of notice of appearance).

Cross References

This section cited in 58 Pa. Code § 499a.4 (relating to notice of appearance or withdrawal).

§ 499a.6. Contemptuous conduct.

(a) Contemptuous conduct at a hearing before the Board or a presiding officer will be grounds for exclusion from the hearing and for summary suspension without a hearing for the duration of the hearing.

(b) Subsection (a) is identical to 1 Pa. Code § 31.27 (relating to contemptuous conduct).

Source

The provisions of this § 499a.6 amended July 10, 2009, effective July 11, 2009, 39 Pa.B. 3449. Immediately preceding text appears at serial page (331278).

§ 499a.7. Suspension and disbarment.

(a) The Board may deny, temporarily or permanently, the privilege of appearing or practicing before the Board to a person who is found by the Board, after notice and opportunity for hearing in the matter, to have done one or more of the following:

(1) Lacked the requisite qualifications to represent others.

(2) Engaged in unethical, contemptuous or improper conduct before the Board.

(3) Repeatedly failed to follow Board directives.

(b) For the purpose of subsection (a), practicing before the Board includes the following:

(1) Transacting business with the Board.

(2) The preparation of a statement, opinion or other paper by an attorney, accountant, engineer or other expert, filed with the Board in a pleading or other document with the consent of the attorney, accountant, engineer or other expert.

(3) Appearances at a hearing before the Board.

(c) Subsections (a) and (b) are identical to 1 Pa. Code § 31.28 (relating to suspension and disbarment).

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