



SUMMER, SUMMER, SUMMER TIME!

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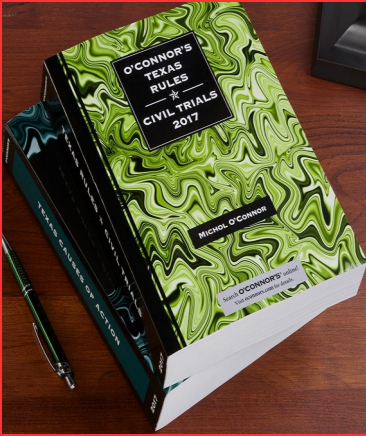


It has come down to the end of the year..... The TMSL 2018 Class is graduating! Three years ago, I met the students in the orientation meeting. The time has passed so quickly, it seems like yesterday that the law students arrived.

I want to extend a very whole heartedly thank you to all the Research Assistants that worked at the law library. Without the Research Assistants, the law librarians could not service the faculty according to their expectations. Thank you to: Nediaalka Gagalieva, Kyle Garza, Reginal Harris, Megan Mejias, Timothy Rose, and Ieshia Smith (Champs). I want to thank my unofficial research assistant, Marchelle Warren, who went above and beyond to assist me in my research.

And finally, The TMSL Library Family extends to each of the TMSL Class of 2018 congratulations and the very best of luck. "To whom much is given, much is received." Go forth and do well. You are stepping into a field that holds no limits. Go forth but don't forget the law library is here. Remember if you run into a legal issue and/ or need assistance, call or come back to the law library. The study rooms will be on reserve for bar students first! And yes, thank God the basement is open! We remain here for you, our graduating law students! Remember "Protect it, Improve it, and Pass It On!"

14th Annual James Weldon Johnson Poetry Contest and TMSL Library Annual Open Mic Night



This year the library had its highest poetry contest participation ever with over 25 entries. Special thanks to 2L Law student Valerie Salcido for advertising the contest for us. The Grand Prize Winner of the TMSL Law Library's 14th Annual, James Weldon Johnson Poetry contest was Charles NeSmith for his poem "The Revolution is Still Necessary". Mr. NeSmith won a Kaplan PMBR Bar Prep Course. The 2nd and 4th place prizes including Combination 3 DAY and 6 DAY Kaplan PMBR Course and 3000 LexisNexis points went to Edward Jinter for his poems, "Why Revolution" and "Clarion Hall". 3rd place went to Kristal Scott, who won a set of O'Connors books for her poem "A Necessary Revolution".

The winners performed their original poetry at the library's annual open mic night. Special thanks to Director DeCarlous Spearman for providing food and refreshments for the event.



FINANCIAL CHALLENGES IN PENNSYLVANIA MAY BE ADDRESSED WITH ONLINE GAMBLING REVENUES

By Dr. Reginal D. Harris

The battle lines were drawn on the Commonwealth of Pennsylvania's online gambling during a legislative hearing. The joint hearing of the Pennsylvania Senate and House was a mixed bag of supporters and opponents for online gambling. "Opponents were particularly strident in pushing against a proposed tax rate perceived by some as too low . . . [s]till, many of the witnesses were supportive of online gambling, and there were reasons for optimism."

As one could imagine, once a business gets big and money is involved, one can almost assuredly expect the government to come knocking and with their hands out. This is what happened to FanDuel and DraftKings in New York. The New York Attorney General sent letters to both online platforms raising "legal questions relating to the fairness, transparency, and security . . . and reliability" these companies made to those who participated in their fantasy leagues. Among other things, the letter asked these companies to disclose "substantial amount of information," policies, data, and what "set limits" were placed on "how much their employees" could win.

The New York case of FanDuel and DraftKings created a framework that challenged the state's analysis and contention by applying two federal statutes—Illegal Gambling Business Act ("**IGBA**") and the Unlawful Internet Gambling Enforcement Act ("**UIGEA**"). Neither of these federal statutes criminalizes nor defines gambling. In *Interactive Media Entm't & Gaming Ass'n v. Att'y Gen. of U.S.*, the federal government defers to state regulations for gambling definitions. "Both the IGBA and the UIGEA attack commercial gambling." "IGBA focuses [exclusively] on large scale gambling operators," and "UIGEA attacks the mechanism by which online gambling is funded."

The Pennsylvania Supreme Court has long held that "legislative power" "to make, alter and repeal laws" cannot constitutionally be delegated to "any other branch of government or to any other body or authority." The court further espoused, that the "General Assembly may . . . constitutionally delegate the power and authority to execute or administer a law."

Games and contests employing elements of chance are more and more prevalent all over the internet. Gambling, the activity of "consideration, chance, and prize" is payment of a price for a chance to win a prize. In the twenty-first century the advent of "technology allows remote wagering," especially on what was once thought of as sacred sporting events. In particular, the Commonwealth of Pennsylvania found itself (once again) in a conundrum of seeking qualified expert advice on how to best add much needed revenue to its cash flow shortfalls.

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Dustin Gouker, *Pennsylvania Online Gambling Hearing Highlights Fault Lines Among Industry, Lawmakers*, ONLINE POKER REPORT, (March 7, 2017 15:05 PDT), <https://www.onlinepokerreport.com/24310/pa-online-gambling>.

Id.

Kat Greene, NY AG Wants Fantasy Sports Data Amid Insider Accusations, Law360 (Oct. 6, 2015), <http://www.law360.com/articles/711832/ny-ag-wants-fantasy-sports-data-amid-insider-accusations> [<https://perma.cc/75UX-HM58>].

Id.

Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates Its New National Pastime*, 3 HARV. J. SPORTS & ENT. L. 1 (2012).

See Sanabria v. United States, 437 U.S. 54, 70, 98 S.Ct. 2170, 2182 (1978) ("Congress did not assimilate state gambling laws per se into the [IGBA] . . . nor did it define discrete acts of gambling as independent federal offenses.") (internal citations and footnotes omitted); see also, Interactive Media Entm't & Gaming Ass'n v. Att'y Gen. of U.S., 580 F.3d 113, 116 (3d. Cir. 2009) ("The [UIGEA] . . . does not itself outlaw any gambling activity, but rather incorporates other Federal or State law related to gambling.") (internal citations and footnotes omitted).

Unlawful Internet Gambling Enforcement Act of 2006 Overview, Federal Deposit Insurance Corporation (July 30, 2010), <https://www.fdic.gov/news/news/financial/2010/fil10035a.pdf> [<https://perma.cc/UC58-ZT4X>].

Id.

Blackwell v. State Ethics Comm'n, 523 Pa. 347, 359-60 (Pa. Dec. 13, 1989). ("The legislature may, consistent with this constitutional axiom, delegate authority and discretion in connection with the execution and administration of a law; it may establish primary standards and impose upon others the duty to carry out the declared legislative policy in accordance with the general provisions of the enabling legislation.").

Id.

Walter Champion Jr. and I. Nelson Rose, *Gaming Law in a Nutshell*, 277 (2012).

Champion, supra.

Champion, supra.

Wallace McKelvey, *PA Senate Advances Sweeping Online Gambling Expansion*, PENN. POLITICS (May 24, 2017)

http://www.pennlive.com/politics/index.ssf/2017/05/16_gambling_pa_senate.html. (Senate Appropriations Committee estimated the amended bill would generate between \$109 million and \$147 million, a nod to the unpredictability of how such changes play out in the real world . . . General Fund revenue expected to bring in between roughly \$100 and \$135 million . . . Fantasy contests could bring up to \$2 million . . . are a few of the key components of House Bill 271).

Id. ("Instead of the more complex 'local share' calculation, the bill charges most of the state's casinos a flat \$10 million annual slot machine operation fee that will be set aside to fund local governments.").

Government Relations, *Senate Approves Gaming, Local Share Assessments Bill*, PICPA, (May 26, 2017) <https://www.picpa.org/keep-informed/legislative-update>. ("House Bill 271, sponsored by Rep. Jason Ortity (R-Washington), would allow online gaming – such as poker, black jack, roulette, and slots – as well as lottery ticket sales over the Internet. The legislation also addresses fantasy sports wagering and gaming in airports.").

Tom Wolf, 47th Governor of Pennsylvania. <https://www.governor.pa.gov/governor-tom-wolf>. (Last visited May 26, 2017). ("Served as Secretary of Revenue under Governor Ed Rendell, where he instituted reforms that grew and strengthened the state lottery and laid the foundation for millions of dollars in additional benefits for Pennsylvania's seniors.").

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Summer Hours of Operation

OPERATING HOURS

REFERENCE HOURS

MONDAY—THURSDAY

8AM –10PM

FRIDAY

8AM –5PM

SATURDAY

9AM—5PM

SUNDAY

12 NOON—8PM

MONDAY– FRIDAY

8AM –5PM

SATURDAY

NONE

SUNDAY

NONE

