

WEDNESDAY
APRIL 11, 2007

The Philadelphia Inquirer

50¢
75 cents in some
locations outside the
metropolitan area

May 15 to be key casino day in Harrisburg, too

By Jeff Shields
INQUIRER STAFF WRITER

On the same day that Philadelphians are scheduled to vote on the ballot question to restrict casino development, a legal battle of equal import to the future of slots gambling in the city will be unfolding in Harrisburg.

The state Supreme Court on May 15 will hear arguments on the appeals trying to overturn the slots licensing decisions that provoked the ballot question in the first place. Five have been filed.

The legal melee that has followed the Pennsylvania Gaming Control Board's Dec. 20 decision approving the SugarHouse and Foxwoods casinos in Philadelphia has two main fronts.

Within the next weeks, the Pennsylvania Supreme Court will decide whether the ballot question will be allowed during Philadelphia's May 15 elections. Philadelphia voters would be asked whether to

bar casinos from being built within 1,500 feet of any home, school, or house of worship.

If approved by voters, the ballot question would have the effect of ejecting the SugarHouse Casino from its site in Fishtown, and Foxwoods from its site in South Philadelphia, and severely restricting where casinos can be built.

The second front, little discussed in recent weeks but equally significant, involves appeals of the Gaming Control Board's licensing decisions, to be heard May 15.

The state Supreme Court is now considering appeals to the board's decisions awarding stand-alone slots parlor licenses — two in Philadelphia, one in Pittsburgh, one in Bethlehem, and one in the Pocono Mountains. Five of the appeals are from Philadelphia.

Those casinos can't be built until those appeals are decided; a decision isn't expected before summer. If successful, the appeals would reopen the competi-

tion for slots licenses in the city.

The lawsuits were filed by unsuccessful casino applicants, anti-casino activists, and unhappy neighbors of the proposed gambling halls. They have focused on a variety of issues, from the Gaming Control Board's secret deliberations to the environmental impact of the casinos.

"The many pending appeals ... are the result of an administrative process that was fatally flawed by errors of law with arbitrary decision-making," wrote Alan Sandals, lawyer for a coalition of neighbors, in court documents.

The Gaming Control Board has reserved its comments for its written arguments, which are due next month and "intend to demonstrate the lack of legal merit in their arguments," board spokesman Doug Har-

bach said yesterday.

The groups appealing in Philadelphia include:

- Riverwalk Casino: Riverwalk, planned for North Delaware Avenue, was one of three losing applicants. Riverwalk argues

The state's top court will hear arguments on appeals that aim to overturn slots licensing decisions.

that the board's licensing decisions, made behind closed doors, violated the state's open-meetings law. Riverwalk also argues that the Gaming Control Board's conclusion that North Delaware Avenue could not handle congestion generated by

two casinos was not based on any formal analysis.

- Philadelphia City Council: Council's appeal echoes what gambling foes and neighbors have been arguing, that the board's public input hearings were inadequate because the deadline for comment from the public and the city was June 2, while the casinos were allowed

to change their plans through November, Council lawyer Maurice Mitts argued. For example, the board's traffic analysis, as well as changes in the casinos' traffic studies, came in well after the June deadline.

- Society Hill Civic Association, Queen Village Neighborhood Association, Pennsport Civic Association, Whitman Council, and six residents: The Foxwoods neighbors say the Gaming Control Board members Thomas "Tad" Decker and Joseph "Chip" Marshall should have recused themselves from the start of deliberations because of alleged conflicts of interest.

- Neighbors Allied for the Best Riverfront, Bella Vista United Civic Association, Friends of Penn Treaty Park, and eight residents: The suit contends that the board ignored the impacts of casinos on the environment, including air and water pollution.

- Jethro Heiko, Anne Dicker, Northern Liberties Neighbors Association, and others: Heiko

and Dicker, the leaders of Casino-Free Philadelphia, the leading organization challenging slots gambling, allied with Northern Liberties and a collection of neighbors to contend that the board stifled public input and ignored evidence, including the harmful effects casino gambling would have on city residents.

The Gaming Control Board has asked the Supreme Court to dismiss the four Philadelphia appeals other than Riverwalk, arguing that City Council, anti-gambling activists and neighbors lost their right to appeal when they failed to formally intervene in the process before the Dec. 20 decisions.

Despite earlier claims from critics that SugarHouse and Foxwoods benefited from their politically connected partners, none of the appeals has made that argument.

Contact staff writer Jeff Shields at 610-313-8173 or jshields@phillynews.com.