

BEFORE THE PENNSYLVANIA GAMING CONTROL BOARD

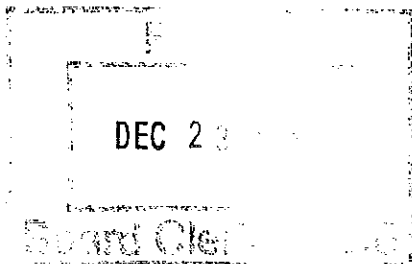
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAMING CONTROL
BOARD BUREAU OF INVESTIGATIONS
AND ENFORCEMENT

Complainant

PHILADELPHIA ENTERTAINMENT AND
DEVELOPMENT PARTNERS, L.P., D/B/A
FOXWOODS CASINO PHILADELPHIA
SLOTS LICENSE 1367,

Respondent

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: OHA DOCKET NO. 1408-2010
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ORDER

AND NOW, this 23rd day of December, 2010, upon consideration of the Office of Enforcement Counsel's ("OEC") Motion for Summary Judgment; Philadelphia Entertainment and Development Partners, L.P.'s ("PEDP") response thereto; and the record before the Board in these proceedings; OEC's Motion is **GRANTED** and it is **ORDERED** that PEDP's Category 2 Slot Machine License is **REVOKED** for the following reasons:

- 1) PEDP failed to comply with the Board's Order of September 1, 2009 by failing to submit to the Bureau of Investigations and Enforcement ("BIE"), by December 1, 2009, architectural renderings, artist renderings, conceptual proposals, engineering opinions and other documents relating to construction of a facility substantially similar to that approved by the Board on December 20, 2006; as well as a timeline for commencement and completion of all phases of the facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011;

- 2) PEDP failed to comply with the Board's Order of March 3, 2010 by failing to submit definitive financial documents for its casino project by March 31, 2010;
- 3) PEDP failed to comply with the Statement of Conditions placed upon the Category 2 Slot Machine License granted to PEDP, including, *inter alia*, Condition 5 of the Statement of Conditions, by failing to maintain financial fitness;
- 4) PEDP is unable to have 1,500 slot machines available for play by the Board imposed deadline of March 29, 2011; and
- 5) PEDP has failed to maintain financial suitability to hold a Category 2 Slot Machine License.

An Adjudication setting forth Findings of Fact and Conclusions of Law and the Boards' rational for entering this Order shall be forthcoming.

By the Board:



Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board¹

¹ Pennsylvania Gaming Control Board Member Ginty voted to deny OEC's Motion for Summary Judgment.