

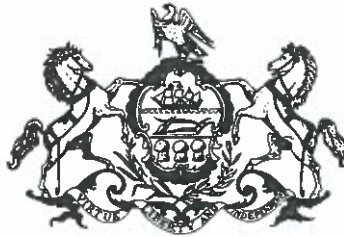
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

April 9, 2010

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The Honorable Gregory C. Fajt
Gaming Control Board Chairman
Strawberry Square 5th Floor
Harrisburg, PA 17101

COPY

Dear Chairman Fajt:

I write today about the inevitable situation regarding the category two licensee, Philadelphia Entertainment and Development Partners ("PEDP") a/k/a Foxwoods ("Foxwoods"). It has become clear with the recent events the viability of this license becomes dimmer by the day.

On January 27, 2010, the PCGB issued a Rule to Show Cause why the license held by Philadelphia Entertainment and Development Partners (PEDP, a/k/a Foxwoods) should not be revoked for failure to make any progress on development of its licensed site in Philadelphia. Since this time, the Board and your office have afforded this licensee the benefit of the doubt to prove the viability of this project to get up and running in a timely manner to produce revenue for the Commonwealth. Three months since this time, the licensee has defied this order and the benchmarks set forth by the Board.

As you are aware, Foxwoods is in serious financial turmoil. If the suitability hearing that took place in 2006 when this license was awarded were held today, it is reasonable to say this licensee would not meet the criteria to be a suitable applicant. I refer you to title 4 Sec. 1313. Now four years later, which according to their own testimony in early March, this licensee has no plan other than finding a new partner to see this project to fruition. This licensee's attempts to bring in a new investor, has failed. This has taken months out of time which they should have been proving their ability to develop the project approved by the Board. Steve Wynn made it very clear in his press release he has now abandon any participation in this project. While I am not privy to the documents filed with the Board on March 31st, it was clear from the April 7, 2010 hearing comments that this deal was unstable at best.

As fiduciaries of the Commonwealth, I commend the Bureau of Investigations and Enforcement for the hard work they have done in this proceeding and the Board for their oversight, but I believe the time has come to find a suitable licensee who can bring the category two licenses for the City of the First Class.

As set forth in title 4 Sec. 1325 (a) Nothing contained in this part is intended or shall be construed to create an entitlement to a license or permit by any person. The board shall in its sole discretion issue, renew, condition or deny a

slot machine license based upon the requirements of this part and whether the issuance of a license will enhance tourism, economic development or job creation is in the best interests of the Commonwealth and advances the purposes of this part. I also refer you to Sec. 1326 (b) Revocation... **that the information contained in the applicant's initial application or any renewal application is no longer true and correct.** The law is clear as the directive of the Act is, to get gaming up and running in a timely manner to benefit the citizen's of the Commonwealth.

It is my opinion the Board must initiate an immediate proceeding for the revocation of this license and start proceeding to rebid the license so the Commonwealth and the City of Philadelphia can realize the benefits and job creation of gaming in Pennsylvania.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Michael O'Brien". The signature is written in a cursive style with a large, stylized "M" and "O".

MICHAEL H. O'BRIEN
Member 175th District