

Gansler's written opinion addresses a complaint brought by The Cordish Cos. that Penn National Gaming has financed opposition to the casino in order to derail the state's slots program - and protect Penn's profits at its West Virginia casino.

Cordish, which is developing the Arundel Mills casino, contended Penn National violated the terms of its

own gambling license by bankrolling efforts to overturn zoning that would allow slots at Arundel Mills.

Gansler's 10-page opinion, released yesterday and addressed to the Maryland Lottery Commission, concludes that Penn National's license for a Cecil County casino does not bar the company from actively campaigning against another casino's zoning laws.

"The people of Anne Arundel County are engaged in an intense political debate over the wisdom of the zoning ordinance, a debate in which everyone - including financially motivated gaming entities such as PPE (Cordish) and PNG (Penn National) - are entitled to participate," the opinion said. "Ultimately, the people will decide the issue at the ballot box."

Earlier yesterday, David Cordish, the company's president, told a group of reporters Penn National has been hiding behind a resident coalition called No Slots at the Mall and has spent millions mounting a misinformation campaign. The day's events offer evidence that the fight between two gambling companies may drive the discussion about slots in the remaining four weeks before Election Day.

In a statement, Penn National accused Cordish of "obstructionist tactics" and "acts of desperation and bullying."

"Today is yet another win for the democratic process and the voters of Anne Arundel County," said company spokesman Eric Schippers.

"After decisively losing two court battles intended solely to prevent the upcoming referendum,

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The Cordish Cos. continues to fervently seek to silence the people of Anne Arundel County and yet again has been instructed that they cannot stop the will of the people," Schippers said.

Cordish, meanwhile, downplayed the opinion's significance.

"The attorney general's opinion is just that. It's one lawyer's opinion," Cordish said in an e-mail. "Our lawyers are convinced that it is a contract issue, not a free speech issue."

Alan Rifkin, an Annapolis attorney representing No Slots at the Mall, praised Gansler's opinion.

"The Cordish Cos. have struck out in their attempt to improperly silence opposition to a slots facility at Arundel Mills mall," Rifkin said in a statement.

The Maryland Lottery Commission will decide what action, if any, to take in response to Cordish's complaint. Erica Palmisano, a spokeswoman for the commission, said in an e-mail today that no decision has been reached and the opinion will likely be a topic for discussion at an Oct. 22 meeting.

'You can't get up and lie'

Earlier in the day, Cordish held an hour-long presentation on the way Penn National and No Slots at the Mall have tried to sway voters against ballot Question A.

"Whether or not the lottery commission concludes they can spend millions of dollars, they have to spend it in a way that they're not misrepresenting (the issue)," Cordish said. "We all believe in freedom of speech. ... You have the right to talk, but you can't get up and lie."

Cordish takes issue with print and TV advertisements that imply the casino would be inside the

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mall, when in fact it will be in a separate, free-standing building. He held up a direct mail piece that incorrectly implies children would have access to the casino, which by state law is limited to people over age 21.

"You have a little girl by herself with her shopping bag, walking into a casino," Cordish said. "This is powerful stuff."

Cordish said the coalition is also behind a poll linking his company to disgraced Wall Street investor Bernie Madoff.

"There is absolutely no truth to that," said Heather Ford, spokeswoman for No Slots at the Mall.

Cordish also accused Penn National and No Slots at the Mall of creating a false choice for voters by advertising that slots will go to the Laurel Park racetrack if defeated for Arundel Mills. In fact, defeating the referendum would erase all zoning approval for any slots parlors in the county, including one at Laurel Park, where Penn National owns a majority stake.

State laws also prohibit Penn National from owning interest in two casinos, and the company already holds the license for the newly opened Hollywood Casino Perryville in Cecil County.

Cordish said Penn National earns \$60 million in revenue from Maryland residents traveling to its Charles Town, W.Va., casino - money Cordish said the company would lose if the Arundel Mills site opened.

"They don't want a casino at Laurel. They don't want a casino in Anne Arundel County. It's obvious," Cordish said.

Gansler's written opinion maintains that financing the campaign against the Arundel Mills casino is no more a conflict of interest for Penn National than owning the West Virginia casino that draws revenue from Maryland residents.

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Cordish pointed to that part of the opinion as evidence voters should know that the No Slots at the Mall campaign draws funds from Penn's corporate interests.

"Assuming for the sake of argument that Penn technically gets a pass, that doesn't change the fact and the reality that this is all about Charles Town, W.Va., versus Maryland," Cordish said. "No one disputes that if Question A goes down, the zoning process in the county starts from zero and it will take years to put Humpty Dumpty back together again."

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Staff Writer Liam Farrell contributed to this report.

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