

Group appeals casino decision

Written by Administrator
Wednesday, 04 December 2019 04:54 -

An anti-casino group is appealing to the state Supreme Court a circuit court judge's decision to declare unconstitutional an initiated Pope County ordinance that requires voter approval before a casino-license candidate can be endorsed by local officials, according to a court document released Tuesday.

The notice of appeal filed by James Knight on behalf of the group Citizens for a Better Pope County does not elaborate on the arguments against 5th Judicial Circuit Judge Bill Pearson's Oct. 29 ruling dismissing the case, which was filed against County Judge Ben Cross as well as members of the Pope County Quorum Court. The notice only states that the group is challenging Pearson's Oct. 3 ruling allowing Cherokee Nation Businesses to intervene in the case and granting the final motion to dismiss the suit.

Messages left for Travis Story, the attorney of record for Knight and Citizens for a Better Pope County, were not returned as of late Tuesday.

Pearson also dismissed claims that Cross and Quorum Court members violated the state Freedom of Information Act by meeting in secret before they approved a resolution on Aug. 13 in support of Cherokee Nation Businesses obtaining a casino license there.

Cross said the appeal of the dismissal "doesn't come as any surprise."

"I trust in our legal system and anticipated this would be the next course of action on the issue," Cross said.

In November 2018, voters statewide approved Amendment 100, which allows new casinos in Pope and Jefferson counties and allows the expansion of casino gambling at the racetracks in Hot Springs and West Memphis. Amendment 100 required local officials to endorse the Pope and Jefferson county casinos.

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Pope County voters widely rejected the amendment and also approved Ordinance 2018-0-42, which required officials, before issuing an endorsement, to take the issue to the polls.

Pearson dismissed the case the morning after the Quorum Court repealed the initiated ordinance.

The initiated ordinance, Pearson said in his ruling, is unconstitutional because it takes away powers granted by Amendment 100 to county and city officials. Ordinances cannot add additional qualifications to constitutional amendments, he ruled.

The case was one of a handful of suits and complaints brought by various interests after the Racing Commission initially rejected all five applicants for the Pope County casino license -- Gulfside Casino Partnership of Mississippi, Cherokee Nation Businesses of Oklahoma, Kehl Management of Iowa, Warner Gaming of Nevada and Choctaw Nation Division of Commerce of Oklahoma -- because none at the time had endorsements by local officials currently in office.

A Racing Commission rule and a state law added that the endorsements must come from officials serving at the time the license application is made.

Gulfside sued the Racing Commission after its application was denied because the endorsements it contained were from former local officials who had issued their support in December 2018 right before leaving office.

The Racing Commission -- which opened a second application window after the Quorum Court's endorsement of the Cherokees -- decided on Oct. 17 to hold off on considering applicants until all pending lawsuits have been resolved.

In another court case, Knight, on behalf of Citizens for a Better Pope County, said in a civil suit against the Racing Commission that the resolution approved Aug. 13 by the Pope County Quorum Court in support of the Cherokees is invalid because it is in direct contradiction to the initiated county ordinance approved in November.

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That case is set for a hearing at 1:30 p.m. Dec. 18 in front of Pulaski County Circuit Judge Wendell Griffen.

Late last month, the Arkansas Ethics Commission dismissed casino-related ethics complaints filed by Jacksonville attorney William J. Ogles against two Pope County Quorum Court members and authorized the withdrawal of a complaint against a third member of the Quorum Court.

A review is still pending by the Office of Prosecutor Coordinator in Little Rock after Hans Stiritz, on behalf of Citizens for a Better Pope County, filed a complaint with affidavits alleging that county officials held private meetings that violated the Freedom of Information Act to discuss casinos.

The Racing Commission's window for the second round of applications closed Nov. 18 with applications submitted by Cherokee Nation Businesses and the Choctaw Nation. The proposal from the Choctaw Nation does not include letters of support from local elected officials.

Scott Hardin, a spokesman for the state Department of Finance and Administration, has said that the Racing Commission may waive at its December meeting a rule it adopted earlier this year that requires the commission to award and issue a casino license within 30 days of the close of the application period.

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