
From: Daniel Materna <sailordan76@verizon.net>
Sent: Friday, November 5, 2021 5:03 PM
To: CTCouncil
Cc: mike@centrecountypa.gov; mark@centrecountypa.gov; sdershem@centrecountypa.gov; Adam Brumbaugh; Jennifer Snyder
Subject: Update on status of Nittany Mall casino

Good afternoon College Township Council members,

I'm not sure if you've seen this recent news on the status of the proposed casino at Nittany Mall:

[Cordish Petition Seeks To Cancel Luburt's Winning Mini-Casino Bid \(playpennsylvania.com\)](https://www.playpennsylvania.com/news/cordish-petition-seeks-to-cancel-luburt-s-winning-mini-casino-bid)

Just wanted to keep you informed.

Best regards,
Daniel Materna

Cordish Challenges PGCB Award to Ira Lubert for Mini-Casino Near State College

Written By [Kevin Shelly](#) on October 28, 2021



The **proposed [mini-casino near Penn State](#)** is causing some big legal wrangling.

The **[Cordish Companies](#)** wants a **do-over** ordered to award a **[mini-casino license](#)** it bid on – but lost – to financier **[Ira Lubert](#)**. This time, Cordish wants to be **declared the winning bidder**.

Cordish filed in **Commonwealth Court** under the name **Stadium Casino**, which is the business name of **[Live! Casino Philadelphia](#)**. Lubert and the **Pennsylvania Gaming Control Board (PGCB)** are the **[targets for a legal petition](#)** which seeks to **cancel the Sept. 2, 2020 bid** made by Lubert and accepted by the PGCB.

Cordish bid on the license but lost to Lubert's slightly **[more than \\$10 million offer](#)**.

Even if not successful, the ongoing legal wrangling will likely **delay work** beginning on the project by **at least six months** – if not more.

Cordish has until **early November** to file a counter to the legal response filed in September on behalf of Lubert.

Cordish also bid on mini-casino license

The Cordish Companies had tipped its hand in **July 2020** that it wanted the license, telling **PlayPennsylvania** exclusively then that it **[intended to bid on the mini-casino license](#)**.

The Baltimore-based Cordish company did not comment after hearing Lubert beat them with a sealed bid of **\$10,000,101** for a location near State College.

The Cordish petition contends that the Lubert offer “shoehorned into their bids persons or entities” were not allowed to participate in the bid.”

Cordish petition against Lubert and PGCB

The Cordish petition filed by Philadelphia **lawyer Mark Aronchick** claims:

- *“Lubert has effectively bootstrapped persons not eligible to bid for a gaming license onto the entity he created to apply for the license.”*
- *Doing so contravenes “specific directives from the General Assembly about who can be a Category 4 licensee.”*

The petitions further claimed:

- *The alleged bootstrapping circumvented the **Gaming Act** and the **Fiscal Code**.*
- *Lubert created **SC Gaming** to apply and pay for the license. But that meant SC Gaming’s bid was ineligible from the beginning.*
- *“Because Lubert failed to pay the winning bid amount himself, his bid is invalid, and Stadium Casino, as “the second highest bidder shall be awarded the right to select a Category 4 location and apply for the Category 4 slot machine license.”*

The petition also states that **Richard Sokolov**, a real estate executive for Cordish’s Maryland casino landlord, and PA developer **Robert Poole** are investors in a new Lubert entity called SC Gaming. The two are vice presidents of SC Gaming.

The petition contends neither to be part of the bid.

Cordish claims Bally’s role not spelled out

Additionally, the Cordish petition contends details regarding **Bally’s Corporation** and its role running the casino remain veiled through redactions made by the PGCB.

The petition also claims documents show “Bally’s **entire Board of Directors, several of Bally’s officers**” are behind the proposal.

The petition also **charges the PGCB has wrongly kept secret redacted portions** of the bid.

Aronchick, Cordish’s lawyer, did not respond to requests for comment about the legal claims.

Lubert’s lawyer points to his client’s legal response

Lubert’s lawyer, **Adrian King of Philadelphia**, provided court papers to **PlayPennsylvania** and primarily declined comment.

But King added the response seeks dismissal and “speaks for itself.”

In essence, Lubert’s response contends Cordish is jumping the line procedurally. Cordish has not followed administrative options and has failed to follow an administrative timeline. It also states that Lubert is, in fact, the sole owner.

Also, according to Lubert’s response, Cordish followed much the same procedures for winning and paying for the mini-casino license for its property, **Live! Casino Pittsburgh**.

PGCB dismisses petition as “attempt to muddy waters”

The gaming board has declined comment to *PlayPennsylvania*.

However, the PGCB provided its written legal response, defending the award to Lubert. The answer called the petition an attempt to “muddy the waters” and labeled Cordish a “disgruntled bidder.”

The PGCB response called for the dismissal of the petitions because:

“Nothing in the Gaming Act precludes SC Gaming from being an applicant for Category 4 licensure so long as Lubert is the sole owner at the time the license is awarded.”

Proposed location for mini-casino near Penn State

Lubert has named **Nittany Mall** in **College Township** as his location at a **closed Macy’s store**.

The mall is at the intersections of Route 150 and Route 26. That’s one mile off the I-99 corridor, the major highway in the area.

Lubert has a second home in the area and is a graduate and supporter of **Penn State University**.

The award of this, the fifth and final mini-casino, has proved long and torturous. The license only became available when a bid by **Mount Airy Casino** for a location in Western PA faltered in November of 2019.

Lead image c/o Dreamstime

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