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WQLN sues Erie County Gaming Revenue Authority over gambling funds

By KEVIN FLOWERS

kevin.flowers@timesnews.com

The Erie County Gaming Revenue Authority is being sued again over gambling revenues from Presque Isle Downs & Casino -- this time by Erie's public television and radio company.

Public Broadcasting of Northwest Pennsylvania Inc., which does business as WQLN Public Media, 8425 Peach St., filed its lawsuit against the authority Wednesday afternoon.

The nonprofit, according to the suit, wants to be named a "dedicated regional asset" that would be in line for an annual portion of some gambling funds the Gaming Revenue Authority controls.

The Gaming Revenue Authority has developed a framework for distributing millions of dollars in what are known as "uncommitted" gambling revenues.

As part of that framework, the authority has designated nine dedicated regional assets that are each eligible for as-yet-unspecified amounts of money from the authority each year.

They are the Erie Zoo, Erie Art Museum, ArtsErie, Erie County Historical Society, Erie Playhouse, Erie Philharmonic, Experience Children's Museum, Mary D'Angelo Performing Arts Center, and the U.S. Brig Niagara and Erie Maritime Museum.

According to the Gaming Revenue Authority, at least \$2 million will be made available, via an endowment, to help fund the nine dedicated regional assets.

In addition, other funds will be made available to help smaller community organizations, but that amount is not yet known.

WQLN's lawsuit, filed by Erie lawyers Eric Purchase and Dan Pastore, claims that WQLN officials have asked the Gaming Revenue Authority to be included as a dedicated regional asset -- both in writing and in person at Gaming Revenue Authority meetings -- but the authority has taken no action on WQLN's request.

The suit also claims that WQLN believes it meets the definition of a dedicated regional asset -- which, according to the suit, includes county assets "that have a strong history of service to the community, a large operating budget and a regional audience base."

WQLN officials, in a June 10 letter to the authority included in its court filing, claims that WQLN has provided "high-quality commercial-free television and radio programming" in the Erie area for decades, and should be considered for dedicated regional-asset status.

WQLN-TV debuted in 1967; WQLN Radio began broadcasting in 1972.

The suit also states that the Gaming Revenue Authority "has never explained, at any public meeting, how it determined which entities it designated as Dedicated Regional Assets."

The authority also has yet to identify a procedure by which a group can seek designated regional-asset status, according to WQLN's suit.

WQLN wants an Erie County judge to hear its legal arguments.

By failing to designate WQLN as a regional asset, the lawsuit states, the Gaming Revenue Authority is abusing its discretion and depriving WQLN of its federal and state due process and equal-protection rights.

The Gaming Revenue Authority is an independent authority created by county government. It evaluates grant requests for a portion of the roughly \$12 million in gambling revenues Erie County government receives annually from the Summit Township casino.

Tom Kidd, the Gaming Revenue Authority's executive director, did not know about the lawsuit when contacted by the Times-News Thursday. He declined to comment.

The authority's solicitor, Tom Talarico declined to comment Thursday. Talarico said he had not seen WQLN's complaint and was unaware of it.

But in a Nov. 23 letter to WQLN officials, Talarico wrote that while the authority has "no exact definition" of a dedicated regional asset, the determination and classification of such entities are within the Gaming Revenue Authority's discretion.

The authority makes such determinations "based upon its knowledge, information and expertise," Talarico wrote.

WQLN is also free to apply for other types of gambling revenue grants, Talarico wrote.

Neither Purchase nor WQLN's president and general manager, Dwight Miller, could be reached for comment Thursday. Pastore declined to comment.

The authority's grant distribution process has spawned previous lawsuits involving municipalities near the casino.

A recent legal settlement guarantees several local municipalities annual portions of gambling revenues to use as they see fit.

Erie County Councilman Ronald Cleaver, council's liaison to the Gaming Revenue Authority, said he believes a lawsuit "is the wrong way (for WQLN) to go about it."

"I would rather see them sit down again and try to work it out face to face," Cleaver said.

KEVIN FLOWERS can be reached at 870-1693 or by e-mail.