

[J-133&134-2016][M.O. – Todd, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

SUGARHOUSE HSP GAMING, L.P.,	:	No. 124 EM 2016
	:	
Petitioner	:	Appeal from the Supplemental
	:	Adjudication of the Pennsylvania
v.	:	Gaming Control Board in the matter of
	:	the Applications for the Category 2 Slot
	:	Machine License in the City of the First
PENNSYLVANIA GAMING CONTROL	:	Class, Philadelphia, dated 6/23/16
BOARD,	:	
	:	
Respondent	:	SUBMITTED: November 7, 2016
	:	
STADIUM CASINO, LLC,	:	
	:	
Intervenor	:	
	:	
MARKET EAST ASSOCIATES, L.P.,	:	No. 125 EM 2016
	:	
Petitioner	:	Appeal from the Supplemental
	:	Adjudication of the Pennsylvania
v.	:	Gaming Control Board in the matter of
	:	the Applications for the Category 2 Slot
	:	Machine License in the City of the First
PENNSYLVANIA GAMING CONTROL	:	Class, Philadelphia, dated 6/23/16
BOARD,	:	
	:	
Respondent	:	SUBMITTED: November 7, 2016
	:	
STADIUM CASINO, LLC,	:	
	:	
Intervenor	:	
	:	

CONCURRING OPINION

CHIEF JUSTICE SAYLOR

DECIDED: June 20, 2017

I join the majority opinion in full, albeit that I have reservations concerning the degree to which the analysis of the term “financial interest” as being exclusive of an “ownership” interest would be applied in other cases. I accept the majority’s assessment here, because it is immaterial whether the former term encompasses the latter, since both terms appear side by side in the statute under review. If this were not the case -- as for example, if the terms “ownership or financial interest” and “financial interest” were used in two separate subsections of the same statute for different purposes -- I would likely be more amenable to the view that the difference gives rise to an ambiguity, thus implicating resort to the tools of statutory construction.

Stated otherwise, it is difficult for me to believe that the General Assembly would employ the term “financial interest” to exclude ownership interests, absent some explicit indication to that effect.