

Bond Case Briefs

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STANDING - ILLINOIS

Waukegan Potawatomi Casino, LLC v. Illinois Gaming Board

Supreme Court of Illinois - January 24, 2025 - N.E.3d - 2025 IL 130036 - 2025 WL 285175

Unsuccessful applicant for casino owners' license, whose application city refused to certify to Illinois Gaming Board, filed complaint for declaratory and injunctive relief to prohibit Board from issuing casino owners' license for city due to city's alleged noncompliance with Illinois Gambling Act. After Board issued license to successful applicant, city and Board moved to dismiss for lack of standing.

The Circuit Court granted motions. Unsuccessful applicant appealed. During pendency of appeal, Board issued temporary operating permit and owners' license to successful applicant, and city and Board moved to dismiss appeal as moot. The Appellate Court denied motions, reversed, and remanded. City's and Board's petitions for leave to appeal were granted.

The Supreme Court held that:

- City's resolutions approving three proposals to operate casino complied with Act's certification requirements;
- Appeal was mooted by Board's issuance of casino owners' license;
- Supreme Court would review standing issue under public interest exception to mootness doctrine; and
- Unsuccessful applicant lacked legal cognizable interest in licensing process before Board.

Unsuccessful applicant for casino owners' license, whose application city had refused to certify so that Illinois Gaming Board could consider it, lacked legal cognizable interest in process before Board, and thus, lacked standing to seek declaratory and injunctive relief precluding Board from issuing license based on argument that city's certification of three other applicants failed to comply with Illinois Gambling Act's criteria such that Board lacked jurisdiction over those applications; Act did not treat certification process as bidding process, but rather, gave city discretion to certify applicants and allowed it to reject applicants for any reason, and any right that unsuccessful applicant had to lawfully-conducted certification proceedings ended when Board proceedings began.