

# CENTRE DAILY TIMES

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## **PENN STATE Future of fraternity house unclear after appeal of ruling that cleared Penn State to buy property**

**BY BRET PALLOTTO**

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The future of a former fraternity house where a Penn State student was fatally injured during a night of drinking and hazing may remain in limbo for more than a year.

The alumni-run house corporation that owns and manages the former Beta Theta Pi house filed an appeal Thursday of Centre County Judge Brian Marshall's ruling that a nearly century-old deed provision gives the university the right to acquire the property.

The December ruling gave the university and the corporation six months to negotiate a deal. Corporation attorney Mark Bradshaw and a university spokesperson declined comment Monday.

Timothy Piazza, a 19-year-old engineering major, died in February 2017 after multiple falls down stairs at a pledging event. The Beta Theta Pi property has not been home to an active fraternity chapter since its recognition was permanently revoked by the university in the weeks after the sophomore's death.

The 1928 deed for the property at 220 N. Burrowes Road stipulated the university had the right to purchase it back if it was no longer used as a fraternity, Marshall ruled.

Marshall rejected arguments from the house corporation that the deed does not say an active chapter of undergraduate students need to live in the house to constitute a fraternity chapter. Jim Piazza — Timothy's father — pushed "very, very strongly" to ensure the house that's surrounded by the University Park campus was not used as a fraternity after his son's death, university President Eric Barron testified during an October trial.

Demolishing the house or repurposing it as an engineering building named after his son were among the suggestions from Piazza.

**"Jim and Evelyn Piazza look forward to the day when the Beta Theta Pi fraternity house is back in the control of Penn State, furthering the purposes of the University," family attorney Tom Kline said in a written statement Monday. "It is painful that Beta house ownership continues to protract this further."**

The house corporation's board of directors in summer 2018 recommended a sale of the property to alumnus and donor Don Abbey, but the corporation's membership rejected the sale.

University administrators hoped to reach an agreement with the house corporation and Abbey until the sale was rejected, David Gray, former senior vice president for finance and business, testified.

Abbey, a 1970 Penn State graduate, also has a pending lawsuit against the house corporation. He's seeking the return of more than \$10 million he said he loaned the fraternity for house repairs and renovations.

The 2017 lawsuit argued an agreement said the money would be repaid if the property was no longer being used as a fraternity house. The house corporation called the agreement "unconscionable" and said it should not be enforced because it was not approved by the group's membership. The lawsuit is stayed pending the outcome of Penn State's case against the house corporation. A pretrial conference is scheduled for Sept. 14.

The house has been used sporadically since spring 2017, typically by dues-paying fraternity alumni during home football weekends or other special events.

