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The _____ MICHIGAN GAMING _____ Newsletter



MICHIGAN SUPREME COURT OVERTURNS BALLOT INITIATIVE RULING

Today, August 24, 2012, the Michigan Supreme Court reversed a Court of Appeals decision that invalidated a ballot proposal that seeks to authorize an additional eight commercial casinos throughout the state. The decision vacated a writ of mandamus the Michigan Court of Appeals had issued to the Secretary of State for the removal of the casino initiative from the ballot. As a result, the initiative now moves to the State Board of Canvassers for consideration for possible inclusion on the November ballot. The court's order clarifies the technical requirements that apply to constitutional referendums, an issue of first impression for the court.

Prior Court of Appeals Ruling

The Court of Appeals opinion cited Article 4, Section 25 of the Michigan Constitution which states that a voter-initiated law may not be revised, altered, or amended without a republishing of the affected statutory language. The Appeals Court had determined that the drafted constitutional amendment failed to properly educate voters as to what specific laws will be altered by the amendment because it did not state specific provisions of the statute and convey the revisions in their entirety.

Supreme Court Ruling

The Supreme Court held that the Court of Appeals should have reviewed the proposal under Article 12, Section 2 of the Michigan Constitution, which governs the voter approval process for constitutional amendments, not Article 4, Section 25, which the Supreme Court stated applies to amendments of statutes. The ruling was unanimous, though Justice Stephen J. Markman filed a "concurring" opinion noting that voters should be

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provided at least some notice that voter-initiated law would be amended by the proposal, but also noted that the decision provides “clarity as to what the constitution requires of voter-initiated constitutional amendments.”

The Board of State Canvassers must certify the ballots for the November election by September 7, 2012 and has a meeting scheduled for Monday, August 27, 2012.

GOV. SNYDER RECOGNIZES IMPORTANCE OF TRIBAL SOVEREIGNTY

On Thursday, August 23, 2012, Governor Rick Snyder signed Executive Directive No. 2012-02 that recognizes a 2002 Government-to-Government Accord between the state of Michigan and federally-recognized Indian Tribes in the state. Among other things, the 2002 Accord reinforces the state’s obligation to respect the sovereignty and rights of Michigan’s twelve federally recognized Native American communities.

The Executive Directive was signed as a part of the annual 2012 State-Tribal Summit, an event that discussed issues of common concern among tribes including human services, transportation and economic development

“By signing this executive directive, I am signaling my commitment to building a strong relationship between tribes and the state not only during my tenure as governor, but for many years in the future,” stated Gov. Snyder. “The state has worked constructively with Michigan’s tribes in many areas including transportation, human services and economic development, and I look forward to improving this relationship as we move toward a brighter future for all of Michigan.”

Under the Directive, Gov. Snyder will select an advisor from a member of his legal division to act as a tribal-state liaison who will monitor the state’s adherence to the 2002 Accord. Michigan’s federally recognized tribes include: Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Match-E-Be-Nash-She-Wish Band of Pottawatomi (Gun Lake Tribe), Hannahville Potawatomi Indian Community,

Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Ottawa Indians, Nottawaseppi Huron Band of the Potawatomi, Pokagon Band of Potawatomi, Saginaw Chippewa Indian Tribe, and the Sault Ste. Marie Tribe of Chippewa Indians.

ONTARIO RACING COMMISSION APPROVES WINDSOR RACEWAY REQUEST TO CANCEL LICENSE

On Thursday, August 23, 2012, the Ontario Racing Commission (“ORC”) announced that it had conditionally approved Windsor Raceway’s request to cancel its racing license. If the raceway meets certain financial terms and conditions then the cancellation will become effective as of 11:59pm next Friday, August 31, 2012.

Windsor Raceway had submitted a letter on August 15, 2012, to notify the ORC of its intent to return its racing license to the commission. The ORC announcement also indicates that horsemen under contract with the raceway have been notified of the raceway’s request. In addition, the ORC has stated that it will release further information on the financial considerations, as well as how the commission will handle transferring purse monies, in the near future.

FINCEN NAMES NEW DIRECTOR

On Monday, August 20, 2012, the U.S. Department of the Treasury announced that Jennifer Shasky Calvery was selected as the new Director of the Financial Crimes Enforcement Network (FinCEN). Ms. Shasky Calvery will replace current Director Jim Freis, who has served as the Director of FinCEN for the past five years. FinCEN is a division of the U.S. Department of Treasury and is responsible for helping protect the U.S. financial system from money laundering and other forms of illicit financial activity.

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“I am delighted to welcome Jennifer as a new FinCEN Director and as a key member of my senior leadership team. Her proven record of leadership and strong working relationships with Treasury, law enforcement and the federal bank regulatory agencies will be enormous assets to us as we work together to chart a course for FinCEN’s future,” said Under Secretary for Terrorism and Financial Intelligence David S. Cohen. “I thank Jim Freis for his years of dedicated service during which he has guided FinCEN in its critical missions of administering the Bank Secrecy Act and serving as the United States Financial Intelligence Unit.”

Prior to her new position Ms. Shasky Calvery served as the Chief of the Asset Forfeiture and Money Laundering Section of the Department of Justice. While in this post, she restructured the section’s efforts in key prosecutorial and enforcement areas related to Bank Secrecy Act violations by banks and non-bank financial institutions and other foreign corruption. She has also worked closely with the Treasury Department in developing investigative strategies and regulatory initiatives to combat illicit financial activity.

GLOBAL GAMING EXPO EARLY BIRD SPECIALS EXPIRE SEPTEMBER 10

Early Bird Discounts for the 2012 Global Gaming Expo (G2E), to be held at The Sands Expo and Convention Center in Las Vegas, Nevada, from October 1-4, expire on September 10.

Early Bird Discounts include group discounts, Native American Casino Registration packages and special hotel and travel deals which registrants may take advantage of on the G2E website.

Attendees will also have the opportunity to apply for Express Badges for G2E 2012. Expo organizers say the new badges will expedite registration and check-in time, thus creating more ease and convenience.

Over 30,000 gaming professionals from around the world are scheduled to attend this year’s G2E from all gaming industry trades and sectors. To register, or for more information about G2E, please visit www.globalgamingexpo.com.

GLOBAL GAMING BUSINESS ACCEPTING ENTRIES FOR GAMING TECHNOLOGY AWARDS

Global Gaming Business Magazine is currently accepting entries for their annual Gaming and Technology Awards. The deadline to submit nominations is September 3, 2012 and entry forms can be found at www.ggbmagazine.com.

This year’s call for entries fall into four separate categories, they include 1) Best consumer-service technology, 2) Best productivity-enhancement technology, 3) Best slot product, and 4) Best table-game product or innovation.

Judges include various gaming experts from across the nation and will be examined by Claudia Winkler, president of GHI solutions; Robert Russell, gaming analyst with Regulatory Management Counselors P.C.; Frank Neborsky, Vice President of slot operations at Mohegan Sun; Gerhard Burda, president and CEO of ESCAPES Advisory services; and Matt Hurst, Vice President of gaming machines at Melco Crown Entertainment.

The awards will be presented on Wednesday, October 3, 2012 at the Global Gaming Expo in Las Vegas and will be included in the November issue of Global Gaming Business Magazine. For further inquiry, please contact David Coheen at 702-248-1565 ext.227 or by email at dcoheen@ggbmagazine.com.