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# The **MICHIGAN GAMING** Newsletter



## **PRELIMINARY INJUNCTION ISSUED HALTING PROPOSED LANSING CASINO APPLICATION**

On March 5, 2013, Judge Robert Jonker of the United States District Court for the Western District of Michigan issued an Opinion and Order which preliminarily enjoins the Sault Ste. Marie Tribe of Chippewa Indians ("Sault Tribe") from applying to have certain parcels of property within the City of Lansing (and upon which the Sault Tribe proposes to build a casino) taken into trust by the U.S. Secretary of the Interior unless and until the Sault Tribe obtains written revenue sharing agreements with the other federally-recognized Indian Tribes in Michigan. Having the subject land taken into trust is one of the required steps that an Indian tribe must take in order to open a casino pursuant to the federal Indian Gaming Regulatory Act ("IGRA").

In issuing this preliminary injunction, the Court relied on Section 9 of the 1993 Tribal-State gaming compact between the Sault Tribe and the State of Michigan, which was a provision placed in all of the original compacts to control the expansion of off-reservation gambling under IRGA. This section provides that "[a]n application to take land into trust for gaming purposes... shall not be submitted to the Secretary of the Interior in the absence of a prior written agreement between the Tribe and the State's other federally-recognized Indian Tribes that provides for each of the other Tribes to share in the revenue of the off-reservation gaming facility that is the subject of the...application."

As it is highly unlikely that the Sault Tribe would be able to reach revenue sharing agreements with each of the other federally recognized Indian Tribes in Michigan, the preliminary injunction effectively freezes any further meaningful development of the Sault Tribe's Lansing Casino plans until the underlying lawsuit filed by the State is decided. In this regard, the

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Court noted in its opinion that the State of Michigan has established a likelihood of success on the merits of its case, and it further stated that "...the Sault Tribe's argument that Section 9 of the Compact has no bearing on such a trust acquisition is weaker than the State's argument to the contrary."

In response to the Court's ruling, Sault Tribe Chairperson Aaron Payment released the following statement:

"The Sault Tribe remains undeterred and steadfastly committed to pursuing our legal right to develop our Lansing casino. Anyone who understands tribal gaming and the trust land process also understands that this is going to be [a] lengthy process with multiple legal steps along the way. Today's ruling is simply the first step in the legal process. At the end of the day, we expect to prevail because our 1997 federal Land Claim Settlement Act clearly gives us the right, and because of the substantial economic benefits the project will generate for the people of Greater Lansing and the members of our Sault Tribe."

## **MGCB RELEASES REGULAR PUBLIC MEETING AGENDA**

On Tuesday, March 12, 2013, the Michigan Gaming Control Board ("MGCB") will hold its Regular Public Meeting. The agenda includes the following items:

- A. Consider the Licensing & Regulation Division's Recommendation Regarding Level 1 and Level 2 Occupational License Applications
- B. Consider the Executive Director's Reports Regarding the Pending Supplier License Applications of:
  - 1. Kimprint, Inc. d/b/a Progressive Printing, Board File No. SL003439-13-001
  - 2. Suburban Motors Company, Inc. d/b/a Suburban Cadillac Buick, Board File No. SL006214-13-001
- C. Consider the Executive Director's Reports Regarding the Pending Supplier License

## **Renewal Requests of**

- 1. Advertising Specialties, LLC, Board File No. SL001616-13-001
  - 2. BAC Greektown, LLC, Board File No. SL006106-13-001
  - 3. Basement Beats, LLC, Board File No. SL005968-13-001
  - 4. Chef Source, Inc., Board File No. SL001276-13-001
  - 5. Contract Design Group, Inc., Board File No. SL003690-13-001
  - 6. Data Financial Incorporated, Board File No. SL005853-13-001
  - 7. General Linen Supply Company d/b/a General Linen and Uniform Service, Board File No. SL000917-13-001
  - 8. Lavdas Enterprises, Inc. d/b/a Lavdas Limousines, Inc., Board File No. SL001574-13-001
  - 9. Northern Lakes Seafood & Meats, LLC, Board File No. SL002903-13-001
  - 10. Paltronics, Inc., Board File No. SL003217-13-001
  - 11. WPDET Associates, LLC, Board File No. SL005110-13-001
- D. Consider Proposal for Decision in the Disciplinary Action of Occupational Licensee James Lamont Countryman, Case No. MGCB-2013-2
  - E. Consider Proposal for Decision in the Disciplinary Action of Occupational Licensee Delecia Nicole Young, Case No. MGCB-2013-3
  - F. Consider Board Acceptance of Acknowledgments of Violation of Casino Licensee Detroit Entertainment, LLC d/b/a MotorCity Casino, Board File Nos. CCC-2010-02 & CCC-2011-02
  - G. Consider Greektown Casino's Request for "Approval to Execute a Fourth Amendment to its Credit Agreement", et.al.

The MGCB meeting will take place at the Detroit Office Hearing Room, located at Cadillac Place, 3062 W. Grand Blvd., Suite L-700, Detroit, Michigan at 9:30 a.m. on Tuesday, March 12th.

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## NATIONAL FOCUS ON PROBLEM GAMBLING AWARENESS

March 3-9, 2013 marks National Problem Gambling Awareness Week, a week designated as a time for public education and awareness regarding problem gambling issues. The week has been marked by an official Proclamation by Governor Rick Snyder, which notes that “during this week, we join with the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services to encourage Michiganders to participate in this awareness week by sharing treatment information about this issue and supporting those who are in treatment and recovery.”

The campaign is presented by the National Council on Problem Gambling (“NCPG”) and includes efforts from several grassroots organizations. In addition, on March 1, 2013, New Jersey Governor Chris Christie issued a Proclamation marking the month of March as Problem Gambling Awareness Month in New Jersey.

According to the NCPG, it is estimated that 2-3% of the United States population will have a gambling problem in any given year. The organization has suggested that healthcare providers, gaming industry representatives, and public organizations promote awareness of the issue through educational campaigns. This year’s event, titled “Problem Gambling – A New Understanding of a Community Concern,” marks the eleventh annual campaign on the issue.

In addition to Michigan, the week has been marked by events across the country, including efforts in California, New Jersey, New York, Virginia, and other states. More information on the campaign can be obtained by visiting the National Council on Problem Gambling’s website at: <http://www.ncpgambling.org>.