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The _____ MICHIGAN GAMING _____ Newsletter



SCOTUS FAVORABLY DISMISSES GUN LAKE LAND DISPUTE CASE

On February 27, Supreme Court of the United States (SCOTUS) affirmed the dismissal of a lawsuit filed against the Secretary of the Interior determining an act of Congress mandated ending the case. The final dismissal of this case (*Patchak v. Zinke, Secretary of the Interior, et al., 16-498*) puts an end to a decade long land development dispute involving property owned by the Match-E-Be-Nash-She -Wish Band of Pottawatomi Indians ("the tribe") and owners of the Gun Lake Casino.

The parcel of land was held in trust of the tribe since it was petitioned to the Secretary of the Interior in 2005. When the tribe was given the go-ahead to build a casino on the land in 2008, a nearby resident, David Patchak, filed a lawsuit challenging the Secretary of the Interior's decision toward the trust on statutory grounds. The tribe built the Gun Lake Casino on the land in 2011.

After several years of litigation, the court eventually dismissed Patchak's suit with the passage of the Gun Lake Act in 2014. Mr. Patchak's lawyer argued the 2014 law violated the separation-of-powers principle in the Constitution, thus bringing the case in front of SCOTUS.

With Tuesday's decision, SCOTUS affirmed the final resolution to ending the lawsuit by a 6-3 vote. Stating that the Gun Lake Act did not violate Article III of the Constitution and that the Act validly reinstates sovereign immunity from the suit.

"This decision ends a decades-long struggle and ensures the Tribe can carry on our Elders' vision for growth and self-sufficiency." stated Scott Sprague, Chairman of the Gun Lake Tribe. "We are thankful the Supreme Court

upheld the many lower court decisions in favor of the Tribe. This is a significant development for not only the Tribe, but also all of Indian Country.”

Beyond resolving an important issue of constitutional law, the Supreme Court’s decision brings the long-running lawsuit to an end, thereby providing the Tribe certainty and security in its crucial land-development effort.

To view a video of comments regarding the ruling made by the Tribal Council on February 28, please follow the attached link:

<https://www.facebook.com/mbptribe/videos/1595464920507273/>

FLINT MAN MUST REPAY NEARLY \$37,000 FOR EMBEZZLING CHURCH’S CHARITABLE GAMING FUNDS

A 79-year-old Flint man faces sentencing April 16 in 7th Circuit Court, Flint, after pleading guilty to embezzling charitable gaming funds and agreeing to repay \$36,862 to St. Pius X Catholic Church and School in Flint, and other affiliated groups.

David Lee Thiese Sr. was charged with a 10-year felony count of embezzlement of \$20,000 to \$50,000 following a Michigan Gaming Control Board and Michigan Attorney General’s office investigation. He entered a guilty plea on the 10-year felony count at a pretrial conference in 67th District Court, in Grand Blanc on February 22.

Thiese Sr. was listed as the event chairperson for 28 charitable poker events to benefit the church, it’s school and other affiliated organizations between 2012 and 2014. Thiese Sr. deposited St. Pius X Church’s net profits from charitable gaming into an account he controlled. The charities earned nearly \$60,000 in combined net profit from charitable gaming events, but he shared only \$22,900 in proceeds with the church. Michigan law requires the entire net proceeds of a charitable gaming event be devoted exclusively to the charity’s purposes.

The charges followed an MGCB investigation of events held at the former Gloria’s Poker Palace, Lucky’s Poker Room and Pocket Aces. These purported “poker rooms” are among several Michigan locations where charitable gaming was discontinued following investigations by the Michigan Attorney General’s office and the MGCB. Thiese Sr. is the 15th person associated with the three locations to plead guilty to charitable gaming crimes since 2014.

MICHIGAN GAMING CONTROL BOARD RELEASES NOTICE OF PUBLIC MEETING FOR TUESDAY, MARCH 13

The Michigan Gaming Control Board will hold a regular public meeting on Tuesday, **March 13, 2018**. The meeting will begin at **9:30 a.m.** with the staff briefing, followed immediately by the regular agenda items.

[Please click here for the full agenda.](#)

The purpose of the Board meeting is to conduct Board business regarding the implementation, administration and enforcement of the provisions of the *Michigan Gaming Control & Revenue Act*, as amended, Public Act 69 of 1997, MCL 432.201, et seq ("the Act"), related to the licensing, regulation and conduct of casino gaming in the City of Detroit.

The meeting is open to the public and questions, comments and suggestions from the public, regarding Board business and the licensing, regulation and conduct of casino gaming in Detroit under the Act, are welcomed and encouraged during the public comment portion of the meeting.

The meeting will be located at the MGCB Detroit office, Cadillac Place, 3062 West Grand Blvd., Suite L-700, Detroit. The Cadillac Place is in Detroit's New Center Area near the John Lodge Freeway (M-10), between Second Avenue and Cass Avenue. The Fisher Building and the Albert Kahn Building are nearby landmarks.

THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI AND FIREKEEPERS CASINO CONTRIBUTE A RECORD \$23.7 MILLION TO THE STATE OF MICHIGAN AND THE LOCAL REVENUE SHARING BOARD

On February 26, The Nottawaseppi Huron Band of the Potawatomi (NHBP), owners of FireKeepers Casino Hotel, presented payments related to its 2017 business performance. The group announced its third consecutive new annual record, with combined payments of over \$23.7 million to the State of Michigan and the FireKeepers Local Revenue Sharing Board (FLRSB).

The payment to the State of Michigan totals more than \$18.1 million, an increase of 5.84 percent over the 2017 payment. The payment to the FireKeepers Local Revenue Sharing Board (FLRSB) of over \$5.6 million is 4.62% percent higher than one year ago. Combined contributions total \$168,473,743 since FireKeepers Casino Hotel opened in Aug. 2009.

Two checks were presented from NHBP. The first for \$18,126,750 was presented to State Senator Michael Nofs, whose 19th District spans Calhoun, Berry and Ionia counties. The second check for \$5,656,690 was presented to newly-appointed FLRSB Chairman Derek King, who is also Chairman of the Calhoun County Board of Commissioners.

“The leadership and tribal members of the Nottawaseppi Huron Band of the Potawatomi are proud to honor our agreements and create a positive impact to the State of Michigan and our Local Revenue Sharing Board and we are pleased with the growth displayed at FireKeepers Casino Hotel,” **announced Jamie Stuck, Tribal Council Chairman of the NHBP.** “The great performance of our FireKeepers team has created new jobs in 2017 and a destination resort that attracts guests from across Michigan plus large sections of Indiana, Ohio and Illinois. The creation of great guest experiences creates a loyal factor that has been the foundation of our substantial revenue

growth to support needs in our local communities.”

FireKeepers care for their team members is exemplified by the investment in labor costs, which increased 7.6% in 2017 vs 2016 and cumulative paid labor costs since opening now exceeds \$484 million. This investment includes total wages, health insurance, 401(k), and incentives to the 1,742 total team members. FireKeepers was just recognized as One of the Best and Brightest Companies to Work For® in the Nation by The National Association for Business Resources.

The NHBP has also made a concentrated effort to focus FireKeepers Casino Hotel on supporting local businesses and suppliers and extend contributions to the local economy beyond the FLRSB and the distribution to the state. The Tribe’s commitment to local spending has resulted in awarding contracts of more than \$41.4 million within the state of Michigan in 2017.

SOUTHERN GAMING SUMMIT ANNOUNCES KEYNOTE SPEAKERS

The Mississippi Gaming & Hospitality Association (MGHA) announced that it has confirmed two important keynote speakers for the **Southern Gaming Summit, May 2-3**, along the Mississippi Gulf Coast. Opening the SGS conference on May 3 will be American Gaming Association President & CEO Geoff Freeman. Later that day, highlighting the business luncheon (sponsored by Global Gaming Women) will be Phyliss Anderson, the Tribal Chief of the Mississippi Band of Choctaw Indians.

Information about these keynote speakers is as follows:

- **Geoff Freeman**, Chief Executive of the AGA, is the leading advocate for the commercial and tribal gaming industry and is responsible for positioning the association to address

regulatory, political and educational challenges and opportunities. Prior to joining the AGA, Freeman was chief operating officer and executive vice president for the U.S. Travel Association, the nation's leading voice for increasing travel to and within the United States. Under his strategic leadership, the travel industry enacted the Travel Promotion Act, derailed an assault on corporate meetings and events, and began the march to building an army of one million employee activists. During his tenure, U.S. Travel doubled its resources.

- **Phyliss J. Anderson**, a native of the Red Water community, serves her people as tribal chief of the Mississippi Band of Choctaw Indians. Chief Anderson was officially sworn in as the first woman chief in Choctaw history during an inauguration ceremony on October 4, 2011. She is currently serving her second term in office. Chief Anderson has more than 30 years of experience with tribal government management. Over the years she has shown a strong commitment to financial responsibility; operating an accountable and transparent government; and building the quality of life on the reservation.

"We're excited to present these two dynamic speakers at this year's Southern Gaming Summit," said **Larry Gregory**, the executive director of the MGHA. "Geoff Freeman will bring his message of legal sports betting and industry unity to the show, and Chief Anderson will highlight the importance of the tribal government gaming segment of the southern gaming industry. These two speakers once again illustrate the importance of the Southern Gaming Summit to the U.S. gaming business."

For more information on the SGS please visit the [SGS website](#).

GAMING CONTROL BOARD APPROVES CANCELLATION OF LIVE HORSE RACING AT NORTHVILLE DOWNS

Northville Downs will cancel live horse racing on Saturday, March 3, under an order approved March 1 by Michigan Gaming Control Board Executive Director Richard Kalm.

Due to lack of horse supply, track management asked the MGCB executive director to approve its request to cancel racing. The request was supported by the Michigan Harness Horsemen's Association.

The MGCB executive director will allow simulcast wagering at the track on March 3.

AMERICAN BAR ASSOCIATION/ INTERNATIONAL MASTERS OF GAMING LAW GAMING MINEFIELD CONFERENCE FEATURES MANY MICHIGAN SPEAKERS

Michigan Gaming Control Board Executive Director Richard Kalm and Assistant Attorney General Donald McGehee are two of several Michigan based speakers scheduled to speak at the American Bar Association ("ABA") and International Masters of Gaming Law ("IMGL") "Gaming Minefield" Conference being held in Las Vegas next week.

Mr. Kalm will speak on a panel entitled "The Role of Regulators in a Changing Commercial Gaming Market" and Mr. McGehee will be on a panel entitled "Preventing/Ceasing Unregulated and Illegal Gambling: Gaming Industry and Regulatory Agency Roles". In addition to these two, the conference attendees will also hear from several Michigan based attorneys include Robert W. Stocker II of Robert W. Stocker PLLC, who is serving as the Chair of the event, Bryan Newland, Chair of the Bay Mills Indian Community, Peter Kulick of Dickinson Wright, and David Waddell of RMC.