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The MICHIGAN GAMING Newsletter



6TH CIRCUIT COURT OF APPEALS HEARS ORAL ARGUMENTS IN LANSING CASINO CASE

On Wednesday, October 2, 2013, the United States Court of Appeals for the Sixth Circuit, sitting in Cincinnati, Ohio, heard oral arguments in the matter involving the Sault Ste. Marie Tribe of Chippewa Indians' ("Sault Tribe") plans to open a tribal casino in Lansing, Michigan. The Sault Tribe is currently appealing a preliminary injunction issued by the U.S. District Court for the Western District of Michigan on March 5, 2013, which effectively froze any further meaningful development in the Sault Tribe's Lansing casino plans. It is unknown when the 6th Circuit will issue its decision in this matter.

The Sault Tribe is proposing to invest \$245 Million in building and operating a 125,000 square foot "Kewadin Lansing Casino," which would be located at Michigan Avenue and Cedar Street in downtown Lansing on property adjacent to the Lansing Center.

At issue is whether the Sault Tribe can apply to have certain parcels of property in Lansing taken into trust by the U.S. Secretary of the Interior before it obtains written revenue sharing agreements with the other federally recognized Indian Tribes in Michigan pursuant to Section 9 of the Sault Tribe's Tribal-State Gaming Compact with the State of Michigan. Having this land taken into trust is one of the required steps that a Native American tribe must take in order to open a casino pursuant to the federal Indian Gaming Regulatory Act. The Sault Tribe has argued, among other things, that its plans are nonetheless allowable under the provisions of 1997 Michigan Indian Lands Claims Settlement Act, while the State of Michigan has argued that the injunction issued by the District Court should be upheld.

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The Saginaw Chippewa Indian Tribe of Michigan and the Nottawaseppi Huron Band of the Potawatomi have also filed amicus briefs with the Court of Appeals arguing that the District Court's injunction should be affirmed.

MGCB NOTICE OF PUBLIC MEETINGS: HORSE RACING DATES

The Michigan Gaming Control Board ("MGCB") will hold two public meetings in October. The MGCB's regular public meeting will be held on Wednesday, October 16, 2013 at the MGCB Detroit office, Cadillac Place, 3062 West Grand Blvd., Suite L-700, Detroit. The meeting will begin at 9:30 a.m. with the staff briefing, followed immediately by the regular agenda items. 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 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 MGCB will also hold a public meeting on Tuesday, October 22, 2013 at the MGCB Detroit office. The meeting will begin at 1:30 p.m. The purpose of the public meeting is to give 2014 Race Meet License Applicants and other interested persons an opportunity to provide pertinent information to the Executive Director regarding the pending 2014 Race Meet License applications. In addition, the Executive Director will review the eligibility and fitness of the respective applicants for licensure under the licensing conditions and requirements of the Horse Racing law of 1995, as amended, and rules of the Office of Racing Commissioner, MCL 431.301 et seq.

Both meetings are open to the public and questions, comments and suggestions from the public are welcomed and encouraged during the public comment portion of the meetings.

For more information regarding the MGCB, please visit their website at: www.michigan.gov/mgcb

POKAGON BAND MAKES FIRST ANNUAL REVENUE DISTRIBUTION PAYMENT

On Wednesday, October 2, 2013, the Pokagon Band of Potawatomi Indians ("Tribe") presented the Pokagon-Dowagiac Area Local Revenue Sharing Board ("LRSB") with a check in the amount of \$183,014.07. The payment represents two percent of the annual revenue from the Tribe's electronic gaming machines at the Four Winds Dowagiac.

The LRSB is established through the Tribe's Gaming Compact with the State of Michigan and consists of representatives from the Tribe, Cass County, City of Dowagiac, and other local governing bodies. In accordance with the compact, two percent of the net win from electronic games of chance for each of the Tribe's Four Winds Casinos is allocated to the LRSB for distribution to the local area. The funds are distributed to local units of government to offset costs related to police, fire, and public safety services, as well as contribute to local schools and other community services.

The Tribe opened the Four Winds Dowagiac on April 30, 2013, and it is the Tribe's third casino property in the state. In addition, the Tribe operates the Four Winds Casino Resort in New Buffalo, Michigan, and the Four Winds Casino in Hartford, Michigan. According to the Michigan Gaming Control Board, the Tribe has made over \$38 Million in local revenue sharing payments for its casino properties between August 2007 and July 2013.