



## CA Gaming Update: The End of the Brown Administration

**By**  
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TRIBAL - STATE COMPACT





# **The Role of the Federal Government in Compacts**



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# DOI-BIA-OIG

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- Secretary Zinke
  - Deputy Bernhardt
  - Associate Deputy Cason
  - Acting Asst. Sec. of Indian Affairs - Tahsuda
  - Deputy ASIA - Carson
  - OIG Director - Hart
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# DOI - OFFICE OF INDIAN GAMING (OIG) GUIDANCE

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- OIG -BIA Website - letter from June 15, 2012 - outlines the Policy and procedures for submission and approval of Gaming Compact /Amendment
  - 25 CFR Part 293 (Dec. 5, 2008) regulations
  - Specifically, Part 293.4(b) - IGRA requires the Secretary to review and approve all compacts/amendments
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DIRECTOR PAULA HART

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# PROVISIONS TO WATCH CAREFULLY

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- Exorbitant Revenue Sharing
  - Limited or Illusionary Exclusivity
  - Revenue Sharing Versus Tax Rates
  - Tribe as Primary Beneficiary
  - Mitigation Payments-disguised tax
  - Tribes as Business not Governments
  - Non-Indian Gaming over Indian Gaming
  - Smoking Cessations and Regulations
  - Side Agreements
  - Limits on Number and location of Casinos
  - Process for Handling Customer Complainants
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# DISAPPROVED

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- Hunting and Fishing Rights
  - Settlement of Land Claims
  - Settlement of Water Rights
  - Class II Gaming
  - Reverted Clause
  - Illusory Exclusivity
  - Taxation of the Tribe =
- requiring Tribe to pay revenue sharing event if Exclusivity is lost; -requiring Tribes to pay state before compact can be executed ; - increase revenue sharing without benefits to Tribe
- Issues unrelated to gaming
  - Compacts that restrict other tribes' right
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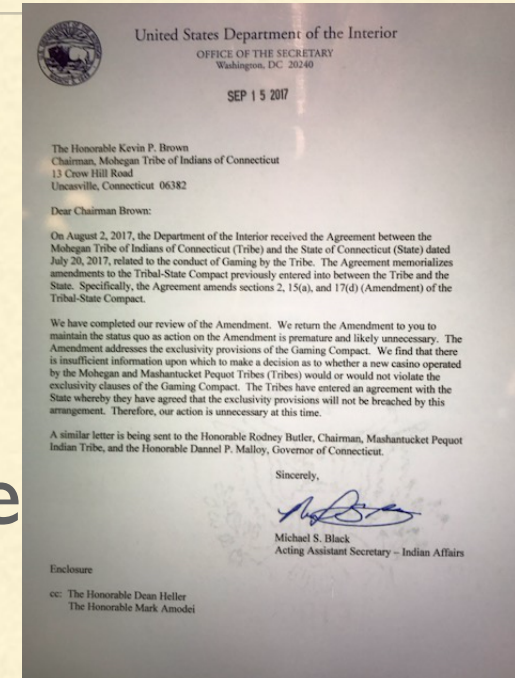


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# DOI LETTER TO MOHEGAN/PEQUOT

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- September 15th 2017 dated letter response
- Completed Review - return Amendment back to Tribe
- Dealt with Exclusivity Clause of Compacts
- The amendment is "premature & likely unnecessary"
- Not enough information - no action necessary



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# OTHER GAMING NEWS

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- Consultation on proposed changes to the off-reservation Fee-to-Trust procedures under 25 CFR Part 151
  - SCIA Oversight Hearing on IGRA - held on Oct. 4, 2017 - testimony "fair and balanced"
  - ASIA's April 6, 2017 memo - Delegated authority for Off-reservation Fee-to-Trust Decisions -- did not change how off-reservation applications are processed
  - Gaming Applications - go to OIG - Non-Gaming to ASIA
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# QUESTIONS

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- **Thank You - Contact Information**
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