



OFFICE OF THE GOVERNOR

February 23, 2005

Ms. Cheryl Schmit
Director, Stand Up For California!
P.O. Box 355
Penryn, CA 95663

Cheryl
Dear Ms. Schmit:

This is in response to your letter, dated January 19, 2005, expressing concern over the fact that the 1999 tribal-state gaming compacts do not require that determinations of suitability by the State Gaming Agency be made for Tribal Gaming Agency members. Such determinations are required for Gaming Employees, except non-key employees identified pursuant to agreements between the Division of Gambling Control and the Tribal Gaming Agency. Your letter expresses the view that, based on experience under the 1999 compacts, Tribal Gaming Agency members should not be excluded from state review procedures applicable to determinations of suitability.

In principle, we agree that the public interest is served by State Gaming Agency review of the suitability of individuals who serve as members of a Tribal Gaming Agency. For that reason, in 2004, original compacts negotiated on behalf of the State by Governor Schwarzenegger provide enhanced protections against unsuitable persons occupying Tribal Gaming Agency positions, by providing for outright removal of Tribal Gaming Agency members determined to be unsuitable by the State Gaming Agency (see compacts with Coyote Valley of Pomo Indians and Fort Mojave Indian Tribe), or a process whereby suitability can be tested before a neutral third party (see compact with Lytton Rancheria of California). Bearing in mind that the Governor is not at liberty to insist on identical provisions in all compacts, we have attempted to secure the State's ability to help ensure that those who occupy positions in tribal Gaming Operations are persons suitable to the responsibilities they exercise. We will continue to address this issue in future compacts.

Thank you for stating your concerns and bringing this important matter to our attention.

Sincerely,

PETER SIGGINS
Legal Affairs Secretary

cc: Bill Lockyer, Attorney General