



# Stand Up For California!

"Citizens making a difference"

standup.quiknet.com

Cheryl Schmit, Co-Director  
Patty Neifer, Co-Director

September 14, 2001

Gary Qualset, CPA Acting Chief Fiscal officer  
California Gambling Control Commission  
300 Capitol Mall, Suite 300  
Sacramento, CA. 95825

RE: Notice of Agenda of Commission Meeting, September 19, 2001

Dear Mr. Qualset:

Stand Up For California requests that these comments be considered in reference to agenda item number 4, for the September 19<sup>th</sup> meeting. These comments are of serious concern to residents experiencing direct harm from the Chicken Ranch tribal government.

- Revenue Sharing Trust Fund Additional Supplemental Report to the Legislature:  
Discuss technical adjustment to allow for distribution to an additional eligible non Compact Tribe (Chicken Ranch Rancheria).

This tribe has a history of non-compliance with authority. As your commission has experienced, the tribe failed to reply to the March 22, 2001, letter before the end of July 2001. Not until the tribe realized that they would not receive non-compact funds did they decide to comply with the Commission's request.

Likewise this tribe in July of 1998 agreed to discontinue use of their illegal gaming machines in order to be excluded from the lawsuit filed by the United States Attorneys in the Eastern District over the continued use of illegal slot machines. After the suit was filed the tribe once again began using the slot machines in contradiction of their previous promise. *The Union Democrat, Tuesday July 21, 1998, No, compact, no slots, judge says. (Specifically identifies Chicken Ranch tribes activity)*

This tribe has already experienced internal problems regulating their gaming facility. In January of 1999, their tribal administrator was charged with embezzlement. Dore Bietz was accused of embezzling more than \$7000.00 worth of goods and services from the Chicken Ranch Band of Me-Wuk while she was its administrator. *The Union Democrat, Wed. Jan. 20, 1999 Tribal embezzlement deal is put on hold*

This tribe has not addressed off reservation impacts which their economic venture created impacting the greater community. The actions of this tribe demonstrates to their neighbors bad faith and a violation of the tribal state compact by refusing to incorporate California Environmental Quality Act (CEQA) like standards, and accepting their responsibility as guardians of the environment. *Letter from resident, next-door neighbor to the Casino and Bingo Parlor*



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Please give the actions of this tribe and their history of a lack of government-to-government community relationships serious consideration. This tribe has not voluntarily addressed local problems, or in good faith addressed community concerns with the County government.

The Commission in an effort to maintain compliance with the tribal state compact and specifically section 10.8.2 must consider delaying the disbursement of the trust fund monies until mutual cooperation is established between the tribal government and the County government of Tuolumne. This is the only leverage a county government or its citizens may have in order to protect the civil rights and property rights of the non-Indian citizens in the community. Whether this tribe would suffer undue hardship by delaying the trust payment is questionable. This tribe has a successful casino operation and has received a \$2.6 million dollars in federal housing grant to build low-income housing for either their 22 tribal members, 10 adults and 12 children or as a housing project for income. *The Union Democrat Thursday Oct. 30, 1997*

The State has a legal responsibility to balance the harm to citizens and tribes by enforcing the spirit of the tribal state compact and the intent of the Indian Gaming Regulatory Act. [CFR 25 2710 d 7 B iii] Not all tribal governments are mature and responsible; each band is geographically and culturally unique and must be addressed as an individual government. Clearly the Commission must act in a responsible and thoughtful manner in this situation. While it is important to provide the trust fund monies to a qualified tribe, it is equally important that the tribe be in complete compliance with the tribal state compact.

Additionally for your review I am including the most recent article from the September issue of the *California Journal*. The concerns I raise in regards to the environment and the need for enforcement of the compact section 10.8.2 is not isolated to just the Chicken Ranch Me-Wuks. These are serious and critical multi-jurisdictional issues that left unresolved will continue to promote opposition to tribal gaming and tribal governments.

Please give this your serious consideration as the health and safety of all citizens of California depend upon your impartial and thoughtful judgments, which direct gaming policy and enforcement of gaming regulations, including the tribal state compact.

Sincerely,

Cheryl Schmit  
Co Director

News articles attached

# INDIAN GAMBLING

## No compact, no slots, judge says

LOS ANGELES (AP) — If the state governor should be prohibited from operating video slot machines, a federal judge said.

In a tentative ruling, U.S. District Judge J. Spencer Letts sided with federal prosecutors who claimed Indian tribes cannot oper-

the state... (the state) was negotiating in bad faith," he said.

Gov. Pete Wilson contends the video slots are illegal, and his March 6 agreement with the Pala Band of Mission Indians authorizes a new type of machine, not yet in-

video slot machines... decisions. They also say the new technology is untested and won't be as popular as the regular machines.

Federal prosecutors sued nine tribes and bands in March 1967, alleging they are violating federal

compact with the state, in accordance with the federal Indian Gaming Regulatory Act.

"While it has been confused, largely by the Indian tribes, the right the Indians have is not to have gaming," the judge said yesterday. "Gaming cannot be done without a compact."

Letts ordered prosecutors to file papers by Aug. 3 in preparation for a permanent injunction. The tribes' attorneys could file objections by Aug. 17, and the judge said he would issue a ruling on Sept. 15.

"We think this is the right way to go," Assistant U.S. Attorney John E. Nordin II said.

Letts added that there is no evidence that the state has negotiated with the tribes in bad faith, which the tribes claim allow them to continue operating the gambling machines without a compact with

competes with one another rather than against the house.

The deal has been condemned by most of the 30-plus tribes operating

new type games.

On June 25, a Sacramento Court

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## Gamble

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ty Superior Court judge ruled that the governor must get legislative approval for any agreement that regulates Indian casinos. Four days later, an Assembly committee rejected a bill to ratify Wilson's pact with the Pala Indians.

Some half-dozen attorneys representing various Indian tribes in court yesterday tried to argue several evidentiary points to no avail.

"I don't propose to take on any other issues now," Letts said. "I'll listen to them, but ... I won't take them on."

Among the attorneys was Jerome Levine, representing the California-Nevada Indian Gaming Association, who called the judge's decision possibly a "violation of due process" of the Indians.

Indian tribes opposed to the Pala compact have put an initiative on the November ballot that would allow them to keep the current machines and require the governor to negotiate without preconditions.

The California Nations Indian Gaming Association said the compact would devastate the economic self-reliance and prosperity that gambling has brought to California's once-impooverished tribes.

Meanwhile, the governor signed

## Be Sued

A federal judge said yesterday he is leaning toward issuing a permanent injunction barring nine California Indian tribes from operating video gambling machines without compacts with the state of California. The nine tribes being sued in Los Angeles federal court are:

- Agua Caliente Band of Cahuilla Mission Indians
- Cahuzon Band of Cahuilla Mission Indians
- Cahuilla Band of Mission Indians of Cahuilla Reservation
- Morongo Band of Cahuilla Mission Indians, Morongo Reservation
- Pechanga Band of Luiseno Mission Indians, Pechanga Reservation
- San Manuel Band of Serrano Mission Indians
- Santa Ynez Band of Chumash Mission Indians
- Soboba Band of Luiseno Mission Indians
- Twentynine Palms Band of Luiseno Mission Indians (Chicken Ranch Bingo and Casino in Jamestown operates video slot machines and has no compact with the state. It is not a defendant in the Southern California lawsuit.)

Sandy Rancher Band of Modoc Indians in Fresno County, the seventh tribe to sign an agreement with the state.

"The compact permits the tribes to operate any legally permitted lottery games while offering protections to their customers, employees and the community."

## Chicken Ranch keeps its slot machines rollin'

By ANGELA BUENNING

The Chicken Ranch Bingo and Casino continues to run near Jamestown with slot machines despite mounting pressure to reach an Indian gaming compact with Gov. Pete Wilson, who wants the machines banned.

Yesterday, Wilson announced that five new Northern California tribes, including the Jackson Rancheria Band of Mi-Wuks in Amador County, signed a compact similar to one he negotiated with the Pala Band of San Diego Coun-

ty in March.

The compact outlaws video slot machines but allots each tribe 199 lottery-style machines, to be designed and manufactured under a contract with the Pala Band. The compact also requires tribes to have agreements with counties their casinos are in over environmental and land-use issues.

The Chicken Ranch Band shut down its Jamestown casino for two weeks in May under the pressure of an approaching Wilson administration deadline.

When the casino reopened in late

May, its 200 or so "pull-tab" machines, which Wilson views as slot machines and are outlawed under the Pala compact, were unplugged. In their place were 30 new video-style machines that Chicken Ranch casino employees described as "games of skill," designed to be more "government friendly."

Rose Anderson, a money runner at Chicken Ranch casino, said the new games required a skill most people couldn't master and traffic at the casino went way down.

"I have a new definition for the

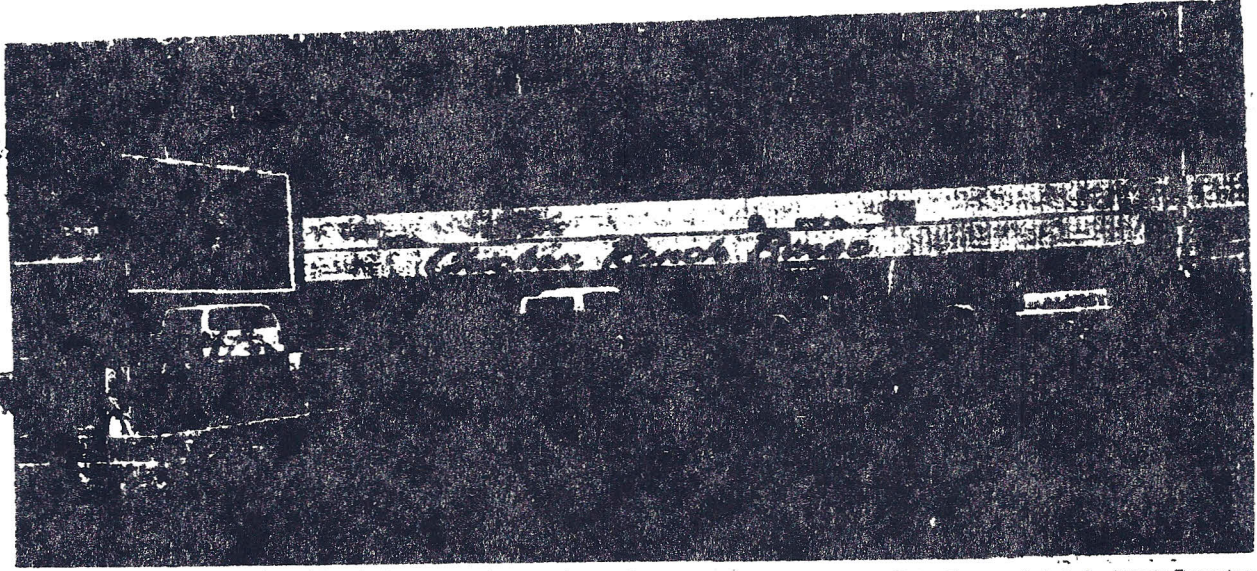
word 'boredom,'" said Anderson, who described the casino as empty, even during usual times.

As opposed to video slot machines which are games of chance, new machines required customers to focus on quickly moving objects on the screen and stop the precise times.

"It takes skill to do that," Anderson said. "A skill that not all people have."

The new skill games

— See BINGO, back



Union Democrat photo by Angela Buening

**CASINO STILL OPEN** — The Chicken Ranch Band of Mi-Wuk Indians continues to operate a casino.

# Bingo

FROM PAGE ONE

unplugged several days later, and now the casino is back to operating its "pull-tab" or slot machines. Tribal officials were on vacation and unavailable to comment on the strategy behind the new games or why they have been discontinued.

According to casino cashier Larry Pinkas, traffic at the casino is just about back to normal. But he said word of the casino's reopening still hasn't reached some out-of-town customers.

### Pressure on

The Chicken Ranch Band is one of 32 gaming tribes that have not signed a compact with Wilson. Wilson's chief negotiator has warned all but two of these tribes — which are negotiating in good faith — that they are subject to the removal of their machines, but no tribe has yet been ordered to turn off its machines and it's unclear if authorities will act soon.

Jan Rydjeske, tribal administrator for the Chicken Ranch Band, said that the tribe wants to negotiate with Wilson. But she said they want to negotiate on a one-on-one

basis and not be held to the terms of the Pala compact.

"It's not that (the tribe) doesn't want to negotiate," said Rydjeske. "Why would (the tribe) want to lose (their) machines and put people out of work and lose revenue?"

When the Pala compact was signed, Wilson gave other gaming tribes 60 days to either accept the terms of the compact or cease the illegal games and begin negotiating a separate compact.

Federal law requires Indian tribes to enter into state compacts for most forms of gambling, including video slot machines.

Rydjeske was unable to comment on whether the tribe was in active negotiations with Wilson, but the fact that the casino still operates games Wilson views as illegal is likely to stand in the way of negotiation.

### Court ruling

Last month a Sacramento Superior Court judge ruled that Wilson lacks the authority to enact the Pala compact without the approval of the state Legislature. Shortly afterward an assembly committee voted down a bill to ratify the Pala compact. Wilson's spokesman has said the ruling will be challenged and the ratification effort in the Leg-

islature will continue.

The compacts also will be affected by the outcome of November's California Indian Gaming Initiative, which seeks to legalize video slot machines. If the ballot initiative passes and survives legal challenges, the compacts will be terminated.

In addition, the pacts allow tribes to keep current slot machines while the new electronic lottery devices allowed under the compact are in development and as long as competing tribes operate slot machines with no compact.

Gaming tribes have said they oppose a compact because they believe it would undermine their sovereignty by giving state and county officials more authority over what the tribe do.

MUNICIPAL COURT

# Tribal embezzlement case deal is put on hold for now

By CHRIS BATEMAN

Defense attorney Tom Marovich wants more time to review evidence before striking a deal with prosecutors on embezzlement charges against his client, former tribal administrator Dore Bietz.

Bietz is accused of embezzling more than \$7,000 worth of goods and services from the Chicken Ranch Band of Me-Wuk while she was its administrator.

Deputy District Attorney Jim Newkirk has expressed a willingness to drop two felony charges filed against Bietz if she pleads guilty to a single misdemeanor grand theft charge.

But, at Marovich's request, a Tuolumne County Municipal Court hearing on the case has been postponed until Feb. 2 at 8:30 a.m.

Marovich said he has gone over boxes of evidence in the case since an early January hearing, but needs more time to reach a decision on a plea.

Newkirk said the victims are not insisting on the stiffer charges.

"What the tribe has wanted all along is just some admission of guilt, not necessarily a felony," said Newkirk.

Also entering into the prosecution's willingness to strike a deal in the case, he said, is that Bietz has no previous criminal record.

If she pleads to a single misdemeanor count of grand theft, Bietz could face a up to one year in coun-

ty jail. If convicted of both felonies filed against her, the maximum sentence would be three years and eight months in state prison.

According to Newkirk, Bietz between November 1994 and October 1997 used tribal funds for personal purposes, including travel and travel expenses. He said she also used tribal calling cards to make about \$2,000 in personal phone calls and stole equipment from the tribal offices in Jamestown.



Democrat photo by Con Garretson  
k Nutting will be roasted.

r person. Checks should be payable to the Kiwib.ervations can be made an. 28 by calling Divita (355).

## site for firehouse

anager Bob Sandberg, board also approved post-job and set a Feb. 5 deadline for applications.

anization ctors also unanimously ed a consultant's recommendations for reorganizing the fire

department. As part of the plan, the fire department was renamed the fire and rescue division, Chief Gary Johnson's job title is now chief operations officer and Robert Kempvance is on contract as fire chief for an unspecified period to modify and update policies and procedures.

## SCHOOLS

# Soulsbyville trustees will mull wage request

Soulsbyville School trustees on Thursday will discuss wage negotiations with its classified — non-teaching — employees.

The employees are asking for a three-year deal with raises running between 2 and 3 percent each year, Supt. Diana Page said.

Also up for discussion are wages for classified management and the district's two administrators. Much of the discussion will be done in a 6 p.m. closed session.

A report on the classified wage proposal, including opportunities for audience comment, will come toward the end of the 7 p.m. open meeting. The board may only set wages with action in open session.

Other business:

### PUBLIC MEETING

Soulsbyville School District Board of Trustees: 7 p.m. Thursday, Room 18, school, 20300 Soulsbyville Road, Soulsbyville.

**Property acquisition** — Page will offer an update on the district's plan to buy property to the south of campus to expand the school.

**Audit** — The audit of the 1997-98 school year reports no accounting problems, Page said.

**Appreciation** — The board will consider a letter thanking Sierra Conservation Center for having its work crew install a mosaic on campus this fall. The mosaic depicts a falcon, the school mascot.

mi-annual

HAMMOND'S

Semi-Annual

- COPY -

Honorable Governor Gray Davis  
Office of the Governor  
Sacramento, CA 95814

April 17, 2000

Governor Davis,

My husband and I are hard working, tax paying, non-American-Indians. My husband works in the trucking industry which involves long, hard hours and I work two part-time school jobs which give me a daily total of nearly 9 hours. We have 3 sons who we are raising to be productive citizens. We are now wondering if it is all worth it.

Ten years ago, we purchased a 5 acre piece of land in the Chicken Ranch area of Jamestown, sat down as a family and drew up plans for a home we would live in on this property knowing that we would have to do some of the work ourselves, like wallpaper, cabinets and tile because we couldn't afford to hire it out. Our home was built, with the 30 year commitment to the bank and all was well with our Indian neighbors and their Bingo Hall.

We were living the American dream for the past 9 years. We have been working on weekends customizing our yard to our liking; the swimming pool with a deck, the basketball hoop, the shelter for our son's 4H project, plants, flowers, rock, etc. No white picket fence...but close enough.

Then all of a sudden, Boom! The Indian Bingo Hall now included a Casino! The traffic increased, patrons and buses are using a privately designated portion of roadway which we co-own with the Indians, strangers are following us up our driveway looking for the casino. Our children cannot even walk to one another's homes anymore because of the risk to their safety. When we moved here, we'd see kids riding their bikes around the neighborhood and expected ours would do the same when they were old enough. We don't anymore. Chicken Ranch Road (the main road leading to the Bingo/Casino) is very narrow and lacks fog lines as well as a dotted line. Patrons of the Casino who end up losing have been seen speeding back down this road (which has a posted 25MPH speed limit) because they are very angry with their loss. If a neighborhood child winds up being killed because of this, you can share the blame for that because you allowed them to expand in a NEIGHBORHOOD!

I am not a bitter and hateful person and I don't dislike the Indian people. I hate what you have allowed to be created in my neighborhood. You have allowed their operation to creep up to the doorstep of our home and offered us no protection against it. In all of your infinite stupidity regarding Indian Gaming, you have ruined the life of my family. I hope that there is a time when the decisions you have made will directly affect someone you know personally the way it has affected our family because it hurts really, really bad. We now must find a new place to reside in anticipation of yet another expansion due to a land acquisition because the tribe we are dealing with is a Tillie Hardwick tribe. We regretfully anticipate the future of which you could have helped to protect. We anticipate the demise of the closely knit neighborhood with the increasing onslaught of addicted strangers entering and undermining that fabric because "we" don't have a voice. You took it away with the compact.

This is probably falling on deaf ears because your pocketbook was lined with Indian gaming money during your campaign. Shame on you, Mr. Governor. I challenge you to come to my neighborhood and see what I am talking about. See why you should have spent more time researching off-reservation impacts. So you could have addressed them in your compacts and given our local government some authority to help us out.

It is too late for the damage caused to our family, but for future reference you should know what you have done so perhaps you don't repeat it.

Unfortunately Your Constituent,

*Cynthia Gerhart*

Cynthia Gerhart  
P.O. Box 1506  
Jamestown, CA 95327

Ph.#(209) 984-0537



Thursday, Oct. 30, 1997

## CHICKEN RANCH

### Me-Wuks purchased more land

By AMY NILSON

The Chicken Ranch Rancheria has acquired another 234 acres of Jamestown-area ranchland in the past 18 months, in addition to a 42.9-acre parcel where the tribe hopes to build eight homes.

All the property -- both the first 42.9-acre parcel and the additional 234 acres -- was part of the Mackey Ranch Estates subdivision developed by Jack and Tricia Gardella in 1994.

Records show the Rancheria paid a total of \$1.46 million for 277 acres in three separate purchases.

The Rancheria purchased the 12.9-acre parcel from the Gardel-

See RANCHERIA, back page

## Rancheria

FROM PAGE ONE

les in April 1995. It bought another 115.8 acres in April 1996 and then 118.5 acres in January.

Rancheria officials had no comment on the land acquisitions, except to confirm they bought the land and have not yet made any decisions about how they will use it.

The Rancheria now has just 2.85 acres of tribal land in federal trust -- the site of its high stakes bingo parlor. It has applied to add another 48 acres, and last month was awarded a \$2.6 million federal housing grant to help pay for developing land and building 15 homes for low-income Native American families.

The tiny Chicken Ranch Band of Me-Wuk Indians has just 10 adult members and 12 children, but the housing built with the grant funds can be used for any low-income Native Americans in the tribe chooses. The housing must be on tribal land in federal trust, but is not restricted to Chicken Ranch tribal members.

"That's a popular misconception," said Raphael Mecham, administrator of the South West Office of Native American Programs for the federal Housing and Urban Development Department.

Mecham said the tribe itself can have assets and healthy income and still qualify for low-income housing assistance, as long as the people who live in the homes meet low-income guidelines.

Mecham said the Chicken Ranch Rancheria's grant was funded since it was its first request as a new member of the Central California Indian Housing Authority.

"All new applicants receive maximum points," Mecham said. "It's based on the fact that they have a waiting list for low income Native Americans."

Mecham said the policy of giving small, wealthy tribes large grants "is bound to infuriate a lot of people who wonder why tax dollars go to this, but the tribes can speak