

Pompano casino targets Seminole gaming

By Amy Driscoll and Marc Caputo

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Pompano Park's Isle Casino asked a federal judge Monday to halt blackjack and other new card games at the Seminole Hard Rock Hotel & Casino, citing Thursday's Florida Supreme Court ruling that struck down the tribe's gambling agreement with the state.

The Isle, one of three state-regulated casinos in Broward County and a Hard Rock competitor, asked for a preliminary injunction to stop the games. Blackjack, baccarat and other games began June 22 at the Hard Rock near Hollywood and have continued, despite the Supreme Court ruling.

The request comes as part of a lawsuit the Pompano Beach casino and harness track filed last month in the Northern District of Florida against Gov. Charlie Crist and U.S. Interior Secretary Dirk Kempthorne. In the suit, the casino claimed the gambling compact signed in November by the governor and the Seminole Tribe -- owners of the Hard Rock chain -- is invalid because it violates the federal Indian Gaming Regulatory Act, which allows tribes to play only games already authorized in Florida.

The Isle Casino argued to U.S. District Judge Stephan Mickle that blackjack and other so-called "banked card games" are not allowed in Florida, and the governor exceeded his authority by giving the tribe both Las Vegas-style slot machines and card games -- similar grounds to those

cited by the high court when it struck down the agreement last week. In banked card games, such as blackjack, players are pitted against the casino, rather than other players. The suit asked the judge to set aside Kempthorne's approval of the compact, which would invalidate it.

Last week's Supreme Court ruling said the governor couldn't authorize card games for the tribe that are illegal in the rest of the state.

The Seminoles' attorney, Barry Richard, and other tribe representatives met with lawyers in the governor's office Monday to determine their next move.

"The discussion today was on whether to file a motion for rehearing or clarification," Richard said.

He said he expected a decision by the middle of next week. The ruling by the Supreme Court doesn't become final until July 18, Richard said. A motion for rehearing would postpone that date for weeks or months longer.

MONEY RETURNED

The compact allowed the tribe the exclusive right to the card games in its seven Florida casinos, and in exchange the tribe was required to give at least \$100 million a year to the state. The tribe has already paid \$60.4 million as part of the agreement. Invalidating the gambling pact

would mean the money likely would have to be returned to the tribe.

The games have continued at the Hard Rock, despite the court ruling. Richard has said that the final authority on the games offered on tribal land rests with the U.S. Interior Department, not the Florida courts.

Crist said Monday that he and his legal staff are still reviewing the opinion, and said a number of scenarios are open, including asking for a rehearing, appealing or letting things slide along until he has a chance to deal with the new Legislature after November elections.

"That's a possibility as well -- that you might want to have status quo go for a while. You know, the machines are there, obviously," Crist said. "It seems to me that giving this some time to marinate a bit would be prudent. And that's what I plan to do -- and then have a chance to do what is best for Florida. That's the most important thing. Having the extra money to pay teachers more is important to me and it's important to the Legislature."

GAMBLING OPPONENT

Outgoing House Speaker Marco Rubio won't be in office next year, but an equally staunch gambling opponent, Republican Ray Sansom of Destin, will replace him and likely balk at any gambling expansion that includes table games like blackjack.

Rubio, the West Miami Republican who launched the suit against Crist that led to the Supreme Court decision, on Monday took issue with statements made by George LeMieux, Crist's former chief of staff. LeMieux said the Legislature should have passed a proposed bill giving lawmakers a say in ratifying the compact. But Rubio said the Legislature has that right to begin with, and the problem was

the actual compact itself and its approval of illegal gambling.

"The governor's office was going to bring this to the Legislature. But they only changed their mind at the last minute when they realized we wouldn't go along with it," Rubio said.

Crist does have one ace in the hole: Time. The longer he stalls, the sooner he'll have a say in naming new state Supreme Court justices. Four of the seven justices will be leaving the court by early next year.

"I respect the court's opinion, I do," Crist said. "And I look forward to being able to name a majority of their membership soon."