

Attorney General Wants Seminoles To Shut Down Games

By [CATHERINE DOLINSKI](#) | The Tampa Tribune

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TALLAHASSEE - Attorney Barry Richard told The Tampa Tribune and other media outlets that the Seminole tribe is going to keep offering the casino games approved in the compact that the Supreme Court has declared invalid.

That's not appropriate, according to state Attorney General Bill McCollum. According to his press secretary, Sandi Copes, "The Attorney General believes the Indian tribes should respect the [Florida Supreme Court's] ruling and cease gaming immediately, and reinstate negotiations for a new compact."

Crist negotiated the compact that would allow high-end slot machines, blackjack and baccarat, games at Seminole casinos, in exchange for a slice of the profits for the state. House Speaker Marco Rubio sued, however, saying the governor had overstepped his authority by not consulting the Legislature. In July, the high court agreed with Rubio, and on Thursday the court finalized its decision by denying Crist's petition for a rehearing.

McCollum is weighing his options about enforcing the state law that prohibits the banked card games, absent a valid compact. Copes said the attorney general is consulting with R. Alexander Acosta, U.S. attorney for the Southern District of Florida "as he does have jurisdiction in this particular set of circumstances."

Richard told the Tampa Tribune on Thursday night that "The continuation of the games is not directly related to the motion for rehearing. They can continue with the games because the games have been authorized by the U.S. Department of the Interior."

However, he added, the Indian Gaming Commission, which now has jurisdiction over the issue, uses state law as "one of the factors weighed in deciding how to apply the federal law."

According to the Palm Beach Post, Richard also said that "We can assume that the federal agencies are not going to act until the Legislature has an opportunity to speak to this. Florida courts and the Florida law enforcement agencies have no jurisdiction over the Indian gaming."

That's basically true, said Senate Minority Leader Steve Geller, a lawyer with expertise in gambling law. But the federal government, he said, is unlikely to wait very long before acting.

Geller said that Phil Hogen, chairman of the Indian Gaming Commission, told him this summer that if the Supreme Court were to nullify the compact, the commission would wait "for a brief time" to see if state leaders could iron out something swiftly.

If not, the commission would issue a notice requiring the Seminoles to close down the games.

The tribe would then have a roughly one-month period in which to appeal, said Geller, D-Hallandale Beach – but there's a catch: it takes a majority on the three-member gaming commission to override the chairman, and there is a vacancy on the commission.

In other words, Geller said, it's impossible to appeal right now.

Sterling Ivey, spokesman for Gov. Charlie Crist, said the governor is "speaking to members of the Legislature about the compact, and he is hopeful that the issue will be addressed later this year."

There's no word yet from Rubio, historically a strong opponent to expanded gambling, on what he will do next. A spokesman for the federal gaming commission did not respond to phone calls.

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