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San Pasqual tribe alleges state broke gaming compact

By: SCOTT MARSHALL - Staff Writer

NORTH COUNTY ---- The San Pasqual Band of Mission Indians, which owns and operates the Valley View Casino in Valley Center, has alleged in a federal lawsuit that state officials are depriving the tribe of hundreds of additional slot machines to which it contends it is entitled.

The lawsuit alleges that the San Pasqual tribe is suffering "an irreparable injury" because of the California Gambling Control Commission's refusal to issue additional licenses for gaming devices such as slot machines.

It charges that the machine should be available based on the tribal gaming compacts that more than 60 tribes statewide have signed with the state.

Cy Rickards, chief counsel to the commission, said Tuesday that the commission had not received or seen a copy of the lawsuit, filed May 3 in U.S. District Court in San Diego. Rickards said he would not comment on the "merits" of the lawsuit while it is pending.

The lawsuit alleges that the terms of the gaming compacts allow a total of at least 42,700 licenses for "gaming devices like slot machines" for tribes who signed the compacts.

However, the California Gambling Control Commission has determined that the tribal gaming compacts allow a total of only 32,151 gaming device licenses, and that all of those licenses already had been issued as of Oct. 7, 2005, according to the suit.

"Their interpretation of the compact is just wrong," San Pasqual's attorney, Stephen Solomon, said of state officials.

Solomon said Tuesday that the San Pasqual tribe is "entitled by law" to have 2,000 slot machines. The lawsuit alleges the tribe currently has 1,572 slot machines, but that the state commission has decided that no more licenses for slot machines are available.

Solomon said he could not comment on how much money the San Pasqual tribe is losing by not having more slot machines.

"It's a lot of dollars," Solomon said.

The lawsuit asks for a court order declaring that the gaming compacts authorize at least 42,700 gaming device licenses and requiring that a "Gaming Device License Draw" ---- the process through which tribes statewide are awarded more licenses ---- be conducted immediately.

San Pasqual also asks in the lawsuit for a court order declaring that it is authorized to operate up to 2,000 slot machines and that it is not subject to the limit on the total number of gaming devices allowed to tribes statewide.

The statewide limit is void and unenforceable against San Pasqual because the state amended gaming compacts with five other tribes to remove any limits on how many gaming devices they can have, the lawsuit alleges. Those five tribes included the Pala and Pauma tribes in North County, the lawsuit alleges.

The lawsuit also alleges that 6,120 gaming device licenses the five tribes obtained before they were allowed unlimited slot machines should not count against the number of licenses allowed statewide. San Pasqual asks in the lawsuit that 6,120 licenses be made available for tribes statewide as a result.

The lawsuit comes about five months after a San Pasqual tribal leader told Valley Center community leaders about plans for a \$100 million expansion of the Valley View Casino, including increasing the casino floor space from 43,000 to 105,000 square feet and adding more slot machines and blackjack tables. The tribe also gave county \$6 million in December to help widen Valley Center Road.

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Links:

<http://www.sanpasqualindians.org/>

<http://www.cgcc.ca.gov/>

<http://www.valleyviewcasino.com/default.aspx>