



State hires outside help for tribe casino deal

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Two law firms and a financial consulting company — all with extensive tribal gaming experience — have been hired by the state to help Gov. Deval Patrick negotiate a potential compact with the Mashpee Wampanoag Tribe.

Holland & Knight, an international law firm with an office in Boston, and Minnesota-based Jacobson, Buffalo, Magnuson, Anderson & Hogen were awarded contracts last week to assist with the compact negotiations, Jason Lefferts, a spokesman for the state Office of Consumer Affairs and Business Regulation, said in an email. The governor's office also has hired Stuyvesant Square Advisors Inc., a financial consulting company based in New York.

The firms were selected from among four law firms and two financial consultants that submitted proposals, Lefferts said.

All three of the selected companies tout their knowledge of the Indian gambling industry. In fact, representatives of all three offered workshops in March at a Law Seminars International conference in Albuquerque, N.M., on tribal construction projects, according to a posting on the Law Seminars website.

As part of the legislation that authorized three casinos and one slot parlor in the Bay State, Patrick was given the authority to spend up to \$5 million on legal assistance in negotiating with a federally recognized Indian tribe. The bids for the three firms were capped at \$500,000 each, Lefferts said, and money to pay for their work will come from fees charged to companies that bid on a casino license.

On its website, Holland & Knight boasts a former member of the Senate Indian Affairs Committee and up until recently had a former commissioner of the National Indian Gaming Commission on its staff. The firm's attorneys publish something called the Indian Gaming Handbook each year.

"We're well-established in this area and have a lot of expertise," Jerome "Jerry" Levine, a lawyer with Holland & Knight, said Thursday.

Attorneys at Jacobson Buffalo have helped negotiate compacts on both sides of the table, Mary Magnuson, a lawyer with the firm, said Thursday. About half of the firm's 16 lawyers are Native Americans and all staff members have experience working on compacts in Minnesota, Oregon, New Mexico and Wisconsin, she said.

"Personally, I worked with the state (of Minnesota) when they were working on compacts with 11 tribes," Magnuson said.

David TuMin, president of Stuyvesant Square Advisors, said he and his partner, Frank King, have extensive experience as broker-dealers helping tribes get financing for Indian casinos. The two tribal casinos in Connecticut are among the company's clients, he said.

The company has a firm grasp of the intricacies of the Indian Gaming Regulatory Act, TuMin said.

"In order to be able to consult in that environment, you have to understand the environment they work and operate in," he said.

The tribe and the state have until July 31 to work out a deal.

Levine, TuMin and Magnuson all commented on the short window, but said it can get done.

"Anything's possible," Magnuson said.

Wampanoag leaders have not yet settled on a potential casino site, though speculation has centered on Taunton

and Bridgewater in recent months.

Through spokeswoman Brooke Scannell, tribal council Chairman Cedric Cromwell declined to comment on the state's choice of firms, but issued a statement saying the tribe will be ready to negotiate soon.

"We've been working hard to ensure our destination resort is a complete success," Cromwell said. "We're confident that we'll have all the pieces in place to begin negotiations on a compact agreement very soon, and we'll be able to move forward with bringing jobs, revenue and increased tourism to Southeastern Massachusetts."

The compact, which also requires approval by the state Legislature, will determine how much the state will receive from casino revenues.

But a compact is not just about money. It also sets the regulations for what type of games will be allowed in the Indian casinos and specifies jurisdictional issues for law enforcement.

Along with setting up payments to the state, a 2009 tribal gaming compact between the state of Michigan and the Gun Lake Band prohibits anyone under 21 from gambling, establishes an Indian gaming commission and allows state inspection of casino records.

The Massachusetts legislation requires the Wampanoag to have several things settled by July 31 or the state gaming commission can put the Southeastern Massachusetts casino license out to competitive bid.

By the July 31 deadline, the tribe has to either purchase land or have it under agreement, identify its financial backers and schedule a vote in the host community. The tribe also must demonstrate that the land can eventually be taken into trust by the federal government, a requirement of federal Indian gambling laws.

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