

IRVING - As the Seneca Nation of Indians awaits word from Gov. David Paterson's office regarding whether he will accept the nation's offer to pay municipalities their share of casino revenue directly, Senecas are also expecting a letter enabling negotiations to begin with the state in an effort to resolve differences pertaining to the operation of their three Western New York

casinos.

The conflict between the two centers around whether gaming devices at restaurants, taverns and racetracks violate an exclusivity agreement the state is to uphold and for which the nation is to pay. The nation has alleged the state is not upholding the agreement by allowing the devices, and the state alleges it has not violated the agreement and should be paid.

The two have called for negotiations, as outlined in the compact, governing casino operations. The compact states if there is dispute, the two shall call for a meeting within 14 days, as done, to "negotiate in good faith and shall attempt to reach a just and equitable solution satisfactory to both parties."

If they do not reach a solution within 30 days, matters go to binding arbitration with one arbitrator chosen by each party, and the two selecting a third. The cost of arbitration would be shared equally by the parties. The arbitrators' decision is final and non-appealable, states the compact. The prevailing party in an arbitration proceeding can bring an action in U.S. District Court to enforce arbitration awards if necessary.

During a Friday news conference held by the Seneca Nation, Robert Porter, senior policy adviser, said technological advancements to video lottery terminals at restaurants, taverns and racinos, have made them merely undistinguishable to gamblers from slot machines offered at nation casinos. He also questioned the video lottery terminals being marketed as slot machines, and other tribal officials questioned places offering the devices being called casinos and drawing their casino customers. Porter therefore questioned what exclusivity the nation is paying the state millions annually to do.

The nation's move to not pay the state is in violation of the compact, however, contend state officials who report they are not in violation of the exclusivity agreement machines due to establishments offering video lottery terminals.

Written by Administrator
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