

The Bay Mills Indian Community's Vanderbilt casino was open Friday despite a Michigan Attorney General's order the facility be closed immediately.

Pietro Fascina, a shift manager at the casino, said it was business as usual.

"I was told

by my supervisors ... to just keep the doors open and away we go," he said Friday afternoon. Business was brisk, Fascina said, with people seated at about 35 of the casino's 38 slot machines. Work also was continuing on an expansion, which Fascina said is expected to be done in mid-January and will make room for another 40 slot machines in casino in Vanderbilt, which is off Interstate 75 in the northern Lower Peninsula's Otsego County.

On Thursday, the Attorney General's office sent the tribe a letter rejecting the legal theory under which the tribe opened the casino Nov. 3 without state and federal approval.

Community leaders have said they don't need approval, arguing the property should be considered tribal land because it was bought with money from the Michigan Indian Land Claims Settlement Act.

State officials have decided the act "does not indicate Congressional intent to vest Bay Mills with broad and unconstrained authority to buy land anywhere within the State to be held" as property over which the government has no control, S. Peter Manning, chief of attorney general's environment, natural resources and agriculture division, wrote in the letter.

Leaders of Bay Mills did not return phone messages Friday.

Jeff Parker, the tribe's chairman, issued a statement saying the tribe had received the letter and "does not agree with the state's analysis."

Joy Yearout, a spokeswoman for the Attorney General's office, said lawyers have been and will continue to be in regular contact with Bay Mills. She declined further comment.

John Wernet, Gov. Jennifer Granholm's senior council for Native American affairs, said there's no doubt the issue is going to be decided by a judge -- something that's likely to have implications for Bay Mills' plans to open a casino in Port Huron.

Parker has acknowledged that the Vanderbilt casino is a test run for gaming in Port Huron. The same day the casino opened, the tribe paid Acheson Ventures \$100,000 for 16 acres of property that includes the former post office at 1300 Military St.

"I don't think this is an issue that is going to be resolved very quickly," Wernet said about the Vanderbilt casino. "I think it clearly is going to involve litigation. ... How it will proceed to that point, I don't know."

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