

**STATE OF NEW MEXICO**  
**GAMING CONTROL BOARD**

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**Susana Martinez**  
Governor

**Jeffrey Landers**  
Board Chair

November 22, 2017

Hand Delivered

Peter Kovnat, Staff Attorney  
Legislative Council Service  
411 State Capital  
Santa Fe, New Mexico 87501

**Re: Indian Affairs Committee meeting on November 29, 2017**

Dear Mr. Kovnat,

This letter follows my e-mail correspondence regretfully declining your invitation to make a presentation and stand for questions on November 29, 2017. Enclosed are the requisite thirty-five (35) copies of correspondence and exhibits. I trust that you will share the enclosed information with the Indian Affairs Committee.

Our written update addresses the following areas:

- Status of the 2015 Compact;
- Inspections and Compliance by Tribal Gaming Operations;
- Gaming Revenue;
- Compulsive Gambling Contributions;
- Status of matters raised at the December 1, 2016 Indian Affairs Committee meeting; and
- Other Matters.

If members of the Indian Affairs Committee or their constituents have any questions or specific areas of concern regarding Tribal Gaming matters, please forward those matters to me and I will do my best to provide a written response. If any member of the Committee would like to speak with me directly, I can be reached at (505) 239-6311.

Sincerely,

A handwritten signature in blue ink that reads "Raechelle Camacho".

Raechelle Camacho  
Acting State Gaming Representative

**STATE OF NEW MEXICO**  
**GAMING CONTROL BOARD**



**Susana Martinez**  
Governor

**Jeffrey Landers**  
Board Chair

November 17, 2017

Via Electronic Mail

Peter Kovnat, Staff Attorney  
Legislative Council Service  
[peter.kovnat@nmlegis.gov](mailto:peter.kovnat@nmlegis.gov)

Dear Mr. Kovnat,

This letter follows our telephone conversation, during which you advised that the Indian Affairs Committee would like the Office of the State Gaming Representative to make a presentation and stand for questions on November 29, 2017. The State of New Mexico, the State Gaming Representative and members of the New Mexico Gaming Control Board are currently parties to litigation with many of the New Mexico Gaming Tribes. The litigation involves issue of underpayment of revenue share owed to the State of New Mexico by certain Gaming Tribes during the period from approximately April 1, 2011 through the end of June 2015. Because we have these pending legal matters, and based on the advice of counsel, we must respectfully decline the invitation to address the Indian Affairs Committee concerning Tribal Gaming matters.

However, we do understand and respect the Indian Affairs Committee's right to make inquiries of the Office of the State Gaming Representative and to receive information regarding Tribal matters in the State of New Mexico. Accordingly, I am providing this written update that I trust you will share with the India Affairs Committee. I will address the following areas: 1) Status of the 2015 Compact; 2) Inspections and Compliance by Tribal Gaming Operations 3) Gaming Revenue 4) Compulsive Gambling Contributions; 5) Status of matters raised at the December 1, 2016 Indian Affairs Committee meeting; 6) Other Matters. If members of the Indian Affairs Committee have any specific areas of concern or inquiry, please forward those matters to me and I will do my best to provide a written response. If any member of the Committee would like to speak with me directly, I can be reached at (505) 239-6311.

**1. Parties to the 2015 Tribal-State Gaming Compact**

In June 2015, four (4) of the five (5) Gaming Tribes that were parties to the 2001 Compact received letters from the Department of Interior advising that the 2015 Tribal-State Gaming Compact was "deemed approved."

Navajo Nation  
Pueblo of Acoma

requested documents electronically during our inspections. In every case where the documents were provided to us electronically upon arrival, the Office of the State Gaming Representative staff has been able to reduce the time on site from 8 hours to an average of 4 hours.

The Office of the State Gaming Representative, with the support of the New Mexico Gaming Control Board, is working with the NMGCB's Executive Director and Information Systems Division to research products and applications that will allow the Office of the State Gaming Representative to exercise the option in the 2015 Compact that provides for "read only" access to the Tribes' gaming records. Once implemented, this initiative will save the taxpayers a significant amount of money in travel and will improve productivity and efficiency because a large portion of each tribal inspection can be conducted at our office.

### **3. Gaming Revenue**

The most recent gaming revenue figures published by the National Indian Gaming Commission (NIGC) show that the 238 tribal gaming operations in the United States reported a 4.2% increase in Net Win in 2016.

New Mexico tribes are part of the NIGC Phoenix region. The Phoenix region is made up of tribal gaming facilities in Arizona, Colorado, New Mexico and Southern Nevada. Compared to fiscal year 2015, the Phoenix region saw an increase of 3.4% in 2016.

The aggregate reported Net Win in New Mexico during the same period showed a decrease of 6.3%. This is in-part due to the fact that the Pueblo of Pojoaque's Net Win was not reported in 2016.

Copies of the Quarterly Net Win Reports for 2016 and 2017 are provided for your review.

### **4. Compulsive Gambling Contributions**

The Gaming Tribes are required to contribute one quarter of one percent (0.25%) of Adjusted Net Win to fund or support programs for the treatment, assistance and prevention of compulsive gambling. During 2016, the Tribes contributed \$1,804,402. The funds were disbursed as follows:

- The Evolution Group   \$ 292,958
- New Mexico Council on Problem Gambling   \$ 257,831
- Responsible Gaming Association of New Mexico   \$ 249,955
- Pueblo of Sandia Behavioral Health Department   \$ 140,000
- People Works – New Mexico   \$ 118,314
- Eight Northern Indian Pueblo Council Circle of Life   \$ 69,956
- Laguna Behavioral Health   \$47,750
- New Mexico Asian Family Center   \$ 28,500

- Acoma Behavioral Health Services \$ 17,926
- Four Directions Treatment Center \$ 7,500
- Albuquerque Indian Center \$10,000
- Training and Education \$ 188,490
- Payroll \$ 155,630
- Advertising and Promotional Costs \$ 155,027
- Supplies/Administrative Costs \$ 45,734
- Miscellaneous \$ 18,831

Under the provisions of 2015 Compact, the SGR is required to maintain a Self-Exclusion List and provide this information on a monthly basis. Since 2015, one hundred and sixty five (165) individuals have voluntarily self-excluded from Gaming Facilities Statewide in New Mexico. The Compact provides that Tribal Gaming Authorities are required to notify the SGR if a self-excluded individual is removed from a Gaming Facility. The OSGR worked with Tribal Gaming Authorities and created a uniform reporting form that was implemented in 2016. So far this year, nineteen (21) incidents of self-excluded individuals identified and removed from the gaming premises were reported to the SGR. Eight (8) of those incidents resulted in forfeitures of \$9,713 being distributed to support programs for the treatment and assistance of compulsive gamblers.

**5. Matters of Concern at December 1, 2016 Indian Affairs Committee Meeting.**

At the Indian Affairs Committee Meeting on December 1, 2016, Myron Salvador, Chairman of the New Mexico Tribal Gaming Regulators Association (“NMTGRA”), advised the Committee that the Gaming Tribes would prefer to submit records to the New Mexico Gaming Control Board in an electronic format through a secured portal as provided by the Compact. We sent correspondence to the Executive Directors of all Tribal Gaming Authorities. As of this date, none of the Gaming Tribes are utilizing the secured portal to provide the OSGR with electronic documents.

Mr. Salvador represented to the Committee that the NMGCB was not willing to meet with the NMTGRA. We reached out to Mr. Salvador following the Committee meeting and have not received a response as of the date of this letter.

The OSGR has not received any matters of concern from any Tribal Gaming Authority or operator about the current inspection process or issues of noncompliance by the State with respect to the 205 Compact. We will continue to refine the inspection process to be the least intrusive to business operations and respect Tribal sovereignty.

## 6. Other Matters.

In order to provide consistency and uniformity in the inspection process and to provide a framework for relationship building between the Office of the State Gaming Representative and the Gaming Tribes, about a year ago, the Office of the State Gaming Representative was restructured. Rather, than using staff from the NMGCB's Audit & Compliance Division to conduct inspections, we now have a dedicated Auditor assigned to our office.

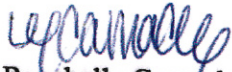
Our office was invited to attend the New Mexico Tribal Gaming Symposium at Isleta Resort & Casino earlier this month. I was given the opportunity to introduce myself and provide a short presentation to the symposium's participants. During the event, the New Mexico Indian Gaming Association invited me to participate in its quarterly meeting in February 2018. I accepted the invitation and look forward to participating in the Association's future meetings.

The Office of the State Gaming Representative recently received a request from a Gaming Tribe requesting a tour of the NMGCB's offices; we are in the process of finalizing the details of the tour. We are pleased to offer tours to any Gaming Tribe or any member of the Indian Affairs Committee. We extend a cordial invitation to for a tour at your convenience.

If you will contact the members of the Indian Affairs Committee and ask if they or their constituents have any questions concerning Tribal Gaming matters, we will expedite their requests and provide an answer with as much specific information as possible before the meeting. While, we understand that this is not the approach that the Indian Affairs Committee prefers, we believe that it provides the best option to protect the State and the parties to the pending litigation.

If you will contact the members of the Indian Affairs Committee and ask if they or their constituents have any questions concerning Tribal Gaming matters, we will expedite their requests and provide an answer with as much specific information as possible before the meeting. While we understand that this is not the approach that the Indian Affairs Committee prefers, we believe that it provides the best option to protect the State and the parties to the pending litigation.

Sincerely,



Raechelle Camacho  
Acting State Gaming Representative

State of New Mexico  
Gaming Control Board



**NEWS RELEASE**

**FOR RELEASE: April 28, 2016**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **March 31, 2016** was **\$15,721,984**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending March 31, 2016:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$ 5,542,455
Isleta Pueblo	\$ 24,204,050
Jicarilla Apache Tribe	\$ 982,072
Laguna Pueblo	\$ 20,114,646
Mescalero Apache Tribe	\$ 15,057,607
Nambe Pueblo	\$ 1,133,031
Navajo Nation	\$ 21,747,278
Ohkay Owingeh	\$ 3,760,110
San Felipe Pueblo	\$ 4,277,179
Sandia Pueblo	\$ 41,542,192
Santa Ana Pueblo	\$ 21,425,863
Santa Clara Pueblo	\$ 7,158,904
Taos Pueblo	\$ 1,530,700
Tesuque Pueblo	\$ 4,603,394
<b>Total Net Win</b>	<b>\$ 173,079,482</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*

State of New Mexico  
Gaming Control Board



AMENDED  
NEWS RELEASE

**FOR RELEASE: August 23, 2016**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **June 30, 2016** was **\$15,768,454**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending June 30, 2016:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$5,590,691
Isleta Pueblo	\$24,340,852
Jicarilla Apache Tribe	\$1,140,619
Laguna Pueblo	\$20,264,313
Mescalero Apache Tribe	\$17,210,998
Nambé Pueblo	\$653,636
Navajo Nation	\$20,669,158
Ohkay Owingeh	\$4,191,904
San Felipe Pueblo	\$4,242,646
Sandia Pueblo	\$41,940,934
Santa Ana Pueblo	\$21,613,562
Santa Clara Pueblo	\$7,263,812
Taos Pueblo	\$1,823,401
Tesuque Pueblo	\$4,911,132
<b>Total Net Win</b>	<b>\$175,857,658</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*

State of New Mexico  
Gaming Control Board



**NEWS RELEASE**

**FOR RELEASE: November 9, 2016**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **September 30, 2016** was **\$15,371,183**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending September 30, 2016:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$5,852,098
Isleta Pueblo	\$25,062,647
Jicarilla Apache Nation	\$1,436,782
Laguna Pueblo	\$20,366,797
Mescalero Apache Tribe	\$19,863,890
Nambé Pueblo	\$578,851
Navajo Nation	\$21,006,919
Ohkay Owingeh	\$4,338,142
Sandia Pueblo	\$41,444,204
San Felipe Pueblo	\$4,299,247
Santa Ana Pueblo	\$21,143,099
Santa Clara Pueblo	\$7,793,583
Taos Pueblo	\$2,124,958
Tesuque Pueblo	\$5,063,695
<b>Total Net Win</b>	<b>\$180,374,912</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*



State of New Mexico  
Gaming Control Board



**NEWS RELEASE**

**FOR RELEASE: February 2, 2017**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **December 31, 2016** was **\$12,251,820**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending December 31, 2016:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$5,620,712
Isleta Pueblo	\$24,944,777
Jicarilla Apache Nation	\$644,804
Laguna Pueblo	\$19,469,701
Mescalero Apache Tribe	\$14,474,497
Nambé Pueblo	\$486,076
Navajo Nation	\$20,933,259
Ohkay Owingeh	\$3,882,479
Sandia Pueblo	\$39,986,365
San Felipe Pueblo	\$4,098,991
Santa Ana Pueblo	\$20,746,651
Santa Clara Pueblo	\$7,714,322
Taos Pueblo	\$1,628,026
Tesuque Pueblo	\$4,820,002
<b>Total Net Win</b>	<b>\$169,450,662</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*

State of New Mexico  
Gaming Control Board



**NEWS RELEASE**

**FOR RELEASE: May 10, 2017**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **March 31, 2017** was **\$14,941,024**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending March 31, 2017:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$ 5,331,705
Isleta Pueblo	\$ 26,053,260
Jicarilla Apache Nation	\$ 1,152,497
Laguna Pueblo	\$ 19,942,352
Mescalero Apache Tribe	\$ 14,107,470
Nambé Pueblo	\$ 359,981
Navajo Nation	\$ 21,528,766
Ohkay Owingeh	\$ 3,957,368
San Felipe Pueblo	\$ 4,394,407
Sandia Pueblo	\$ 40,497,514
Santa Ana Pueblo	\$ 21,580,387
Santa Clara Pueblo	\$ 7,724,151
Taos Pueblo	\$ 1,619,567
Tesuque Pueblo	\$ 4,829,342
<b>Total Net Win</b>	<b>\$ 173,078,767</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*

State of New Mexico  
Gaming Control Board



**NEWS RELEASE**

**FOR RELEASE: August 9, 2017**

**CONTACT:** Paulette Becker, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2007 and 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **June 30, 2017** was **\$15,420,232**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending June 30, 2017:**

<u><b>Tribe</b></u>	<u><b>Net Win</b></u>
Acoma Pueblo	\$5,341,982
Isleta Pueblo	\$25,610,356
Jicarilla Apache Nation	\$881,366
Laguna Pueblo	\$20,568,209
Mescalero Apache Tribe	\$16,778,926
Nambé Pueblo	\$195,200
Navajo Nation	\$19,839,855
Ohkay Owingeh	\$4,223,364
San Felipe Pueblo	\$4,443,124
Sandia Pueblo	\$39,780,377
Santa Ana Pueblo	\$22,469,053
Santa Clara Pueblo	\$8,378,082
Taos Pueblo	\$1,843,430
Tesuque Pueblo	\$5,133,298
<b>Total Net Win</b>	<b>\$175,486,621</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*

State of New Mexico  
Gaming Control Board



AMENDED  
NEWS RELEASE

**FOR RELEASE: November 17, 2017**

**CONTACT:** Raechelle L. Camacho, Interim State Gaming Representative (505) 841-9700

The New Mexico Gaming Control Board, through the State Gaming Representative, monitors the 2015 Tribal-State Class III Gaming Compacts signed by 14 New Mexico Tribes. These Tribes report "Net Win" and pay "Revenue Share" based on "Net Win" to the State on a quarterly basis. "Net Win" is the amount wagered on gaming machines, less the amount paid out in cash and non-cash prizes won on the gaming machines, less State and Tribal Regulatory Fees. "Net Win" is not the net profit of the casino. The total amount paid to the State Treasurer for revenue sharing by the Tribes operating casinos for the quarter ending **September 30, 2017** was **\$15,441,502**. This revenue is deposited into the General Fund of the State of New Mexico.

**Net Win per Tribe for the quarter ending September 30, 2017:**

<u>Tribe</u>	<u>Net Win</u>
Acoma Pueblo	\$5,310,198
Isleta Pueblo	\$26,211,374
Jicarilla Apache Nation	\$960,925
Laguna Pueblo	\$20,590,049
Mescalero Apache Tribe	\$20,279,671
Nambé Pueblo	\$11,714
Navajo Nation	\$19,285,300
Ohkay Owingeh	\$4,303,463
Sandia Pueblo	\$39,542,800
San Felipe Pueblo	\$4,411,122
Santa Ana Pueblo	\$21,757,219
Santa Clara Pueblo	\$8,306,560
Taos Pueblo	\$2,191,544
Tesuque Pueblo	\$5,520,850
<b>Total Net Win</b>	<b>\$178,682,789</b>

*These figures are based on all submitted reports in the New Mexico Gaming Control Board's possession at the time of release and are subject to change upon receipt of additional information.*