

RE: Chumash Casino and Resort, expansion of alcohol sales, does the Alcoholic Beverage Control (ABC) hold Indian casinos to different standards?

Dear Supervisor Farr,

On 7/5/11 the Board of Supervisors will be discussing the Santa Ynez Band of Mission Indian's application for expansion of alcohol sales at the casino and resort. Last year the Alcoholic Beverage Control (ABC) granted a temporary permit for this expansion, allowing the expansion of alcohol sales while they reviewed the protests filed by the public, Sheriff and Board of Supervisors.

There have been numerous oddities about this ABC review process. First of all, I found out that the Sheriff's Department had not been sending the ABC alcohol and drug arrest reports, as was required by law. I informed the Sheriff and the ABC. They now state that this has been corrected and ABC is receiving arrest reports.

Secondly, there was a "miscommunication" between the County Chief Executive Office and an ABC investigator, who told me that the Sheriff and CEO had dropped their protests. When I asked you, you said this was not your understanding. The ABC investigator disagreed with you and told me that I needed to contact the Sheriff and CEO to find out if they dropped their protests. I did this and later received an email from the ABC investigator saying there was a miscommunication – he should have said it was anticipated that they were going to drop their protests.

He also said it appeared that the ABC would approve this permit.

When questioned over how this permit could be approved given over 1400 arrest reports, he explained that although there are hundreds of documented incidences of alcohol and drug related crimes, the licensee (Santa Ynez Band) can only be held accountable for incidences related to the licensed portions of the facilities. In other words, the hundreds of drug deals and drunken arrests made in the parking lot or other areas in the casino, may have been because casinos draw drug dealers and users and drunks, verses there being a problem with the Willows Restaurant or other licensed areas that sell alcohol. To see these crime reports go to:

<http://www.santaynezvalleyjournal.com/archive/9/14/8170/>

I then requested full copies of a sampling of police reports. After reading these reports it appeared that the police may not be attempting, or able to uncover where the drunk got drunk.

After reviewing these reports it is not surprising that this could be difficult. For example, in one report a female and male patron were involved – the following is from the report: The male kicked a casino sliding door, then said to casino security, "You want to fight me?," then "they all went to the ground," security ended up "scratched in the process," the female patron's behavior "was rapidly escalating and becoming violent in nature," she was placed in the patrol car, the male patron and security then "locked up and went

to the ground,” and when on the ground the patron “bit security on the left side of his mid section.” The wound “was approximately 1.5 inches in diameter... and was red and open.” In addition, the security guard “received scratches on his neck.” While this was happening the Deputy was having difficulty with the female patron in his patrol car, who was “kicking the windows of the squad car with her feet.”

This is just one example. Given the nature of the arrest reports that include alcohol, heroin, and guns, (among other things) this is obviously a complicated situation.

Another, recent call to a different ABC investigator confirmed that the licensee (Santa Ynez Band) could only be held accountable for the licensed location, and not people who had arrived drunk or drugged up, or had been partying it up in the parking lot, or restrooms, or bushes for that matter. The investigator said that he did not know if the police had any mechanism to determine where the drunk got drunk.

Last year, before the ABC granted the temporary permit for expansion of sales, there was significant public outcry. This concern is extremely valid. For example, in a recent 2010 nih gov report:

Casinos have been introduced throughout the U.S. to spur economic development and generate tax revenues. Yet, casinos may also be associated with a variety of social ills. One issue that has not been empirically tested in the literature is whether there is a link between casino expansion and alcohol-related fatal traffic accidents. We suspect a link may exist since casinos often serve alcohol to their patrons and, by their dispersed nature, could impact driving distances after drinking. Using the variation in the timing and location of casino openings over a 10-year period, we isolate the impact of casino introduction on alcohol-related fatal accidents. Results indicate that there is a strong link between the presence of a casino in a county and the number of alcohol-related fatal traffic accidents. However, this relationship is negatively related to the local-area (county) population. Results prove durable, as we subject them to robustness checks. <http://www.ncbi.nlm.nih.gov/pubmed/20810179>

I am confident that the Board of Supervisors, Sheriff Brown and ABC are more concerned about public health and safety than facilitating increased revenue for the Casino via increased alcohol sales (it appears that they don't even pay liquor tax to the state). However, the inconsistency of standards is alarming. However complicated, if this process of review for consideration of expansion of alcohol sales is a process of integrity, and not just a mindless shuffling of paper by the ABC and other decision-makers, we ask that the Board of Supervisors determine the following:

1. It appears that determining where a drunk gets drunk is virtually impossible at the Chumash Casino and Resort because of its size. If this review of alcohol expansion is really an honest attempt to protect the public health, welfare, safety and morality, how is this going to be corrected?
2. The Sheriff's department is already stretched to the limit. Do they have the man-power hours to track down where a drunk gets drunk?

3. The Chumash Casino and Resort is absolutely not motivated to track this down as it would jeopardize their license. Would this impede any attempts of getting this information?
4. Why didn't the ABC figure out the police was not sending the crime reports, and the virtual impossibility of determining where the drunk gets drunk? Is this just a shuffling of paper, as it appears to be? In this case is the ABC doing anything really meaningful?
5. If patrons arrived drunk to the wine tasting rooms, or partied it up in the parking lot, and the police were called and those patrons were arrested for drunkenness, and this happened hundreds of times, I think it is safe to say that the ABC would care less if they arrived drunk. They would shut down that wine tasting room, and maybe all of them. However, the Chumash Casino and Resort owners are not held accountable for drunken behavior and arrests. Is the casino being held to different standards because it is an Indian casino? When is a non-Indian business owner going to notice the different standards and claim discrimination?
6. If the ABC is not overseeing the non-licensed portions of the casino and resort, who is?

Sincerely,

Kathy Cleary
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