

*For Immediate Release from the Pueblo of Pojoaque  
For further information contact the Governor's Office at (505) 455-5052*

### **Release on Preliminary Injunction Against NM GCB**

On October 7, 2015, the Pueblo of Pojoaque won an injunction against Governor Susana Martinez, Jeremiah Ritchie, her Deputy Chief of Staff, the New Mexico Gaming Control Board and other members of the Martinez administration. Governor Martinez and her staff had made threatening statements in the media against the Pueblo's gaming machine vendors, banks, employees, and others doing business with the Pueblo's gaming enterprises following the expiration of the Pueblo's gaming compact on June 30, 2015. The federal court ruling validates the Pueblo's assertions that the Board was illegally attempting to assert jurisdiction over the Pueblo's gaming enterprises.

Since 2013 the Pueblo worked to fairly and honestly negotiate a new compact with the State. Once the Pueblo realized that the Administration was not willing to negotiate in good faith, the Pueblo followed the provisions in the Indian Gaming Regulatory Act (IGRA) and turned to the federal courts for a resolution. The Pueblo has worked diligently to resolve the issue but has been obstructed by the unfair tactics of the Administration and was required to seek a temporary restraining order or preliminary injunction to prevent the Administration from taking further action against its gaming machine vendors.

The Pueblo is fighting protect the economic livelihood of its community but also the essential governmental services that it provides to the members of the entire Pojoaque valley. The Pueblo of Pojoaque has been able to establish educational and cultural programs, employ hundreds of individuals, and provide various services to the Pojoaque Valley because of financial assistance from its gaming enterprises. The federal court decision allows the Pueblo to continue providing these programs and services to the community.

Federal District Court Judge Robert C. Brack issued a preliminary injunction which prevents Governor Susana Martinez and her administration "from taking any action that threatens, revokes, conditions, modifies, fines, or otherwise punishes or takes enforcement against any licensee in good standing with the New Mexico Gaming Control Board based wholly or in part on grounds that such licensee is conducting business with the Pueblo." Judge Brack said that "the NMGCB lacks jurisdiction to issue citations to vendors for the sole reason that they conduct business with the Pueblo's casinos." The injunction will prevent the Martinez administration from continuing to harass the Pueblo's gaming vendors because the Pueblo refuses to be bullied into signing an illegal and unfair compact that would do serious damage to the Pueblo's economic well-being. Judge Brack also stated that the Martinez administration was being disingenuous when it claimed in court that its actions would not harm the Pueblo. The decision clearly establishes that the Martinez administration had overstepped its authority and was acting illegally.

The Pueblo's previous compact with the State expired on June 30, 2015. The Administration claimed that the Pueblo was operating an illegal gaming establishment. Prior to the expiration of the compact, the United States Attorney for the District of New Mexico, and the Chairman of the National Indian Gaming Commission both issued letters stating that due to the ongoing litigation involving the Administration, the U.S. Department of the Interior, and the Pueblo, they would withhold any enforcement action until after the 10<sup>th</sup> Circuit Court of Appeals issues a final decision. The Judge's decision clearly stated that only the federal government had authority over the Pueblo's gaming establishments and that the Martinez Administration had no authority to interfere. Judge Brack said "[d]efendants are frustrated by and resent the ongoing gambling activity of the Pueblo" He further stated "[d]efendants harassment and threatening conduct directed at the vendors is a thinly disguised attempt to accomplish indirectly that which defendants know they are without authority or jurisdiction to accomplish directly."

The Pueblo of Pojoaque will continue to exercise the rights guaranteed to it under the Indian Gaming Regulatory Act and Governor Talachy and the rest of the Pueblo's elected leadership will fight for the well-being of their people.