



CNIGA

California Nations Indian Gaming Association

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Two New Gaming Measures Headed for November Ballot

Two California Constitutional amendments, one that would allow race tracks and card clubs 30,000 slot machines and the other which would guarantee tribes the exclusive right to gaming for 99 years and lift all limits on the number of casinos and slot machines tribes could have, appear headed for the November ballot if enough signatures are gathered.

Add in Gov. Arnold Schwarzenegger's call for \$500 million in added gaming revenues from Indian casinos in next year's budget and California's gaming tribes can be sure that all aspects of Indian gaming will fill public debate for at least the next 10 months. Seven tribes have already entered into preliminary talks with the governor's new negotiator on gaming compacts.

Opposition by gaming and non-gaming tribes has already formed against the initiative by five commercial race tracks and 11 card clubs to force gaming tribes to pay 25% of their revenues to the state and agree to a host of other onerous and significant

conditions or the tracks and card clubs get 30,000 slot machines.

"This initiative has nothing to do with helping the state out of its deficit problems as its sponsors claim," said Jacob Coin, executive director of CNIGA. "It is a deceptive and cynical ploy to get 30,000 slot machines for these commercial interests and invalidate and overrule the will of California voters who twice have said Indian tribes should have the exclusive right to Class Three games."

Coin went on to say that the race track and card club's initiative not only violates the federal Indian Gaming Regulatory Act, but tribes would have to forsake their sovereignty to agree to many of the non-financial conditions of the measure.

"Sponsors of the initiative drafted the measure in such a way that they knew the state's gaming tribes could never agree to the conditions set forth and therefore the sponsors would get the slot machines they wanted," Coin added.

Initiatives: Continued on Page 2

State Continues to Lag - Tribes Again Lead California in Job Creation

California tribal government job growth for 2003 rose 16.3 percent, more than any other private or public sector employer, according to year-end figures released Jan. 14 by the state Employment Development Department.

Tribes employ 42,200 workers according to EDD figures, a 0.7 percent

increase over the 41,900 workers employed in November.

Statewide, employers shed 8,400 jobs in December, capping three consecutive years of dwindling payrolls. The state lost 20,200 positions in November, the greatest monthly drop of the year.

The EDD figures are "unsettling to

budget watchers who know that California can't hope to emerge from its deep fiscal hole without a solid boost in jobs and income," wrote the *Los Angeles Times*.

"Job creation remains a big issue for the state," EDD Director Michael Bernick told the *Times*.

Initiatives: Continued from page 1

While the initiative claims it will help solve the state's deficit problems, very little money would actually be kept by the state. Instead, sponsors of the initiative have required that most of any new funds generated from the tracks and card clubs gaining slot machines would go to strictly dedicated local government agencies for police, fire and services for abused and foster care children.

But tight restrictions are placed on how local government can use those funds, denying local officials the

amended compacts to allow each tribal government to choose the number and size of the gaming facilities it operates and the types of games offered. Lifting of current restrictions would, for instance, allow the addition of craps and roulette at Indian casinos, as well as unlimited numbers of slot machines.

Currently there is a limit of 2,000 machines per casino and craps and roulette are prohibited.

Tribes entering into such agreements also would be required to

“... It is a deceptive and cynical ploy to get 30,000 slot machines for these commercial interests and invalidate and overrule the will of California voters who twice have said Indian tribes should have the exclusive right to Class III games.”

**~ Jacob Coin
CNIGA Executive Director**

flexibility to use the funds to the local government's best advantage.

Tribal leaders are expecting the race tracks and card clubs to spend millions of dollars to get the signatures required to get the measure on the November ballot and millions more to fool voters into passing it.

Several weeks after the race tracks and card clubs initiative was filed with the state's attorney general, the Agua Caliente Band of Cahuilla Indians sent to the state what they called the Indian Gaming Fair-Share Revenue Act of 2004.

The measure, if passed by voters, would reaffirm tribes' exclusive right to casino-style gaming for 99 years in return for paying to the state an amount equivalent to the state's prevailing corporate tax rate, currently 8.8%.

In addition, to maximize revenues for the state and to permit the free market to determine the number and type of casino games that would exist on tribal lands, the measure requires new or

prepare environmental impact reports analyzing the off-reservation impacts of any proposed new or expanded gaming facilities and they must consult with the public and local government officials to develop a good-faith plan to mitigate any significant adverse environment impacts of any such expansion.

Tribes with compacts that did not want to make any changes in those agreements would not be required to do so until their compact had expired.

Representatives of the Agua Caliente, the only tribe to own two casinos, have said the initiative is intended to take the artificial limits off of Indian gaming and to “end the question” of what might be a “fair share” for tribes to pay the state in exchange for the exclusive right to casino-style gaming.

CNIGA's board has voted to oppose the race track and card club initiative, but it has not met since the Agua initiative was filed with the state to determine whether it will take a position on the Fair Share Revenue Act.

CNIGA Elects Executive Secretary, Chairman & Treasurer

January 16, 2004, Palm Springs, CA – Michael Hunter was elected executive secretary of the California Nations Indian Gaming Association during a special election at the association's regular meeting in Palm Springs, California. Hunter is a member of the Coyote Valley Band of Pomo Indians and serves as tribal council historian.

The vacancy for the office of secretary was created when Anthony Miranda was elected CNIGA chairman at the annual membership meeting in December. Miranda, CNIGA's executive secretary for the past two years, is a member of the Pechanga Band of Luiseno Indians and serves as vice president of the tribe's economic development corporation. He replaced Brenda Soulliere, CNIGA's chairwoman for the past two years.

Ken Gilbert, a member of the Mooretown Rancheria in Oroville, won re-election to a second two-year term as CNIGA treasurer at the annual membership meeting.

CNIGA is an association of 60 tribal governments dedicated to the protection of tribal sovereignty and the right of tribes to conduct government gaming on Indian lands.



Chairman Miranda Speaks:

CNIGA: What prompted you to seek the leadership of CNIGA?

Miranda: The reason I chose to seek the leadership of CNIGA is I see the years ahead of us as the most challenging to tribal governments, even more so than prior to our compacting years. It is a challenge and I think tribes are looking for people to step up and take a leadership role and I think it is an opportune time to do that.

CNIGA: What do you see as the biggest challenge or challenges facing tribal government gaming in the coming two years?

Miranda: Certainly with the recall campaign, tribes need to focus on three things that are happening right now. One is the track initiative for slot machines in California. Two, there is compact renegotiations with the Governor, and Three, certainly we need to re-build our image in the industry. Just like Tylenol did after the Tylenol scare and like Exxon did after the Exxon Valdez crash, we do need to repair

our image as we move forward in these troubling times.

CNIGA: What is needed to confront those challenges?

Miranda: Unity. All of the tribes need to get back and focus. We are tribal governments and we need to act as governments versus businesses.

CNIGA: You mentioned in your speech to tribal leaders prior to the CNIGA election that Indians in California needed to heed the lessons of the past. What are those lessons?

Miranda: Certainly I don't want to be part of the generations that says "We had gaming and then we lost it." Just like the generation that had the land and lost it. We need to learn from the past. Our ancestors stuck it out on the reservations. They didn't leave. It wasn't cool to be Indian but they stayed there, they stuck it out. They saw themselves as sovereign governments. That is what we need to do today. We need to

learn from the past. We are not facing cultural genocide like they were, we are facing economic genocide.

I don't know which is worse. We were decimated before and now we have a resurgence in our culture and in our governments and we need to keep that moving forward.

CNIGA: When you floated the possibility of running for leadership of CNIGA with tribal leaders, what did they say they wanted in a Chairman?

Miranda: They said they wanted someone who could unify the tribes. Someone who would listen to the issues, understand the issues and bring the tribes together on those issues. We are sovereign

Miranda Q & A: continued on page 4



Reflections From Past Chairwoman Soulliere

CNIGA: What was your reaction to the election?

SOULLIERE: I had a lot of mixed feelings at the time; part disappointment, part relief. I had been going through a lot of tragedy at the time, with both my family and the tribe.

CNIGA: Do you think the new chairman, Anthony Miranda, will do a good job?

SOULLIERE: Anthony is capable and knowledgeable. The organization is in capable hands. I wish him the best.

CNIGA: What do you believe were CNIGA's major achievements in the last two years?

SOULLIERE: Our legislative agendas were successful. The publications; the newsletter and *Tribal Sovereignty Works*

and the magazine articles enabled us to share information about CNIGA and tribal governments. Expanding the associate member program and bringing them closer to the tribes and what we are doing. We did a lot of reaching out to tribal associations throughout the country and created relationships that we can call upon in the future. We brought the message of tribal government gaming to Congress.

CNIGA: Regrets?

SOULLIERE: Losing tribes that felt that they had to go in another direction. We tried to make sure the doors are always open in the event they wanted to return. We believed they would. The defeat of the Sacred Sites legislation was a major disappointment. I think, eventually, that will become a positive. It will pass.

CNIGA: What challenges will CNIGA face in the coming years?

SOULLIERE:

I think there are going to be increasing attacks on tribes and CNIGA. It will be a much more volatile atmosphere. I think there has been an underlying resentment toward tribes that will now come out in the open. It's like a wound that hasn't been allowed to heal. It was covered over. The wound is open now and it needs to be carefully cleaned out so it can heal properly.

CNIGA: Will you continue to be actively involved in tribal affairs?

SOULLIERE: Of course. Tribal issues have been a major part of my life for 25 years. I don't know any other way.



Miranda Q & A: *continued from page 3*

governments so every tribe, big or small, wants and needs something different. It is just a matter of trying to mesh those concerns and to have everyone buy into the common vision and the goal that we have. The goal that we must keep in the forefront is that we are tribal governments, We are sovereign governments. Gaming is a means to and end, not and end to an end.

CNIGA: What response do you believe tribal leaders should make to Gov. Arnold Schwarzenegger's demand that tribes contribute their "fair share" to state coffers?

Miranda: IGRA was not passed with the intention of tribes paying homage to the State for a right that they clearly already had. IGRA was passed, not to provide a level playing field, but to give tribes a leg up in economic development and it has done that. Tribes already have an inherent right to economic development. There is no way we can negotiate with the state for an inherent right that we already have. Clearly what we must do is educate the Governor on those issues and reach out and see if we can come to a common ground.

CNIGA: Do you see the U.S. Department of Interior being more aggressive in their role as trustee for tribal governments in

regard to upholding the intent and letter of IGRA?

Miranda: I have no idea. You have the NIGC that clearly has a trust responsibility to the tribes on the federal level and you have the Department of Justice that supposedly on the federal level should have the same trust responsibilities. But who is the prosecuting arm of the federal government? The Department of Justice. It is almost like they will reach out with one arm and shake our hand but with the other hand they slap the face of tribal governments at the same time. I don't know what will happen on a federal level. Clearly things are all subject to change. Hopefully we can make some progress going forward.

CNIGA: Looking over the California landscape, are tribes acting as "responsible" governments in regard to environment issues and the impact of gaming on surrounding county and municipal governments.

Miranda: I think all of the tribes have mitigated their impacts on the surrounding governments. They have reached out to the surrounding governments. I don't know of one tribe who doesn't have a concern about mitigating impacts and the environment.

CNIGA: What are some of the greatest misconceptions the public and elected officials have about tribal government gaming?

Miranda: That everybody is rich. That every casino makes a ton of money. That clearly isn't the case. You have to understand that there is a difference between tribal government gaming and for-profit gaming. The difference is, on the tribal level, all of the money that is made has to go to the health, welfare and education of the tribes constituents. Revenues generated from for-profit gaming goes to individual owners as a profit. An analogy would be the City of Commerce. If the Commerce Club was a tribal casino and had to deal with the IGRA, a. they would be regulated on their own level through a tribal gaming commission, b. they would be regulated on a State level and c. they would be regulated on the federal level. Right now they are only regulated by the State. They would also have to provide for the health, welfare and education of all of the constituents within the City of Commerce. They would also be required to provide all infrastructure such as fire stations, community centers, etc.

CNIGA Sets Washington Impact Week

CNIGA tribal leaders and representatives will converge on Washington, DC during March 22 – 26, for an opportunity to interact with the Bush Administration and Members of Congress on policy, legislative and political issues that affect tribal governments in California.

The program for the CNIGA Washington Impact Week, to be held at the Hyatt Hotel Capitol Hill, will include invitations to The White House, Members of Congress, the California Congressional Delegation and national Indian organizations NIGA and NCAI.

Also on the list to speak to the CNIGA gathering are the National Indian Gaming Commission, the Bureau of Indian Affairs and the Indian Gaming Management Office. Because election year issues and politics are

always of great importance to California Indian tribes, CNIGA has also targeted the Democratic National Committee and Republican National Committee to speak to our participants.

"While we must keep a constant eye on what's going on in Sacramento, we have an equal interest in the issues being debated in Washington, DC," said CNIGA Chairman Anthony Miranda. "Indian tribes face mounting challenges all over the country and we will have to be at our best to protect our sovereignty."

A series of visits with individual Members of Congress as well as a Congressional reception are planned as part of the CNIGA Washington Impact Week. Tribal leaders and representatives should contact CNIGA for more details.

Proposed Schedule:

Monday, March 22, 2004-Travel Day

Tuesday, March 23, 2004

9:00 AM – 12:00 NOON

General Session at host hotel with invited guests.

1:00 PM – 5:00 PM

Capitol Hill Visits

Wednesday, March 24, 2003

9:00 AM – 12:00 NOON

General Session at host hotel with invited guests.

1:00 PM – 5:00 PM

Capitol Hill Visits

6:00 PM – 8:00 PM

CNIGA Congressional Reception

Site: To Be Determined

Thursday, March 25, 2004

9:00 AM – 12:00 NOON

2004 Election Year Politics

CNIGA briefings on week's activities

Friday, March 26, 2004-Travel Day

Racing and Gaming Summit:

RACING AND GAMING SUMMIT
DECEMBER 8-10 - TUCSON, ARIZONA

Racetrack casinos, or “racinos,” are the “new frontier” in the expansion of legal gambling in America, delegates to the second annual Racing & Gaming Summit Dec. 9-10 in Tucson were told.

Six states now operate racinos. New York tracks will begin operating slots next year. And a dozen other states, including California, are considering legalizing slots at horse and dog tracks, according to Marc Falcone, industry analyst for Deutsche Bank Securities in New York.

But despite a University of Arizona Study that heralds the economic benefits of slots and VLTs (video lottery terminals) at pari-mutuel horse tracks, several industry executives and observers warn that the two forms of gambling (slots and pari-mutuel wagering) do not necessarily mix well.

“More money does not necessarily bring you more happiness,” said Patricia McQueen, lottery and racing editor for *International Gaming & Wagering Business* magazine.

Slots introduced five years ago at 16 of 18 Ontario, Canada horse and dog tracks resulted in an increase in purses and a landslide in profits to race track owners, breeders and horsemen, said Jean Major, executive director and CEO of the Ontario Racing Commission.

But live wagering on racing at the tracks is either stagnant or declining, Major said. Chairs at the slot machines are filled but the bleachers remain void of new horse players. And with most of the track revenue coming from slot machines, Major said there has been little reinvestment in the racing product.

“Live racing has become the loss-leader,” Major said. “There has been little reinvestment in the racing side of the business at some tracks.

If 87 percent of your revenue comes from a secondary business, I can understand. For some, the focus is shifting away from racing. The racing product is stagnant or at risk of decaying.”

“It seems like the slots have become a crutch to some of the racetracks, and rather than trying to promote their core business (of racing), they’re satisfied to collect the slot revenue,” Brian Tropea, vice president

of the Ontario Harness Horse Association, told IGWB.

With slot machines providing much, if not most, of the handle (amount wagered), the discrepancy between handle and purses becomes skewed.

“What it seems to be saying is that people aren’t wagering and therefore they’re not supporting the product,” said Bill Carter, president and CEO of Windsor Raceway.

It is also well known in the industry that the profile of slot gamblers and race and sports gamblers are dramatically different. Race and sports gamblers are largely attracted to the skill of wagering, while slot players are largely passive gamblers who do not gravitate to table games or sports wagering.

“We can’t have a facility with two different gaming activities being offered

“Racinos are, in effect, an avenue through which commercial casinos can make inroads into states which as a matter of public policy restrict gambling to tribal governments.”

and competing against each other,” Carter said.

Rather than incorporating the slot machine operations into the existing racing facility and clubhouse, tracks are building what are essentially stand alone casinos on track property.

Racinos have been the one growth area in an otherwise stagnant commercial gambling industry, Falcone said, a business that in terms of consumer spending has grown from \$10.9 billion in 1990 to \$49 billion in 2002. (Tribal government gaming, which reached \$14.9 billion in consumer spending in 2002, is not included in that figure.)

As a result, slot machine manufacturers and casino operating companies have made moves to purchase or invest in pari-mutuel tracks as a means of increasing shareholder value. The four leading casino operating companies (Harrah’s Entertainment, Park Place Entertainment, Mandalay Resorts and MGM Grand) have all invested in tracks

Racinos are, in effect, an avenue through which commercial casinos can make inroads into states which as a matter of public policy restrict gambling to tribal governments.

The first racinos appeared a decade ago in West Virginia and have since spread to five other states: Iowa, Delaware, New Mexico, Rhode Island and Louisiana. According to the American Gaming Association, total revenue generated at 17 racinos in the six states in 2002 was about \$2.1 billion.

Harrah’s CEO Gary Loveman said a slumping national economy and a growing public acceptance of legal gambling appeared to herald a growth in the industry. “But since last year the only people who have made a buck are the lobbyists,” he said.

“There’s really no demand for the resort model” casino, American Gaming Association President Frank Fahrenkopf said in a recent speech. “Plus, the ... track interests are powerful, and they see slots revitalizing their aging tracks.”

Falcone said an improved national economy (the number of states with budget deficits has declined in the last year from 31 to 10) may slow the expansion of commercial gambling. It may also halt the trend to extract more tax revenue from existing operations.

But Falcone said racinos will be the “new frontier” of legal gambling. The public and politicians may look favorably at racinos because the industry can be tied to the lottery as VLTs and does not require new venues but merely expansion of existing operations.

The public also sees a distinction between VLTs and slot machines which, in reality, does not exist.

“There have been considerable changes in the device (VLTs),” said Wayne Lemons, director of the Delaware Lottery. “They are legally classified as VLTs. But they are slot machines. They are the same machines you see in Las Vegas.”

Tribes Unite at 9th Annual Western Indian Gaming Conference

Mounting political and economic threats to tribal government gaming in California and a growing unity among the state's tribes helped create the largest and most successful Western Indian Gaming Conference in the event's nine year history.

Confronted with a proposed ballot initiative to end their voter-approved exclusivity on slot machines and faced with efforts by Gov. Arnold Schwarzenegger to secure a greater share of tribal gaming revenues, Indian leaders from throughout the state flocked to the desert oasis to discuss their future.

The annual conference and trade show held Jan. 14-15 at the Wyndham Hotel and Palm Springs Convention Center generated more than 700 attendees and 120 exhibits. The event, sponsored by the California Nations Indian Gaming Association, generate widespread coverage from all the major newspapers and several television stations.

"It has become vitally important that we, as tribes, make a concerted and long-term effort to reach out across all party lines, in a spirit of cooperation, unity and respect,"



CNIGA Chairman Anthony Miranda said in the first annual State of the Tribal Nations address. "Indian gaming has been a tremendous asset in fueling healthy economic growth, but our continued growth faces major hurdles."

A proposed ballot initiative calls for the installation of 30,000 slot machines at five California race tracks and 11 card clubs should tribes not agree to pay 25 percent of tribal gaming revenues to the state. Meanwhile, the governor has pledged to make tribes pay "their fair share" of revenues to help alleviate a looming state budget crisis.

"This is clearly the first step toward a massive expansion of non-Indian gaming in this state," Miranda said. "It goes without saying this initiative must be resisted."



Miranda in his speech recalled the tribal cooperation that in 1998 and again in 2000 led to successful ballot initiatives that rallied public support for Indian self-reliance. "It is critical to our very existence as sovereign tribal nations and as a people that we recapture this important unity," he told WIGC delegates. "Together, we can ensure a bright and secure future for coming generations."

Tribal government gaming employs more than 42,000 workers and last year generated \$280 million in federal payroll and income taxes and \$120 million in state and local taxes.

"A common public misconception is that Indians don't pay taxes," Miranda said. "Nothing could be further from the truth."

DELIVERING THE MESSAGE

The 120 exhibitors at the WIGC included industry providers of the latest gaming devices, software and other goods and services. Seminars dealt with issues such as taxation, government cooperation, media relations, grass roots organizing and regulations.

Officials with tribal, state and federal regulatory agencies discussed the difficulty coordinating the oversight of tribal gaming.

"The initial position taken by state government may not have been the proper one," California Gambling Control Commission member Michael Palmer said of tribal accusations that the state may have

initially overstepped its regulatory responsibilities.

"We tried to hit the ground at a run," said Robert Lytle, acting director of the California Division of Gambling Control. "We needed to step back and see what our priorities are."

Dealing with the media is a challenge for many tribal leaders. But it is necessary.

"Silence is not an option," tribal consultant Waltona Manion told delegates to a panel discussion on tribal issues and the media.

Educating the public, elected officials and even tribal members about sovereignty is a key to the future economic and social gains of American Indians in California.

Mark Macarro, chairman of the Pechanga Band of Luiseño Indians, believes public schools should teach students the unique legal status of tribes as separate, sovereign nations. "Tribes are like a fourth branch of government in the United States, Macarro said.

Ken Gilbert, a member of the Mooretown Rancheria Tribal Council, said the lesson is with tribal governments. "The stronger our governments are, the more people will see, by example, what sovereignty is," he said.

Anthony Pico, chairman of the Viejas Band of Kumeyaay Indians, said, "Sovereignty is less defined by words and more defined by actions."

But it is by preserving basic principles of sovereignty and strong government that tribal leaders today will write their legacy for the generations to come.

"We must be ever mindful that the actions we take today shape the sovereignty of future generations," Miranda said.



CNIGA 2004 CALENDAR OF EVENTS

January 2004

January 9 – 11 National Council of Legislators from Gaming States (NCLGS) Winter Meeting Las Vegas, NV

January 12 All Tribes Meeting Wyndham Hotel/Palm Springs, CA

January 13 – 15 Western Indian Gaming Conference Palm Springs Convention Center Wyndham Hotel/Palm Springs, CA

January 16 CNIGA Membership Meeting Palm Springs Convention Center

January 16 – 18 CA State Democratic Convention San Jose, CA

January 19 Martin Luther King Holiday

January 27 CNIGA Legislative Day/Reception Sacramento, CA

February 2004

February 4 – 5 American Gaming Summit Las Vegas, NV

February 10 – 11 NIGA Legislative Summit Washington, DC

February 16 Presidents Day Holiday

February 19 CNIGA Membership Meeting Sacramento, CA

March 2004

March 18 CNIGA Membership Meeting Sacramento, CA

March 22 – 26 CNIGA Legislative Impact Week Washington, DC

April 2004

April 1 – 11 CA Legislature Spring Recess

April 4 – 7 NIGA Annual Convention & Tradeshow Albuquerque, NM

April 22 CNIGA Membership Meeting Site – TBA

May 2004

May 20 CNIGA Membership Meeting Site – TBA

May 31 Memorial Day Holiday

June 2004

June 17 CNIGA Membership Meeting Sacramento, CA

July 2004

July 2 – 31 CA Legislature Summer Recess

July 15 CNIGA Membership Meeting Site – TBA

July 26 – 29 Democratic National Convention Boston, MA

August 2004

August 18 CNIGA Legislative Day Sacramento, CA

August 19 CNIGA Membership Meeting Sacramento, CA

August 30-Sept 2 Republican National Convention New York, NY

September 2004

September 23 CNIGA Membership Meeting Sacramento, CA

October 2004

October 5 – 7 Global Gaming Expo Las Vegas, NV

October 21 CNIGA Membership Meeting Site – TBA

November 2004

November 2 National Election Day

November 11 Veteran's Day Holiday

November 25 Thanksgiving Day Holiday

December 2004

December 2 CNIGA Annual Meeting



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Tribal Sovereignty Works and Voices CNIGA Releases Publications on Tribal Government Gaming

The second edition of *Tribal Sovereignty Works* and the first edition of *Voices*, publications produced by the California Nations Indian Gaming Association, made their debut at the Western Indian Gaming Conference last week in Palm Springs.

Tribal Sovereignty Works details how California tribes are using government gaming revenues to rebuild Indian nations destroyed by generations of poverty and neglect.

Voices, CNIGA's annual report, includes essays from some of California's most prominent tribal leaders.

The two publications are being circulated to the public, elected officials, the press, community leaders and policy makers throughout California.

To obtain copies of these publications, contact Dave Palermo in the CNIGA office
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