



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

SEP 18 2017



IN REPLY REFER TO:

Tribal Government Services

CERTIFIED MAIL NO. 7016 3010 0001 0587 7666

RETURN RECEIPT REQUESTED

Honorable Bo Mazzetti, Chairman  
Rincon Band of Luiseno Indians  
1 West Tribal Road  
Valley Center, California 92028

Dear Chairman Mazzati:

The purpose of this correspondence is to inform you of my decision to approve the amended Rincon Alcohol Control Ordinance (Ordinance) of the Rincon Band of Luiseno Indians (Band).

The original Rincon Liquor Ordinance was published in the Federal Register on October 6, 2000, in 65 Fed. Reg. 59864, Vol. 65, No. 195. In 2013, the Band adopted the Rincon Codification Ordinance and accordingly amended the Ordinance to be codified with no substantive changes. The tribally amended Ordinance was never published in the Federal Register as required by 18 United States Code (USC) § 1161, which requires the Secretary of the Interior to certify and publish in the Federal Register notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country.

The Tribal Council by Resolution No.2017-16, dated April 18, 2017, approved the Band's amended Ordinance and requested Secretarial approval of the amended Ordinance pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 USC § 1161.

Staff from this Office conducted a technical review and obtained a legal opinion from the Regional Solicitor, Pacific Southwest Region, and the enclosed Ordinance appears to be in conformance with the laws of the State of California and does not contain any provisions that are contrary to applicable Federal law.

In accordance with the authority granted to the Secretary of the Interior by the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 USC § 1161, and delegated to me through the Indian Affairs Manual, Part 3, Chapter 4, Section 1.4, B, Authorities that are Redelegated only to Regional Directors, No. 12-42, reissue of December 19, 2012, I do hereby approve the amended Rincon Alcohol Control Ordinance. ***The Ordinance shall become effective upon certification by the Assistant Secretary - Indian Affairs, and publication in the Federal Register. Furthermore, nothing in this approval shall be construed as authorizing any action that would be contrary to Federal law.***

Any questions regarding this matter can be directed to Harley Long, Tribal Government Officer at (916) 978-6067.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy G. Wutschke".

Regional Director

Enclosures

cc: Superintendent, Southern California Agency (w/ enclosures)  
Regional Solicitor, Pacific Southwest Region (w/ enclosures)

RINCON BAND OF LUISEÑO MISSION INDIANS  
RINCON INDIAN RESERVATION, CALIFORNIA



RINCON ALCOHOL CONTROL ORDINANCE  
RINCON TRIBAL CODE § 7.400

Adopted on August 17, 1967

RINCON ALCOHOL CONTROL ORDINANCE

Rincon Tribal Code § 7.400

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## RINCON ALCOHOL CONTROL ORDINANCE

Rincon Tribal Code § 7.400

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**§ 7.400    TITLE**

This Ordinance shall be known as the Rincon Ordinance Regulating and Controlling the Manufacture, Introduction, Sale or Possession of Alcoholic Beverages within the boundaries of the Rincon Indian Reservation. The short title of this Ordinance shall be "Rincon Alcohol Control Ordinance."

**§ 7.401    AUTHORITY**

This Ordinance is enacted pursuant to federal law, specifically the Act of August 15, 1953, Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161, and the Articles of Association, Governing Procedures for Administering the Affairs of The Rincon, San Luiseno Band of Mission Indians, California. This Rincon Alcohol Control Ordinance is in conformity with the laws of the State of California as required by 18 U.S.C. § 1161, and with all applicable federal laws.

**§ 7.402    PURPOSE**

The purpose of this Ordinance is to regulate and control the possession and sale of alcohol within the exterior boundaries of the Rincon Reservation, and to permit alcohol sales by tribally owned, controlled or operated enterprises, and at tribally approved special events, for the purpose of the economic development of the Rincon Band. The enactment of a tribal ordinance governing alcohol possession and sales within the exterior boundaries of the Rincon Reservation increases the ability of the Tribal Government to control Rincon Reservation alcohol distribution and possession, and will provide an important source of revenue for the continued operation and strengthening of the Tribal Government and the economic viability of Tribal Government services.

**§ 7.403    MANUFACTURE OF ALCOHOL**

The manufacture of alcoholic beverages by business enterprises owned by or subject to the control of the Rincon Band shall be lawful within the exterior boundaries of the Rincon Reservation provided that such manufacture is in conformity with the laws of the State of California as required by federal law.

**§ 7.404    POSSESSION OF ALCOHOL**

The introduction or possession of alcoholic beverages shall be lawful within the exterior boundaries of the Rincon Reservation provided that such introduction or possession is in conformity with the laws of the State of California as required by federal law.

RINCON ALCOHOL CONTROL ORDINANCE

Rincon Tribal Code § 7.400

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**§ 7.405    SALE OF ALCOHOL**

(a) The sale of alcoholic beverages by business enterprises owned or operated by, or subject to the control of, the Rincon Band shall be lawful within the exterior boundaries of the Rincon Reservation provided that such sale is in conformity with the laws of the State of California as required by federal law.

(b) The sale of alcoholic beverages by the drink at special events authorized by the Rincon Band shall be lawful within the exterior boundaries of the Rincon Reservation provided that such sales are in conformity with the laws of the State of California as required by federal law and with prior approval by resolution of the Tribal Council of the Rincon Band.

**§ 7.406    AGE LIMIT**

(a) The drinking age within the exterior boundaries of the Rincon Reservation shall be the same as that of the State of California as required by federal law. No person under such age shall purchase, possess or consume any alcoholic beverage within the exterior boundaries of the Rincon Reservation.

(b) The State of California sets the drinking age within California under California Business and Professions Code § 25658. California's drinking age is twenty-one (21) at the time of the enactment of this Ordinance.

(c) At such time, if any, as California Business and Professions Code § 25658 is repealed or amended to raise or lower the drinking age within California, subsection (b) above shall automatically become null and void, and the Tribal Council shall be empowered to enact a new subsection (b) to reference the appropriate provision of the state law, such amendment to become effective upon publication in the Federal Register by the Secretary of the Interior.

**§ 7.407    CIVIL PENALTIES**

The Rincon Band, through its Tribal Council and duly authorized security personnel, shall have the authority to enforce this Ordinance by confiscating any alcohol manufactured, introduced, sold or possessed in violation hereof. The Tribal Council shall be empowered to sell such confiscated alcohol for the benefit of the Rincon Band, and to develop and approve such regulations as may become necessary for enforcement of this Ordinance.

RINCON ALCOHOL CONTROL ORDINANCE

Rincon Tribal Code § 7.400

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**§ 7.408    SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional or invalid by the Tribal Council, only the invalid provision shall be severed and the remaining provisions and language of this Ordinance shall remain in full force and effect.

**§ 7.409    SOVEREIGN IMMUNITY**

All inherent sovereign rights of the Band as a federally recognized Indian tribe with respect to provisions authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in the Ordinance shall be deemed or construed to be a waiver of the Band's sovereign immunity from unconsented suit.

**[END OF DOCUMENT]**