

Local

Council to consider condemning properties

► The City Council will look at taking action against two remaining properties to make room for the new arena.

By P.J. LASSEK
World Staff Writer

The City Council will consider Thursday whether to condemn an empty warehouse and the Denver Grill to make way for a new arena.

The properties are two of six remaining lots to be purchased on the arena site located between First and Third streets and Denver and Frisco avenues.

"I'm disappointed that we haven't been able to reach agreements on the buyout prices," Assistant Public

Works Director Mike Buchert said.

The two properties came before the council in early August for condemnation consideration, but action was deferred to allow further negotiations.

Peggy Jones, who owns the Denver Grill, 112 S. Denver Ave., said Wednesday that she needs \$300,000 to move her business. Jones said the city has offered \$250,000, an amount she previously had said she needed before realizing how much it would actually cost to relocate.

In response to Jones' disclosure of

the city's offer, Buchert said the city actually offered \$251,000. The city does not like to negotiate in the press, he said.

Tulsa County records indicate that the property has a market value of \$90,000, and an independent appraiser set the property's worth at \$175,000, he said.

Buchert said the council has been kept apprised of the negotiations. Councilors instructed Public Works officials to offer a certain amount, and if Jones declined, they agreed to condemn the property, Buchert said.

Jones said her son-in-law Steve McGrew is handling negotiations for her. At an Aug. 5 council meeting,

McGrew told councilors that Jones should receive at least \$350,000.

The empty warehouse at 407 W. Third St. is owned by the Jeanie E. Bernbaum Trust. Representatives could not be reached for comment.

Buchert said it was earlier thought that the warehouse owners wanted to go through the condemnation process because they could not reach agreements with leasees using the property.

But after media outlets reported that, Buchert said, he received a letter saying the owners wanted to negotiate, but an agreement could not be reached.

SEE ARENA A-16

Drug vendors prepare to lobby

► Pharmacists oppose reimportation programs, which Gov. Brad Henry is considering.

By BRIAN BARBER
World Staff Writer

Oklahoma pharmacists will speak out Thursday against Gov. Brad Henry's recent announcement that he is considering a state-sponsored drug reimportation program.

"We are more than happy to work with our patients and the governor to find alternatives to help lower the cost of prescriptions, but too many problems have been found with drugs from foreign sources to consider importation," Oklahoma Pharmacists Association Executive Director Phil Woodward said.

"Until the (U.S. Food and Drug Administration) can guarantee the safety of imported drugs, OPhA will oppose any scheme to encourage our patients to look outside of the United States."

Officials of the pharmacists association and the Oklahoma Society of Health-System Pharmacists will voice their opposition to reimportation Thursday at the Capitol.

Henry told the Tulsa World last week that he will present a plan of action for prescription drugs in the next few months that might include helping Oklahomans reimport cheaper medicine from other countries.

Henry said Wednesday that he welcomes the pharmacists' views but that it is his duty to consider all options.

"I appreciate the work that our pharmacists do across the state of Oklahoma," he said. "I appreciate their position on this issue, and I understand why they might have concerns; but I do think that as the chief executive of this state I have an obligation to look at all options, and that includes reimportation."

"I want to look at what other states have done and how the federal government has responded, and we're already doing that

SEE DRUG A-16

Cashing in Casino wins over crowd

► The Cherokee Nation's new gaming hall draws hundreds of players on its first day.

By S.E. RUCKMAN
World Staff Writer

CATOOSA — When the automatic doors to the new \$80 million Cherokee Casino eased open Wednesday, plenty of people were outside, ready to try their luck.

They included Terri Smith of Wagoner, who came just to see the new entertainment center.

A regular customer of the former casino, she was pleased with the surroundings.

"After work, me and a girlfriend left just to come here," she said. "But I haven't been all the way through it. I just wanted to play."

The machines were alive Wednesday, whirring, ringing and pouring out fortunes — or misfortunes — as the state's largest tribe, the Cherokee Nation, upped the ante on local Indian gaming a day after it opened the casino exclusively for tribal employees.

Officials said the casino packed in a respectable crowd. By 4 p.m., the security force's hourly count of visitors topped 500.

Traffic at the casino flowed much as usual, except for the occasional backup at the Interstate 44 exit to 193rd Street.

The main gaming area offers 839 electronic machines in addition to the 1,038 machines that remain on the original casino's floor.

The gaming offerings are completed with 401 machines in the former bingo hall, now called Cabin Creek.

Tribal officials said the goal of the "soft" grand opening was to get the doors open and let the public know that the casino was open for business.

In addition to the new gaming machines, the Cherokee Casino has more than 7,500 square feet of meeting space and convention facilities in its 150-room hotel.

It also has more than 700 security cameras, which keep constant watch.

SEE CASINO A-16



JOHN CLANTON / Tulsa World

Cars and trucks pack the parking lot Wednesday for the "soft" grand opening of the Cherokee Casino in Catoosa.

Nuptials ban is blasted as illegal

► An ACLU lawyer says a proposed ban on same-sex marriages is unconstitutional.

By PAUL ENGLISH
World Capitol Bureau

OKLAHOMA CITY — An ACLU lawyer attacked the constitutionality of a proposed ban on same-sex marriages Wednesday, and two other lawyers challenged his efforts.

One of the attorneys said challenging the proposed amendment to the state constitution is premature and would have to wait until after the people vote on the proposal Nov. 2.

Oklahoma Supreme Court referee Greg Albert said during the hourlong hearing that the justices might meet Sept. 13 to consider the proposal.

El Reno lawyer Mark Henricksen, representing the ACLU, said the Legislature used an irregular method to put State Question 711 on the Nov. 2 ballot.

The proposed constitutional amendment is vague and ambiguous, giving rise to "profound ambiguity," he said.

If approved by voters, in addition to banning same-sex marriages, the language in the measure could be interpreted to ban common-law heterosexual marriages, civil unions and domestic partnerships, he said.

Henricksen said some people think the measure "is the result of a social agenda on the part of the authors."

"Serial marriage occasioned by divorce or death is apparently eliminated by this adoption to the Oklahoma Constitution," he said.

Henricksen said that if Oklahoma lawmakers simply wanted to ban same-sex marriages, they could have written a measure that had only one sentence, as Missouri passed a few months ago.

He also alleged that the authors had conducted "forbidden logrolling," a method of putting unpopular language in a measure that also includes a popular measure.

SEE BAN A-16

Plea deal lands lawmaker in jail, lets him avoid felony case

By BARBARA HOBEROCK
World Capitol Bureau

OKLAHOMA CITY — State Rep. Mike O'Neal surrendered Wednesday for a 30-day jail stay as part of a plea agreement that will allow him to avoid a felony sexual battery case.

He is scheduled to return to Oklahoma County District Court on Oct. 8 to enter a plea to a reduced count — a misdemeanor charge of outraging public decency.

O'Neal, R-Enid, originally faced a felony count of sexual battery stemming from a Feb. 10 incident in which he allegedly grabbed a Tulsa woman's buttocks at an Oklahoma City motel. The charge carried a maximum sentence of five years.

The victim agreed to the reduced charge and wanted O'Neal to serve jail time, Oklahoma County District Attorney Wes Lane said.

The deal means that O'Neal will not have to register as a sex offender, Lane said, adding that O'Neal's behavior was not that of a sexual predator but more of a "drunken fool."

"This was a bad case of stupid," he said.

O'Neal, with his lawyer, D.C. Thomas, was led out of Oklahoma County District Judge Twyla Mason Gray's courtroom in handcuffs.

The judge told O'Neal he should "expect to be charged the cost of

your incarceration."

The four-term lawmaker, who is not seeking re-election, had no comment.

"Our office is very concerned about the public perception of justice, particularly with public officials," said Debra Forshee, a spokeswoman for Lane's office. "It was very important for the victim that he serve time."

O'Neal also must undergo alcohol-abuse treatment and pay the victim's medical bills and a victims compensation assessment, Lane said.

He said his office reviewed similar cases, adding that O'Neal did not receive special treatment.

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State Rep. Mike O'Neal (center) and his lawyer, D.C. Thomas, stand before Oklahoma County District Judge Twyla Mason Gray after the four-term lawmaker surrendered Wednesday for a 30-day jail stay as part of a plea agreement.

JEFFREY HADERTHAUER / Associated Press