April 24, 2009

Thomas Hehir, Executive Director
Augustine Gaming Commission
P.O. Box 846
Coachella, CA 92236

Re: Request for Approval of Amendments to the
Augustine Band of Cahuilla Indians Gaming Ordinance

Dear Mr. Hehir:

This letter responds to your request, on behalf of Tribal Chairperson Mary Ann Green, to the National Indian Gaming Commission ("NIGC") to review and approve the amendments to the tribal gaming ordinance of the Augustine Band of Cahuilla Indians ("Tribe"). On March 3, 2009, the Tribe forwarded the amendments to the ordinance by Resolutions No. 09.01, No. 08.02, No. 07.11, and No. 07.10. The NIGC received the amendments on March 5, 2009.

The amended ordinance is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations, and it is therefore approved. In the future, please be advised that NIGC regulations require that amendments to an ordinance must be submitted to the NIGC Chairman for approval within 15 days of adoption of a resolution amending said ordinance.

Thank you for your submission. If you have any questions or require assistance, please contact Armando Acosta in the Office of the General Counsel at 202-632-7003.

Sincerely,

Philip N. Hogen
Chairman

cc: Mary Ann Green, Chairperson
Augustine Band of Cahuilla Indians

AUGUSTINE BAND OF CAHUILLA INDIANS

P.O. Box 846 • Coachella, CA 92236 • (760) 369-7171
Tribal Council Fax (760) 369-7161 Tribal Administration Fax (760) 369-9061
Tribal Chairperson: MaryAnn Green

30509-15

Philip Hogen, Chairman
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D C 20005

March 3, 2009

Dear Chairman Hogen:

The Augustine Band of Cahuilla Indians is submitting for your approval four (4) Resolutions, signed by the Tribal Chairperson, Mary Ann Green, amending five (5) sections of the Tribal's Gaming Ordinance entitled "The Code of Laws of the Augustine Band of Cahuilla Indians-Title IV Gaming".

Resolution No. 09.01 Gaming Code Section 914 "License Suspension and Revocation" has been amended to specify with clarity that any employee who has their license suspended wherein it is the intention of the Gaming Commission to revoke their license **has a right to a hearing.** Subsections (a), (b), and (f) have been amended to be consistent with the employee's right to have hearing regarding the revocation of their license. Because we have found that it is not practical to schedule a hearing within ten (10) days of the original date of license suspension Subsection (e) has been amended to provide thirty (30) days.

Resolution No. 08.02 Gaming Code Section 406 "Qualifications" has been amended to provide Tribal members greater flexibility and opportunity for employment and participation in the Tribal Gaming Agency. Subsection (c) has been amended by adding the words "Unless a Tribal Member" to the beginning of the first sentence.

Resolution No. 07.11Gaming Code Section 404 "Terms" has been amended to decrease the length of service of a commissioner from three (3) years to two (2) years. The length of service for the Commission Chairperson remains three (3) years. The Last paragraph in Gaming Code Section 404 is amended to read, "Thereafter all terms for commissioners shall be two years and the term of the chairperson shall be three years. If a vacancy occurs during a term, the Council may appoint a successor for the unexpired portion of the term".

Resolution No. 07.10 Gaming Code Sections 401 "Establishment of Augustine Band Gaming Commission" and 409 "Meetings" have been amended to provide the Gaming Commission more flexibility in the makeup of the Commission and meeting frequency. Section 401 has been amended to read, "…consisting of a Commission Chairperson and **up to four other members".** Section 409 "Meetings" has been amended to read, "The Commission shall meet as scheduled to fulfill its duties and obligations under this Code, but in no event less frequently than once **per quarter".**

Thank you for your assistance and if you have any questions please have your staff contact me at (760) 398-2531.

Sincerely yours,

Tom Hehir

Thomas Hehir, Executive Director
Augustine Gaming Commission

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Tribal Council Fax (760) 369-7161 Tribal Administration Fax (760) 369-9061
Tribal Chairperson: MaryAnn Green

MAR - 5 2009

RESOLUTION NO. 07.10
GAMING CODE

WHEREAS: The Augustine Band of Cahuilla Mission Indians (the Band) is a federally recognized Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. (IGRA); and

WHEREAS: The Tribal Council is the governing body of the Band pursuant to Tribal law, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS: The Council finds that operation of bingo and other games of chance is a valid means of promoting economic development and the health and welfare of Band citizens; and

WHEREAS: The Council finds that because of the particularly sensitive nature of gaming, it must be subject to strict regulation; and

WHEREAS: In order to engage in Class II or Class III gaming, the governing body of a tribe must adopt a gaming ordinance and have the gaming ordinance approved by the Chairman of the National Indian Gaming Commission (NIGC), pursuant to IGRA; and

WHEREAS: The Tribal Council Previously adopted a Gaming Code as Title IV of the Laws of the Augustine Band of Mission Indians to authorize and regulate gaming on the Augustine Reservation to reflect changes in the Band's gaming development plans and the Gaming Compact the Band has executed with the State of California, through Governor Davis, and that has been approved by the Department of Interior as required by IGRA; and

NOW, THEREFORE BE IT RESOLVED: That the Band, acting through its Tribal Council, hereby adopts the attached Amendments to Section 401 "Establishment of Augustine Band Gaming Commission" and Section 409 "Meetings" of the Laws of the Augustine Band of Cahuilla Mission Indians Title IV-Gaming to authorize license and regulate gaming on the Augustine Reservation.

BE IT FINALLY RESOLVED: That the current approved Sections 401 and 409 of Title IV of the Laws of the Augustine Band of Cahuilla Mission Indians be deleted and replaced with the following:

"Section 401 Establishment of Augustine Band Gaming Commission

There is hereby established the Augustine Band of Cahuilla Indians Gaming Commission ("Commission"), an agency of the Band, consisting of a Commission Chairperson and up to four other members.

Section 409 Meetings The Commission shall meet as scheduled to fulfill its duties and obligations under this Code, but in no event less frequently than once per quarter. Meetings may be called by the Chairperson of the Commission, or by any two members of the Commission, upon at least three days written notice to all members. If the Chairperson of the Commission or any two members certify in writing that a meeting must be held on less than three days notice, a meeting may be held as necessary, provided that best efforts must be made to provide the Chairperson and all members with as much advance notice of such meeting as possible. A majority of the number of Commission members seated shall constitute a quorum for the transaction of business. If only three Commission members are seated, all three members shall be in attendance at meetings at which the Commission holds hearings. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission."

CERTIFICATION

It is hereby certified that at a notice meeting of the surviving half-blood descendant members of the Augustine Band of Mission Indians held July 24, 2007, a vote was cast as follows: 1 for, 0 against, 0 abstaining.

Mary Ann Green, Tribal Chairperson

AUGUSTINE BAND OF CAHUILLA INDIANS

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Tribal Chairperson: MaryAnn Green

RESOLUTION NO. 07.11
GAMING CODE

MAR - 5 2009

WHEREAS: The Augustine Band of Cahuilla Mission Indians (the Band) is a federally recognized Indian tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA); and

WHEREAS: The Tribal Council is the governing body of the Band pursuant to Tribal law, having all the legislative powers and responsibilities of the Tribal Government: and

WHEREAS: The Council finds that operation of bingo and other games of chance is a valid means of promoting economic development and the health and welfare of Band citizens; and

WHEREAS: The Council finds that because of the particularly sensitive nature of gaming, it must be subject to strict regulation; and

WHEREAS: In order to engage in Class II or Class III gaming, the governing body of a tribe must adopt a gaming ordinance and have the ordinance approved by the Chairman of the National Indian Gaming Commission (NIGC), pursuant to IGRA; and

WHEREAS: The Tribal Council previously adopted a Gaming Code as Title IV of the Laws of the Augustine Band of Cahuilla Mission Indians to authorize and regulate gaming on the Augustine Reservation to reflect changes in the Band's gaming development plans and the Gaming Compact the Band has executed with the State of California, through Governor Davis, and that has been approved by the Department of Interior as required by IGRA; and

NOW, THEREFORE BE IT RESOLVED: That the Band, acting through its Tribal Council, hereby adopts the attached Amendment to Section 404 Commissioner "Terms" of the Laws of the Augustine Band of Cahuilla Mission Indians Title IV-Gaming to authorize license and regulate gaming on the Augustine Reservation.

BE IT FINALLY RESOLVED: That the current approved Section 404 of Title IV of the Laws of the Augustine Band of Cahuilla Mission Indians be deleted and replaced with the following:

"Section 404 Terms

The initial members of the Commission shall serve as follows:

(a) Two members shall serve an initial two-year term.

(b) Two members shall serve an initial one-year term.

(c) The Chairperson of the Commission shall serve an initial three-year term.

Thereafter all terms for commissioners shall be two years and the term for chairperson shall be three years. If a vacancy occurs during a term, the Council may appoint a successor for the unexpired portion of the term."

CERTIFICATION

It is hereby certified that at a noticed meeting of the surviving half-blood descendant members of the Augustine Band of Mission Indians held the June 21, 2007, a vote was cast as follows: 1 for, 0 against, 0 abstaining.

Mary Ann Green, Tribal Chairperson

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MAR - 5 2009

AUGUSTINE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

Resolution No. 08.02
Gaming Code Section 406 Qualifications

WHEREAS, the Augustine Band of Cahuilla Indians (the Tribe) is a federally recognized Indian sovereign recognized by the United States Secretary of the Interior as having governance and jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA); and

WHEREAS, the Tribal Council (the Council) is the governing body of the Tribe pursuant to its law, possessing all the powers and responsibilities of the Tribe's Government: and

WHEREAS, the Council finds that operation of bingo and other games of chance is a valid means of promoting economic development and the health and welfare of Tribal members; and

WHEREAS, the Council finds that because of the particularly sensitive nature of gaming, it must be subject to IGRA and the Tribe's regulation; and

WHEREAS, in order to engage in Class II or Class III gaming, the governing body of a federally recognized Indian sovereign must adopt a gaming ordinance and have the ordinance approved by the Chairman of the National Indian Gaming Commission (NIGC), pursuant to IGRA; and

WHEREAS, the Tribal Council has adopted a Gaming Code as Title IV of the Laws of the Augustine Band of Cahuilla Indians that authorizes and regulates gaming on the Augustine Reservation and that Gaming Code governs the Tribe's gaming development and incorporates the Gaming Compact the Tribe has executed with the State of California that has been approved by the Department of Interior as required by IGRA; and

NOW, THEREFORE BE IT RESOLVED that the Tribe, acting through its Tribal Council, hereby adopts the Amendment to Section 406 Commissioner "Qualifications" of the Laws of the Augustine Band of Cahuilla Indians Title IV-Gaming to authorize, license and regulate gaming on the Augustine Reservation, as denoted below.

BE IT FINALLY RESOLVED, that Section 406 of Title IV of the Laws of the Augustine Band of Cahuilla Indians is revoked and replaced with the following:

Section 406 Qualifications

To be eligible to serve as Chairperson of the Commission, member of the Commission, or staff of the Commission, a person shall:

(a) Be of high moral character and reputation to promote public confidence in gaming by the Tribe;

(b) Have sufficient education and work experience to be able to fulfill the functions of the Commission;

(c) Unless a Tribal Member, have no financial stake in any gaming operated under the Code. A person has a "financial stake in any gaming operated under the Code" if that person, or that person's spouse, brother, sister, mother, father, son, daughter, grandmother, grandfather, grandson, granddaughter or first cousin has invested in, has a direct or indirect financial interest in, has a management contract in, or has any other pecuniary interest whatever in gaming operated under this Code. Citizenship in the Tribe does not, in itself, create a "financial stake in any gaming operated under this Code". Employment at a licensed gaming facility of the Tribe, other than as a primary management official, by a person's spouse, brother, sister, mother, father, son, daughter, grandmother, grandfather, grandson, granddaughter or first cousin does not create in such person a "financial stake in any gaming operated under this Code";

(d) Not be employed at or participate as a player in any gaming facility on the Augustine Reservation during the time such person is serving as Chairperson of the Commission, member of the Commission, or staff of the Commission;

(e) Never have been convicted of any tribal, federal or state felony, or any crime or civil case involving fraud, misrepresentation, moral turpitude or gambling;

(f) Submit to a background investigation conducted by the Tribe or a third party on its behalf and meet the requirements applicable to a management contractor under IGRA; and

(g) Not be delinquent on a debt to the Tribe, any agency of the Tribe, or corporation owned or controlled by the Tribe.

CERTIFICATION

I, the undersigned Tribal Chairperson of the Augustine Band of Cahuilla Indians do, hereby, certify that the foregoing Resolution was adopted by the Tribal Council by a vote of 1 in favor, 0 opposed, and 0 abstaining on March 11, 2008 and that this resolution has not been rescinded or amended in any way.

Mary Ann Green, Chairperson

AUGUSTINE GAMING COMMISSION

84-001 Avenue 54 • Coachella, CA 92236 • (760) 398-2531 • Fax (760) 391-5094

RESOLUTION NO. 09.01 GAMING CODE

LICENSE SUSPENSION AND REVOCATION

MAR - 5 2009

WHEREAS: The Augustine Band of Cahuilla Indians (the Band) is a federally recognized Indian sovereign recognized by the United States Secretary of the Interior as having governance and jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA); and

WHEREAS: The Tribal Council (the Council or Tribal Council) is the governing body of the Band pursuant to its law, possessing all the powers and responsibilities of the Band's Government: and

WHEREAS: The Council finds that operation of bingo and other games of chance is a valid means of promoting economic development and the health and welfare of Band citizens; and

WHEREAS: The Council finds that because of the particularly sensitive nature of gaming, it must be subject to IGRA and the Band's regulation; and

WHEREAS: In order to engage in Class II or Class III gaming, the governing body of a federally recognized Indian sovereign must adopt a gaming ordinance and have the ordinance approved by the Chairman of the National Indian Gaming Commission (NIGC), pursuant to IGRA; and

WHEREAS: The Tribal Council has adopted a Gaming Code as Title IV of the Laws of the Augustine Band of Cahuilla Indians that authorizes and regulates gaming on the Augustine Reservation and that Gaming Code governs the Band's gaming development and incorporates the Gaming Compact the Band has executed with the State of California that has been approved by the Department of Interior as required by IGRA; and

NOW, THEREFORE BE IT RESOLVED: That the Band, acting through its Tribal Council, hereby adopts the Amendment to Section 914 "License Suspension and Revocation" of the Laws of the Augustine Band of Cahuilla Indians Title IV-Gaming to authorize, license and regulate gaming on the Augustine Reservation, as denoted below.

BE IT FINALLY RESOLVED: That Section 914 of Title IV of the Laws of the Augustine Band of Cahuilla Indians is revoked and replaced with the following:

Section 914 License Suspension and Revocation

(a) If after issuance of a permanent license under this chapter the Commission determines that the continued licensing of the person or entity could constitute a threat to the public health or safety or that the licensee is unsuitable or otherwise unqualified for a gaming license, or the Commission receives from the NIGC or an appropriate law enforcement department reliable written information indicating that a key employee or a primary management official is not eligible for licensure, the Commission shall summarily suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation, and the right to have a hearing on the proposed revocation of the license.

(b) If after issuance of a permanent license under this chapter the Commission receives notice that the State Gaming Agency has determined that a person would be unsuitable for licensure in a gaming establishment subject to the jurisdiction of the State Gaming Agency, the Commission shall suspend such license and notify the licensee in writing of the proposed revocation and the licensee's right to a hearing. The Commission may, in its discretion, re-issue a license to the person following entry of a final judgment reversing the determination of the State Gaming Agency in a proceeding in state court conducted pursuant to section 1085 of the California Civil Code.

(c) The gaming operation shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of gaming resources requiring state certification with any person whose application to the State Gaming Agency for a determination of suitability has been denied or has expired without renewal. Any agreement between the gaming operation and a gaming resource supplier shall be deemed to include a provision for its termination without further liability on the part of the gaming operation, except for bona fide repayment of all outstanding sums (exclusive of interest) owed as of, or payment for services or materials received up to, the date of termination, upon revocation or non-renewal of the gaming resource supplier's license by the Commission based on a determination of unsuitability by the State Gaming Agency.

(d) The gaming operation or the Band shall not enter into, or continue to make payments pursuant to, any contract or agreement for class III gaming activity with any person whose application to the State Gaming Agency for a determination of suitability has been denied or expired without renewal. Any agreement between the gaming operation or the Band and a financial source providing financing for class III gaming activity shall be deemed to include a provision for its termination without further liability on the part of the gaming operation or the Band, except for bona fide repayment of all outstanding sums (exclusive of interest) owed as of the date of termination, upon revocation or non-renewal of the financial source's license by the Commission based on a determination of unsuitability by the State Gaming Agency.

(e) Upon suspension of the license under this section, the Commission shall notify the licensee in writing of the suspension and proposed revocation. Such suspension shall not extend beyond 30 days without a hearing, if a hearing has been requested. change

(f) Should the licensee request a hearing, the Commission shall notify the licensee of the time and place of the hearing. At the hearing, the licensee shall have the right to be present, be represented by counsel at the licensee's own expense, to review all evidence before the Commission on the application, and to present additional oral or documentary evidence in support of the application. The decision of the Commission shall be in writing, and shall be rendered within five business days of the conclusion of the hearing.

(g) After a revocation hearing, the Commission shall determine, based on the evidence presented at the hearing, whether to revoke or reinstate the license. If the licensee continues to meet the standards of this chapter, the license shall be reinstated. If not, the license shall be revoked. The Commission shall notify the NIGC of its decision. The decision of the Commission may be appealed to Tribal Court.

CERTIFICATION

It is hereby certified that at a noticed meeting of the Tribal Council of the Augustine Band of Cahuilla Indians held JANUARY 27, 2009, a vote was cast as follows: 1 for, 0 against, 0 abstaining.

Mary Ann Green, Chairperson