NATIONAL
INDIAN
GAMING
COMMISSION

February 7, 1997

Genevieve Campbell
Chairperson of the Cahto Tribe
Laytonville Rancheria
P.O. Box 1239
Laytonville, California 95454

Cherie Smith
Secretary/Treasurer Cahto Tribe
Laytonville Rancheria
P.O. Box 1239
Laytonville, California 95454

RE: Request for Extension of Time and Notice of Appeal of December 16, 1996 Violation Notice No. 96-17

Dear Ms. Campbell and Ms. Smith:

By letter dated January 15, 1997, and received by the National Indian Gaming Commission (NIGC) on January 15, 1997, the Cahto Tribe (Tribe) requested a 10 day extension of time to file a Notice of Appeal of Notice of Violation No. 96-17. The Notice of Violation was issued on December 16, 1996 by NIGC Chairman Harold Monteau. In addition, by letter dated January 29, 1997, the Tribe filed a Notice of Intent to Appeal the December 16, 1996 violation notice. For the following reasons, the Request for Extension of Time is denied and the Notice of Appeal is dismissed as untimely.

NIGC regulations governing appeals require that respondents submit "a notice of appeal within thirty (30) days after service of a notice of violation..." 25 C.F.R. Sec. 577.3(a)(1). Service of a Notice of a Violation may be completed personally, by facsimile or by registered or certified mail, return receipt requested. 25 C.F.R. Sec. 577.6(b). In this case, service of the Notice of Violation was completed by facsimile on December 16, 1996. Therefore, the notice of appeal was due on January 15, 1997.

On January 15, 1997, the Tribe filed a request for an extension of time to file a notice of appeal. NIGC regulations governing appeals state in pertinent part: "The presiding official may extend the time for filing or serving any document <u>except a notice of appeal</u>. 25 C.F.R. Sec. 577.6(f)(1)(emphasis

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added).

Unlike extensions of time to file other documents, the NIGC has no authority to grant the Tribe's request for an extension of time to file a notice of appeal. Therefore, the request for a ten (10) day extension of time is denied.

Since the Tribe's request for extension of time is denied, the Tribe's Notice of Appeal was due on January 15, 1997. Thus, the Tribe's Notice of Intent to Appeal and Request for a Hearing, filed on January 29, 1997, are dismissed as untimely.

Even assuming the Commission did have authority to grant the ten (10) day extension, the notice of appeal is still untimely. With the ten day (10) day extension, the notice of appeal was due on January 27, 1997. As outlined above, the Notice of Appeal and Request for Hearing was received by facsimile on January 29, 1997.

For the above reasons, the NIGC affirms the decision of the Chairman to issue Notice of Violation No. 96-17. This decision is final for the Commission. As to whether a civil fine will result from the notice of violation, that matter is within the Enforcement Division of the NIGC.

Sincerely,

Ada E. Deer

Ada E. Deer
Acting Chairman

Tom Foley
Associate Commissioner

Philip N. Hogen
Associate Commissioner