National Indian Gaming Commission

Settlement Agreement

SA-08-09

Introduction

This Settlement Agreement ("Agreement") is entered into by and between the Absentee Shawnee Tribe ("Tribe"), a federally recognized Indian tribe, and the Chairman of the National Indian Gaming Commission ("NIGC"), relating to the matter contained in the NIGC Chairman's Notice of Violation No. NOV-08-09.

Recitals

Whereas, on June 25, 2008, the Chairman issued Notice of Violation No. NOV-08-09 for the Tribe's failure to submit an independent annual audit report within 120 days after the end of the gaming operation's fiscal year.

Whereas the Chairman and the Tribe desire to achieve an amicable resolution of the Notice of Violation No. NOV-08-09.

Therefore, the Chairman and the Nation have agreed to execute this Agreement and perform in accordance with the following covenants and conditions:

Terms of Settlement

1. This Agreement is entered into pursuant to 25 C.F.R. § 575.6(b) and shall be effective upon the date that it is signed by the last party to sign this Agreement ("Effective Date").

2. The Tribe agrees that it was required to submit a timely independent audit report to the NIGC for the Thunderbird Entertainment Center for the fiscal year ended December 31, 2007.

3. The Tribe agrees that it submitted the annual independent audit report for the Thunderbird Entertainment Center for the fiscal year ended December 31, 2007, in an untimely manner.

4. The Tribe agrees that the failure to submit an annual independent audit report for the Thunderbird Entertainment Center is a violation of the Indian Gaming Regulatory Act, 25 U.S.C. § 2710(b)(2)(c), and NIGC regulations, 25 C.F.R. § 571.13.

5. The Tribe agrees to pay a fine of seven thousand five hundred dollars ($7,500.00). Three

thousand seven hundred fifty dollars ($3,750.00) shall be payable to the U.S. Treasury and delivered to the NIGC within thirty (30) days of the Effective Date of this Agreement. Three thousand seven hundred fifty dollars ($3,750.00) shall be payable to the Absentee Shawnee Tribe Gaming Commission and delivered to the tribal gaming commission within thirty (30) days of the Effective Date of this Agreement.

6. If the Tribe fails to comply with this Agreement, the NIGC Chairman reserves the right to issue a civil fine and/or a closure order to resolve the Tribe's initial violation and/or breach of this Agreement.

7. The Tribe agrees upon execution of this Agreement to waive the right to further review the matters addressed in this Agreement, including all rights to appeal to the full Commission as set forth in 25 C.F.R. Part 577, and judicial review pursuant to 25 U.S.C. § 2714.

Additional Covenants

8. This Agreement constitutes the entire agreement between the NIGC Chairman and the Tribe relating to the enforcement matter set forth in Notice of Violation No. NOV-08-09. Any modifications or waiver of any term in this Agreement must be in writing and signed by both parties.

9. The Tribe stipulates that this Agreement shall be deemed to be the subject of a final order of the NIGC under 25 C.F.R. § 575.4(c)(1) and a final agency action pursuant to 25 C.F.R. § 577.9(d).

10. The NIGC Chairman and the Tribe expressly agree and acknowledge that time is of the essence in this Agreement. The recitals herein shall be binding upon the parties, their agents, successors and assigns.

11. The parties agree that upon the Effective Date, the Agreement shall be a public document and may be published or disclosed by either party.

12. This Agreement may be executed on one or more counterparts and each shall constitute an original. A signature produced by facsimile shall be deemed to be an original signature and shall be effective and binding for purpose of the Agreement.

Absentee Shawnee Tribe

Governor Scott Miller

Scott Miller, Governor

7/23/2008

Date

National Indian Gaming Commission

Philip N. Hogen, Chairman

7/24/08

Date