SEP 19 2008

The Honorable Maurice A. John, Sr., President
Seneca Nation of Indians
P.O. Box 231
Salamanca, NY 14779
Fax: (716) 945-1565

Re: In the matter of Notice of Violation NOV-08-20

Dear President John:

This is in response to your letter of September 18, 2008, requesting an extension of time to submit information relative to the Notice of Violation NOV-08-20. In addition, you request that the National Indian Gaming Commission (NIGC) Chairman delay service of a proposed civil fine assessment. For the reasons described in your letter, the Chairman finds that there is good cause to grant the Nation an additional thirty (30) days to submit information about the violation, and agrees not to decide whether to issue the proposed fine assessment until he has had the opportunity to review the Nation's submission.

NIGC regulations permit a respondent to a notice of violation to submit written information about the violation to the NIGC Chairman within fifteen (15) days after service of the notice of violation, "or such longer period as the Chairman may grant for good cause." 25 C.F.R. § 575.5(a). If the Chairman chooses to issue a civil fine under 25 C.F.R. part 575, the Chairman must serve a copy of the proposed fine assessment on the respondent within thirty (30) days of issuing the notice of violation "when practicable." 25 C.F.R. § 575.5(b).

In light of the on-going appeal of NOV-08-20, the Nation's amended Class III gaming ordinance currently pending before the Chairman, and the potential outcome of the *CACGEC v. Hogen* litigation, the Chairman finds there is good cause to extend the Nation's submission deadline. For the same reasons, the Chairman also finds that it is not practicable to serve the proposed civil fine assessment within the thirty (30) days provided by NIGC regulations.

If you have any questions regarding this matter, please contact me at (202) 632-7003.

Sincerely,

Michael Hoenig
Staff Attorney

cc: Cindy Altimus, Region VI Director, NIGC
Donald R. Pongrace, Akin Gump Strauss Hauer & Feld LLP