NATIONAL
INDIAN
GAMING
COMMISSION

MAR 27 2000

Governor James Lee Edwards
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper
Shawnee, OK 74801

Dear Mr. Edwards:

This letter responds to your letter of January 10, 2000, requesting National Indian Gaming Commission (NIGC) review and approval of the amendment to the Absentee-Shawnee Tribe of Oklahoma's (Tribe) gaming ordinance, adopted by Resolution No. AS-99-81. The amendment to the Tribe's gaming ordinance changes the number of Gaming Commissioners from one (1) to three (3), and adds a section stating that whenever the term "Commissioner" is used in the gaming code, it shall mean the Public Gaming Commission. This letter constitutes approval. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

Thank you for submitting the Absentee-Shawnee Tribe of Oklahoma's amendment for review. If you have questions or require further assistance, please contact our office at (202) 632-7003.

Sincerely yours,

Montie R. Deer

Montie R. Deer
Chairman

1441 L STREET, N.W. 9TH FLOOR WASHINGTON, D.C. 20005 TEL.: 202-632-7003 FAX: 202-632-7066

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LEGISLATIVE

RESOLUTION NO. AS-99-81

ABSENTEE-SHAWNEE TRIBE OF OKLAHOMA

SPECIAL EXECUTIVE COMMITTEE MEETING

DECEMBER 27, 1999

A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE-SHAWNEE TRIBE OF OKLAHOMA ADOPTING AN AMENDMENT TO THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA, GAMING CODE TO INCREASE THE NUMBER OF GAMING COMMISSIONERS FROM ONE (1) TO THREE (3), AND AMENDING TITLE I. - DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT, SECTIONS 101 THROUGH 111 AND ADDING SECTION 112.

WHEREAS, the Absentee-Shawnee Tribe of Oklahoma is a federally recognized Indian tribe exercising all inherent sovereign rights from time immemorial; and

WHEREAS, the Absentee-Shawnee Tribe of Oklahoma has a Constitution approved by the Department of the Interior, last amended in August 1988; and

WHEREAS, the Executive Committee of the Absentee-Shawnee Tribe of Oklahoma is empowered by the Constitution to speak and otherwise conduct business in the name of, and on behalf of, the Absentee-Shawnee Tribe of Oklahoma; and

WHEREAS, it is the responsibility of the Executive Committee to uphold its constitutional responsibility to the Tribe and its membership as the highest priority; and

WHEREAS, to better and more fairly allot gaming regulatory responsibilities for the oversight of Tribal Gaming under the Absentee Shawnee Tribe of Oklahoma, Gaming Code (the "AST Gaming Code"); and

WHEREAS, it is believed in the best interest of the Tribe that the Commission composed of one (1) member be increased to a Commission of three (3) individuals; and

WHEREAS, to accomplish the increase in the number of Commissioners it is necessary to amend the AST Gaming Code, TITLE I. - DEVELOPMENT, ADMINISTRATION AND ENFORCEMENT, Sections 101 through 111 and adding Section 112, as attached hereto as Exhibit "A".

NOW THEREFORE BE IT RESOLVED that the Executive Committee of the Absentee Shawnee Tribe of Oklahoma hereby adopts an amendment to the Absentee Shawnee Tribe of Oklahoma, Gaming Code to increase the number of Gaming Commissioners from one (1) to three (3), and amending TITLE I. - DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT, Sections 101 through 111 and adding Section 112.

CERTIFICATION

We, James "Lee" Edwards, Governor and Russell B. Ellis, Secretary of the Absentee-Shawnee Tribe of Oklahoma, do hereby certify that this Resolution No. L-AS-99-81 to be a true and exact copy as approved by the Executive Committee of the Absentee-Shawnee Tribe of Oklahoma at a duly called meeting held December 27, 1999, there being a quorum present, by vote of: **3 in favor, 1 opposed, and 0 abstentions, as follows: Lt. Governor Wilson: Yes, Secretary Ellis: Yes, Treasurer Pearce: No, Representative Little Axe: Yes, Governor's vote, if required, N/A.**

James Lee Edwards
JAMES "LEE" EDWARDS, Governor

Russell B. Ellis
RUSSELL B. ELLIS, Secretary

DRAFT

TITLE I. - DEVELOPMENT, ADMINISTRATION AND ENFORCEMENT

Section 101. Office of Public Gaming Commission Established. In order to provide for the orderly development, administration, and regulation of gaming, as well as other authorized enterprises within the jurisdiction of the Absentee Shawnee Indian Tribe of Oklahoma, there is established the office of Public Gaming Commission. The Governor shall nominate persons to serve as the Commissioners, subject to confirmation by the Executive Committee. Said Commissioners shall be seated for a period of three (3) years. Once appointed the three (3) member Commission shall select a Chairperson to conduct meetings. A quorum for the conduct of business shall be at least the three (3) member Commission. Each Commissioner is vested with one (1) vote for any decision. The Commissioners may be removed from office prior to the end of any term only for cause by Ordinance. The Commissioners may be suspended by the Executive Committee for ninety (90) days. During such suspension the Executive Committee may appoint a qualified person to act as a replacement for the suspended Commissioner. Further, should any vacancy occur in the positions of the Public Gaming Commission, the nomination process shall be initiated by the Governor and the unexpired portion of the Commissioner's term shall be filled in the same manner as the initial appointment of a Commissioner.

Section 102. A. The Public Gaming Commission shall be charged with the sole responsibility of administering and enforcing the provisions of this Code.

B. It shall be the responsibility of the Public Gaming Commission to promulgate regulations necessary to administer the provisions of this Code. These duties shall include but not limited to the following:

(1) Printing and making available application forms for initial and renewal licenses, as well as any other necessary licenses.

(2) Supervising the collection of all fees and taxes prescribed in this Code and other ordinances in regard to gaming and gaming related activities.

(3) Processing all license applications.

(4) Issuing licenses.

(5) Determining applicable license fees.

(6) Auditing all returns.

(7) Review all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountabilities of licensees or enforcement of any provision of

gaming operation contracts, agreements, this, and related Ordinances.

(8) The Public Gaming Commission shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, make a finding of suitability or approval of the license, or a finding of suitability or approval of or the imposition of a fine upon any person licensed for any cause deemed reasonable by the Public Gaming Commission, or to make assessment for money owed the Absentee Shawnee Tribe of Oklahoma by contract or taxation and to levy collection of the same with or without notice.

(9) The performance of any other duties required in the Code or any amendments thereto or other duties which may hereafter be specified by the Public Gaming Commission.

(10) Defend their actions in any court of competent jurisdiction or initiate any actions with consent of the Executive Committee.

Section 103. The Public Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned by this Code, and is not limited by any enumeration of powers in this chapter.

Section 104. The Public Gaming Commission may refuse to reveal, at any court proceedings, the identity of any informant, if such revelation would subject the informant to bodily harm.

Section 105. Regular and special meetings of the Public Gaming Commission may be held, at the discretion of the Public Gaming Commission, at such time and places as may be convenient and open to tribal members, with notice posted in a public place at least twenty-four (24) hours prior to the meeting.

Section 106. The Public Gaming Commission may organize and form divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Public Gaming Commission shall recommend the budget for operations to the Executive Committee, and take any other steps necessary to fulfill duties and responsibilities under the Code.

Section 107. In adopting, amending, or repealing any regulations under this Code, the Public Gaming Commission shall give prior notice of the proposed action to all licensees and other persons whom the Public Gaming Commission has reason to believe have a legitimate and bona fide interest in such proposed action.

Section 108. The Public Gaming Commission shall afford an applicant for a license or permit an

opportunity for a hearing prior to final action denying such applications and shall afford a licensee or any other person(s) subject to the Code the opportunity for a hearing prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the Public Gaming Commission deems appropriate; provided, that the Public Gaming Commission may summarily temporarily suspend or extend suspension of license for sixty (60) days in those cases where such action is deemed appropriate by the Public Gaming Commission. In cases where a license is suspended prior to a hearing, an opportunity for a hearing shall be provided.

Section 109. Whenever upon specific factual finding the Public Gaming Commission determines that any person has failed to comply with the provisions of this Code or any regulation promulgated hereunder, the Public Gaming Commission shall made a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within ninety (90) days thereof, the Public Gaming Commission shall hold a hearing at which time the subject shall have opportunity to be heard and present evidence.

Section 110. At such hearing it shall be the obligation of the subject to show cause why the determination is incorrect, why the application in question shall not be denied, why the license, licenses, or permit in question shall not be revoked or suspended, why the period of suspension should not be extended, or to show cause why special conditions or limitations upon a license or permit should not be imposed, or to show cause why any other action regarding any other person or persons subject to any action should not be taken.

Section 111. Following such hearing the Public Gaming Commission shall within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the license in question should be granted, continued or suspended, revoked, conditioned or limited, and whether or not any other action recommended to or by the Commission (including but not limited to forfeitures or fines) should be taken.

Section 112. Wherever else in the Absentee Shawnee Gaming Code the term "Commissioner" is used it shall mean the Public Gaming Commission.