March 25, 2008

Via U.S. Mail and Facsimile

Alyssa Campbell
Office of the Attorney General
Absentee Shawnee Tribe of Oklahoma
2025 South Gordon Cooper Drive
Shawnee, OK 74801
Fax: (405) 273-4534

RE: Amendment to Absentee Shawnee Tribe's Gaming Ordinance

Dear Ms. Campbell:

On March 13, 2008, you requested that the National Indian Gaming Commission (NIGC) review and approve the Absentee Shawnee Tribe of Oklahoma's (Tribe) amendment to the Tribe's Gaming Ordinance. The Tribe amended the gaming ordinance on February 20, 2008, via Resolution No. L-AS-2008-11. This amendment replaces the introductory sections and Title I of the Tribe's gaming ordinance, leaving Titles II-V in place. In this amendment, the Tribe restructured its gaming commission and added the requirement that each commissioner must undergo a background check and receive a gaming license.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) and the NIGC's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

Philip N. Hogen
Chairman

LEGISLATIVE

RESOLUTION NO. L-AS-2008-11

ABSENTEE-SHAWNEE TRIBE OF OKLAHOMA

REGULAR EXECUTIVE COMMITTEE MEETING

FEBRUARY 20, 2008

A RESOLUTION DULY PROPOSED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA AMENDING THE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA GAMING ORDINANCE AS PROVIDED FOR IN THE ATTACHMENT "EXHIBIT A", EFFECTIVE IMMEDIATELY.

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 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 Indians of Oklahoma; and

WHEREAS, the authorities granted by this Resolution shall be continuing until and unless rescinded by separate action of this body; and

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

WHEREAS, from time to time it is necessary to amend laws and ordinances to reflect the best interests of the Tribe and the Executive Committee believes it to be in the best interest of the Tribe for the Gaming Ordinance to be amended; and

NOW THEREFORE BE IT RESOLVED, that the Absentee Shawnee Tribe of Oklahoma amends the Absentee Shawnee Tribe of Indians of Oklahoma Gaming Ordinance as provided for in the attachment "Exhibit A", effective immediately.

CERTIFICATION

We, Scott Miller, Governor and Cynthia Carpenter, Secretary of the Absentee-Shawnee Tribe of Oklahoma, do hereby certify that this Resolution No. L-AS-2008-11 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 on February 20, 2008, there being a quorum present, by a vote of 3 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor Lopez: Yes, Treasurer Longhorn: Absent, Secretary Carpenter: Yes, Governor Miller's vote, if required, N/A.

Scott Miller
SCOTT MILLER, Governor

Cynthia Carpenter
CYNTHIA CARPENTER, Secretary

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA
GAMING ORDINANCE

Revised and amended February 20, 2008

MAR 13 2008

Section 1. Scope.

The Absentee Shawnee Tribe of Oklahoma Gaming Ordinance shall apply to all gaming conducted within the territorial jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma.

Section 2. Purpose.

This Ordinance is intended to promote the peace, safety, and welfare of all persons coming within the jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma by insuring that any game conducted within the tribal jurisdiction is conducted in a fair and responsible manner; and that the public order, peace, and safety

Section 3. Definitions.

a. "Gaming" shall include all games in manner, type and definition as described in Public Law 100-497 - The Indian Gaming Regulatory Act (definitions, 25 U.S.C. 2703, section 4, paragraphs 6-8) as defined in the National Indian Gaming Commission Regulations (25 CFR Part 502, sections 502.2, 502.3, and 502.4); State Gaming Compact and as detailed in the Oklahoma State - Tribal Gaming Act approved November 2, 2004.

b. "Court" means the District Court of the Absentee Shawnee Tribe of Oklahoma unless otherwise specified.

c. "Executive Committee" means the Absentee Shawnee Tribal Executive Committee.

d. "Gaming Commission" or "Commission" means the regulatory agency established by the Absentee Shawnee Tribal Executive Committee to monitor all gaming conducted within the jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma, and charged with the responsibility to protect Tribal assets. The Gaming Commission is composed of a full-time staff headed by an Executive Director, and two part-time Gaming Commissioners who conduct hearings, approve licensing actions and adjudicate appeals.

Section 4. Gaming Licenses.

No person· or legal entity shall conduct any game or gaming-related activity, or provide equipment, supplies, Of services within the jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma without a license issued pursuant to this Ordinance. No games shall be played which are not conducted pursuant to Federal Public Law 100-497, the National Indian Gaming Commission Regulations, the State of Oklahoma State-Tribal Compact, and the Absentee Shawnee Tribal Gaming Commission Policies and Procedures.

Section 5. Filing Instruments with the Gaming Commission.

Any document, affidavit, return, report, fee or other instrument of payment required to be filed with, delivered to, or served upon the Gaming Commission this Ordinance shall be deemed to be properly filed, delivered or served, as the case may be, if it is filed, delivered, or served upon the

Gaming Commission Executive Director, or any full time employee of the Gaming Commission Compliance department.

Section 6. Issuance of Instruments by the Gaming Commission.

Any registration form receipt, license application acknowledgment, or other instrument which the Gaming Commission is required or permitted to issue pursuant to the Ordinance, may be issued by the Gaming Commission Executive Director or any full time staff member, in accordance. with the current Gaming Commission Policies and Procedures Handbook. Issuance by any such authorized person shall have the same effect as if such instrument were personally issued by the Gaming Commission Executive Director.

Section 7. Audits and Reviews.

Any individual, organization, or corporation which applies for or receives a license to conduct gaming, gaming-related activities, or to provide equipment, supplies, or services within the jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma pursuant to this Ordinance shall be deemed to have consented to the jurisdiction of the Courts of the Absentee Shawnee Tribe of Oklahoma, and the Tribe's laws, and shall be subject to seizure of any funds owed, and may be subject to an audit review of records by authorized accounting or law enforcement agencies of the Tribe without notice or warrant.

Section 8. Citation.

The Ordinance may be cited as the Absentee Shawnee Gaming Ordinance of 1990, as revised and amended February, 2008.

Section 9. Severability.

The provisions of this Ordinance are severable, and if any part or provision hereof shall be held void by appropriate judicial authority, the decision of the Court in so holding shall not affect or impair any of the remaining parts of provisions of the Ordinance.

TITLE I – DEVELOPMENT, ADMINISTRATION AND ENFORCEMENT

Section 101. Absentee Shawnee Tribe Gaming Commission Established.

In order to provide for the orderly development, administration and regulation of all Absentee Shawnee Tribe of Oklahoma gaming enterprises, there is established the Absentee Shawnee Tribal Gaming Commission. The Absentee Shawnee Tribal Governor shall nominate persons to serve as Gaming Commissioners, subject to confirmation by the Tribal Executive Committee. The Gaming Commission shall consist of two duly appointed, part-time gaming commissioners, one designated as Gaming Commissioner and one designated as Deputy Gaming Commissioner as well as full-time staff departments including, but not limited to, Executive Director, Compliance, Surveillance, Background Licensing, Vendor Licensing, Internal Audit, and any other departments or divisions that may be required in order to accommodate future gaming growth. The Gaming Commissioners shall recommend, and the Governor shall appoint, a Gaming Commission Executive Director. The Gaming Commission Executive Director shall provide weekly progress reports/updates and receive guidance from the Absentee Shawnee Tribe's Executive Committee. Under the direction of the Gaming Commission Executive Director, the gaming commission full-time staff shall monitor the tribe's gaming enterprise(s) for compliance with all National Indian Gaming Commission (NIGC) and tribally prescribed rules, regulations, and policies; track, audit, and recommend annual external audit contracts, and verify all gaming revenues; prepare appropriate Annual Gaming Commission budgets, hire and staff all Gaming Commission departments and divisions for all Absentee Shawnee Tribal gaming enterprises; inspect and supervise the installation of all gaming equipment; perform background investigations of gaming enterprise employees and gaming enterprise vendors; recommend the issuance of, or denial of, Absentee Shawnee Tribal gaming licenses; recommend the suspension or revocation of existing gaming licenses. All Gaming Commissioners shall serve in a part-time capacity only, and any appointment shall be based only on the integrity and qualifications of the appointee, and not on popularity, as the nature of the Gaming Commissioner position is to adjudicate and fairly apply the rules, regulations, and policies adopted by the National Indian Gaming Commission, in accordance with any compact with the State of Oklahoma, and the Absentee Shawnee Tribal Executive Committee, and not to represent the tribal community at large.

Section 102. Gaming Commissioner Qualifications

The Gaming Commissioner and Deputy Commissioner must meet the following qualifications:

a. Never been convicted of a felony, gaming offense or crime involving dishonesty or moral turpitude.

b. Not have a direct or indirect financial interest in the gaming facility.

c. Not be a member of the Executive Committee or Election Commission or related to any member of the Executive Committee or Election Commission by blood or marriage within the second degree.

d. Not have had his/her surety bond forfeited or been criminally convicted or found civilly liable for any breach of fiduciary duty to the tribe or have been impeached or removed from Tribal office.

e. Be at least twenty-five (25) years of age.

f. Be a lay member of the tribal community, or a non-tribal member closely associated with the Absentee Shawnee Tribe, or an individual who possesses gaming regulatory experience.

g. All Gaming Commissioners in order to support the standards and strict compliance required of all other gaming enterprise associates, should be subject to the same background investigations and licensing standards in all gaming enterprise and gaming commission employees, and their investigation should be handled in the same manner as any other background investigation, and be conducted by the gaming commission's background investigators.

h. Gaming Commissioners are prohibited from participating in any aspect of gaming in any of the Absentee Shawnee Tribe gaming enterprises and facilities during the term of their office.

Section 103. Gaming Commission Term of Office.

Said Commissioners shall be appointed for a period of four (4) years. In order to maintain continuity, the terms for each Gaming Commissioner should be staggered such that only one Commissioner is replaced every even-numbered year. The Gaming Commissioner shall be the senior member of the Gaming Commission. When the senior member vacates office, the Deputy Gaming Commissioner of the Gaming Commission shall automatically shift to the higher office of Gaming Commission and the newly appointed member shall be designated as the Deputy Gaming Commissioner.

Section 104. Vacancies and Interim/Temporary Commissioners.

a. Should any vacancy occur, the office shall be filled by appointment of the Governor and confirmed by the Executive Committee and the un-expired portion of the Commissioner's term shall be filled in the same manner as the initial appointment of a Commissioner.

b. An interim commissioner may be selected by the Governor any time a vacancy occurs. Such an interim commissioner shall fill the position until the Executive Committee confirms the appointment of a person to fill the Commissioner's position. An interim commissioner shall be subject to the same background investigation as a regularly appointed commissioner and nothing in this section shall prohibit such person from serving as an interim commissioner pending the outcome of key employee review.

Section 105. Removal and Suspension of Gaming Commissioners.

a. A commissioner may be removed from office prior to the end of any term for cause under the provisions of tribal law pertaining to same.

b. A commissioner may be suspended by the Executive Committee for ninety (90) days for cause. During such suspension, an interim commissioner shall be appointed.

c. Commissioners shall serve their terms of office free from political influence from any department of the government and may be removed only for cause, after a hearing in the Absentee Shawnee District Court.

Section 106. Quorum.

A quorum for the conduct of business shall be both gaming commissioner and deputy gaming commissioner. Changes to the Absentee Shawnee Tribal Minimum Internal Control Standards or to the Gaming Commission Policies and Procedures must be approved by both Gaming Commissioners. Each Commissioner is vested with one vote for any decision. If any action is not passed by unanimous approval, then the action fails.

Section 107. Duties and Responsibilities of Gaming Commissioners.

a. The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall be charged with the sole responsibility of administering and enforcing the provisions of the Gaming Ordinance.

b. A Gaming Commissioners' duties and responsibilities are limited and specific in order to enable such Commissioner to fairly and impartially review and adjudicate all matters relating to employee, vendor and gaming enterprise compliance with all National Indian Gaming Commission (NIGC), Compact requirements, and tribally prescribed rules, regulations and policies.

c. These duties and responsibilities shall include, but are not limited to the following:

1. Gaming Commissioners shall review all employee and vendor licensing applications and approve· the issuance or deny the issuance of valid temporary gaming licenses

2. Gaming Commissioners shall approve or deny the suspension or revocation of existing gaming licenses.

4. Gaming Commissioners shall hear and decide appeals regarding gaming enterprise employee licensing or gaming patron disputes within a reasonable time after the incident occurs.

5. Gaming Commissioners shall adjudicate all other matters related to violations of the Absentee Shawnee Tribal Minimum Internal Control Standards brought before the Gaming Commission by full-time Gaming Commission departments or divisions.

6. Gaming Commissioners shall review compliance, internal and external audit reports to ensure compliance with NIGC, State Compact, and tribally prescribed rules, regulations, and policies.

7. Gaming Commissioners shall review surveillance and compliance investigation reports

8. Gaming Commissioners shall make final determination regarding the issuance of permanent gaming licenses following NIGC review of all key employee gaming license applications.

d. Gaming Commissioners shall not attempt to manage, control, manipulate, or influence Absentee Shawnee Tribal gaming enterprise operations in any way.

e. Gaming Commissioners do not have supervisory authority over full-time gaming commission staff, and therefore should not participate in, direct or attempt to influence the outcome, course or direction of a gaming commission investigation into any aspect of compliance, surveillance, revenue control, background investigation, or internal audit, or any other gaming commission department or division, but must remain independent of all gaming operations and investigations so as to be prepared at all times to fairly and impartially judge all matters brought before them.

Section 108. Duties of Gaming Commission Staff.

a. It shall be the responsibility of the Gaming Commission, under the direction of the Executive Director, to timely promulgate regulations necessary to administer the provisions of this Gaming Ordinance.

b. These duties shall include, but are not limited to, the following:

1. Printing and making available employee and vendor license application forms for initial and renewal licenses, as well as any other necessary licenses.

2. Supervising the collection of license fees and other revenues prescribed in this Gaming Ordinance and other tribal ordinances relating to gaming and gaming-related activities.

3. Processing all license applications.

4. Issuing licenses.

5. Determining and regulating applicable license fees within a reasonable dollar amount.

6. Performing internal audits and contracting for external audits in accordance with NIGC, State Compact, and tribal rules; regulations and policies.

7. Reviewing all gaming equipment and gaming operation contracts, records, documents necessary and pertinent to the financial accountabilities of licensees, or enforcement of any provision of gaming equipment and gaming operation contracts, agreements, and this or other related gaming ordinances.

8. Conducting all aspects of gaming licensing. The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall have the power and authority to deny any application, to limit, condition, suspend, or revoke any license, to order the imposition of a fine upon any licensed person or gaming vendor for any cause deemed reasonable by the Gaming Commission, or to make assessment for money owed the Absentee Shawnee Tribe of Oklahoma by contract or license agreement, and to levy collection of the same with or without notice.

9. Performing any other duties required in the Gaming Ordinance or in any amendments thereto or other duties, which may be hereafter specified by the Absentee Shawnee Tribe of Oklahoma Gaming Commission.

10. Defending their actions in any court of competent jurisdiction or initiating any actions with the consent of the Executive Committee.

Section 109. Gaming Commission Authority.

The Absentee Shawnee Tribe of Oklahoma Gaming Commission may exercise any reasonable power and authority necessary to perform the duties assigned by this Gaming Ordinance, and is not limited by any enumeration of powers in the chapter.

Section 110. Confidentiality of Informant.

The Absentee Shawnee Tribe of Oklahoma 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 111. Gaming Commission Meetings.

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

Section 112. Gaming Commission Organization.

The Absentee Shawnee Tribe of Oklahoma Gaming Commission may organize and form departments or divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Absentee Shawnee Tribe of Oklahoma 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 Gaming Ordinance.

Section 113. Gaming Regulation Amendments and Revisions.

In adopting, amending, or repealing any regulations under this Gaming Ordinance, the Absentee Shawnee Tribe of Oklahoma Gaming Commission shall give prior notice of the proposed action to all licenses and other persons whom the Absentee Shawnee Tribe of Oklahoma Gaming Commission has reason to believe have a legitimate and bona fide interest in such proposed action.

Section 114. Gaming Ordinance Hearings.

The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall afford an applicant for a license or permit an opportunity for a hearing with one Gaming Commissioner prior to final action denying such applications and shall afford a licensee or other person or persons subject to the Gaming Ordinance the same opportunity for a hearing with one Gaming Commission prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the Absentee Shawnee Tribe of Oklahoma Gaming Commission deems appropriate; provided that the Absentee Shawnee Tribe of Oklahoma Gaming Commission, with the approval of the Executive Director, may summarily and temporarily suspend or extend the suspension of a gaming license for sixty (60) days in those cases where such action is deemed appropriate by the Absentee Shawnee Tribe of Oklahoma Gaming Commission. In cases where a license is suspended prior to a hearing, an opportunity for hearing with one Gaming Commissioner shall be provided.

Section 115. Gaming Commission Certification of Findings.

Whenever upon specific factual finding the Absentee Shawnee Tribe of Oklahoma Gaming Commission determines that any person has failed to comply with the provisions of the Gaming Ordinance, or any regulation promulgated hereunder, the Absentee Shawnee Tribe of Oklahoma Gaming Commission shall make 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 Absentee Shawnee Tribe of Oklahoma
Gaming Commission's Gaming Commissioner shall hold a hearing at which time the subject shall have the opportunity to be heard and present evidence.

Section 116. Licensing Hearings.

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 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 117. Adjudication of Licensing Disputes.

Following such hearing the Absentee Shawnee Tribe of Oklahoma Gaming Commission's Gaming Commissioners 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 Absentee Shawnee Tribe of Oklahoma Gaming Commission (including, but not limited to forfeitures or fines) should be taken..

Section 118. Gaming Commission Conflict.

Each Gaming Commissioner shall execute a conflict of interest provision disclosing potentially unethical situations. In the event that a conflict arises, the Commissioner with the conflict shall recuse himself/herself from hearing the issue. The issue shall be heard by another sitting member of the Gaming Commission. In the event that all Gaming Commissioners are conflicted, the District Judge of the Absentee Shawnee District Court shall preside over the issue.

Section 119. Appeals.

A. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall have exclusive jurisdiction to hear appeals from final decisions of the Absentee Shawnee Tribe of Oklahoma Gaming Commission denying, modifying, conditioning, or revoking any license.

B. Any affected party may appeal any final decision of the Absentee Shawnee Tribe of Oklahoma Gaming Commission within thirty (30) days after such decision by filing a notice of appeal with the Absentee Shawnee Tribe of Oklahoma Gaming Commission and serving a copy on the Absentee Shawnee Tribe. Thereafter, the Absentee Shawnee Tribe of Oklahoma Gaming Commission shall promptly file the full record of the proceeding, including the notice of appeal with the Supreme Court of the Absentee Shawnee Tribe of Oklahoma.

C. In all appeals, the Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall give proper deference to the Absentee Shawnee Tribe of Oklahoma Gaming Commission. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall not set aside, modify, or remand any determination by the Absentee Shawnee Tribe of Oklahoma Gaming Commission unless it finds the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall issue a written decision on all appeals, which decision shall be final.

D. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma may, in its discretion, award costs and attorneys' fees to the Absentee Shawnee Tribe of Oklahoma against any appellant whose appeal was frivolous, malicious or in bad faith. Such fees shall be assessed and collected as a tax imposed under this title.

Section 120. Finality of Commission of Supreme Court Action.

Any final finding or determination of the Absentee Shawnee Tribe of Oklahoma Gaming Commission which is not timely appealed, and any final determination of the Supreme Court of the Absentee Shawnee Tribe of Oklahoma in proceedings pursuant to Section 119, shall be final and binding in any other proceeding against or by the same person before the Absentee Shawnee Tribe of Oklahoma Gaming Commission or the Supreme Court of the Absentee Shawnee Tribe of Oklahoma.