APR 19 2005

Kenneth Blanchard, Governor
Absentee Shawnee Tribe of Oklahoma
2025 South Gordon Cooper
Shawnee, OK 74801

RE: Absentee Shawnee Tribe's Gaming Ordinance

Dear Governor Blanchard:

This letter responds to your letter of January 26, 2005, requesting the National Indian Gaming Commission (NIGC) to review and approve the amendment to the Absentee Shawnee Tribe's (Tribe) Gaming Ordinance, adopted on January 26, 2005 by Resolution No. L-AS-2005-02. By tribal resolution, the Tribe's Executive Committee amended Title I of the Tribe's Gaming Code by clarifying the duties of the tribal Gaming Commission.

This letter constitutes approval of the amendment. It is important to note that the amendment is approved for gaming on Indian lands, as defined in the IGRA, over which the Tribe possesses jurisdiction and exercises governmental power.

Thank you for submitting the Absentee-Shawnee Tribe of Oklahoma's amendment for review and approval. The NIGC staff and I look forward to continuing to work with the Tribe to implement IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202-632-7003.

Sincerely yours,

Philip N. Hogen
Chairman

LEGISLATIVE

RESOLUTION NO. L-AS-2005-02

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

REGULAR EXECUTIVE COMMITTEE MEETING

JANUARY 26, 2005

A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA REVISING AND AMENDING THE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA GAMING ORDINANCE.

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, it is necessary to amend from time to time certain laws and ordinances of the Tribe; and

WHEREAS, the Gaming Ordinance needs to be revised and amended to clarify duties of the Gaming Commission; and

WHEREAS, the Executive Committee would adopt the revisions and amendments in the form attached hereto as Exhibit "A" to the Tribal Gaming Ordinance; and

WHEREAS, further submit the amendments and revisions to the National Indian Gaming Commission for approval.

NOW THEREFORE BE IT RESOLVED that the Executive Committee of the Absentee-Shawnee Tribe of Oklahoma hereby revising and amending the Absentee Shawnee Tribe of Indians of

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CERTIFICATION

We, Kenneth Blanchard, Governor and Marian Reeves, Secretary of the Absentee Shawnee Tribe of Oklahoma, do hereby certify that this Resolution No. L-AS-2005-02 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 January 26, 2005, there being a quorum present, by vote of **4 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor Daugherty: Yes, Secretary Reeves: Yes, Treasurer Ellis: Yes, Representative Nuckolls: Yes, Governor's vote, if required, N/A.**

KENNETH BLANCHARD, Governor

MARIAN REEVES, Secretary

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA
GAMING ORDINANCE
Revised and amended January 2005

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 three (3) duly appointed, part-time gaming commissioners, as well as full-time staff departments including, but not limited to, Executive Director, Compliance, Surveillance, Background Licensing, Internal Audit, and any other departments or divisions that may be required in order to accommodate future gaming enterprise growth. The Gaming Commissioners shall recommend, and the Governor shall appoint, a Gaming Commission Executive Director. The Gaming Commission Executive Director shall report to and receive guidance from the Governor and the Executive Committee on a regular basis. 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; as well as any other duties prescribed by the Absentee Shawnee Tribal Executive Committee either orally or in writing.

A Gaming Commissioner shall be a lay member of the tribal community, or a non-tribal member closely associated with the Absentee Shawnee Tribe. 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, the State of Oklahoma, and the Absentee Shawnee Tribal Executive Committee, and not to represent the tribal community at large. Said Commissioners shall be appointed for a period of three (3) years. In order to maintain continuity, the terms for each Gaming Commissioner should be staggered such that only one Commissioner is replaced each year. A quorum for the conduct of business shall be at least two (2) of the three (3) member commission. However, changes to the Absentee Shawnee Tribal Minimum Internal Control Standards or to the Gaming Commission Policies and Procedures must

be approved by all three Gaming Commissioners. Each Commissioner is vested with one (1) vote for any decision. All Gaming Commissioners, in order to support the high standards and strict compliance required of all other gaming enterprise associates, should be subject to the same background investigations and licensing standards as all gaming enterprise and gaming commission employees, and their investigations should be handled in the same manner as any other background investigation, and be conducted by the gaming commission's background investigators. During their three (3) year term in office, Gaming Commissioners are prohibited from participating in any aspect of gaming in any of the Absentee Shawnee Tribe gaming enterprises and facilities. The Commissioners may be suspended by the Executive Committee for ninety (90) days for cause. 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 Gaming Commissioner positions, 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.

A Gaming Commissioner's duties and responsibilities are limited and specific in order to enable each Commissioner to fairly and impartially review and adjudicate all matters relating to employee, vendor, and gaming enterprise compliance with all established National Indian Gaming Commission (NIGC), State of Oklahoma, and tribally prescribed rules, regulations, and policies. Gaming Commissioners shall review all employee and vendor licensing applications and approve the issuance or deny the issuance of valid temporary gaming licenses; approve or deny the suspension or revocation of existing gaming licenses; hear and decide appeals regarding gaming enterprise employee licensing or gaming patron disputes; adjudicate all other matters related to violations of the Absentee Shawnee Tribal Minimum Internal Control Standards brought before the Gaming Commissioners by full-time Gaming Commission departments or divisions; review compliance, and internal and external audit reports to ensure compliance with NIGC, Oklahoma State, and tribally prescribed rules, regulations, and policies; review surveillance and compliance investigation reports; and, following NIGC review of all key employee gaming license applications, make final determination regarding the issuance of permanent gaming licenses. Gaming Commissioners shall not attempt to manage, control, manipulate, or influence Absentee Shawnee Tribal gaming enterprise operations in any way. 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 102: The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall be charged with the sole responsibility of administering and enforcing the provisions of this Gaming Ordinance.

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

6. Performing internal audits and contracting for external audits in accordance with NIGC, Oklahoma State, 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 103: The Absentee Shawnee Tribe of Oklahoma Gaming Commission may exercise any proper 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 104: 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 105: 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 106: 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 107: 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 108: The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall afford an applicant for a license or permit an opportunity for a hearing with the three (3) Gaming Commissioners prior to final action denying such applications and shall afford a licensee or any other person or persons subject to the Gaming Ordinance the same opportunity for a hearing with the three (3) Gaming Commissioners 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 a hearing with the three (3) Gaming Commissioners shall be provided.

Section 109: 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 Commissioners shall hold a hearing at which time the subject shall have the 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 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 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.