

NATIONAL  
INDIAN  
GAMING  
COMMISSION

MAY 10 1995

Ken Blanchard, Lt. Governor  
Absentee Shawnee Tribe of Oklahoma  
2025 S. Gordon Cooper  
Shawnee, Oklahoma 74801

Dear Lt. Governor Blanchard:

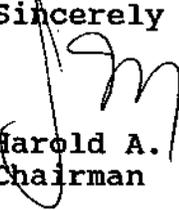
This letter responds to your request to review and approve the tribal gaming ordinance adopted by Resolution No. E-AS-94-94 on August 12, 1994, by the Absentee Shawnee Tribe of Oklahoma (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations and the ordinance is approved only to the extent that it conforms with such requirements. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Such approval does not constitute approval of specific games. Also, the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Absentee Shawnee Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribes in implementing the IGRA.

Sincerely yours,

  
Harold A. Monteau  
Chairman

**EXECUTIVE**

**RESOLUTION NO. AS-94-94**

**ABSENTEE-SHAWNEE TRIBE OF INDIANS OF OKLAHOMA**

**REGULAR EXECUTIVE COMMITTEE MEETING**

**AUGUST 12, 1994**

**A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE-SHAWNEE TRIBE OF INDIANS OF OKLAHOMA AUTHORIZING CLASS II AND CLASS III GAMING WITHIN THEIR JURISDICTION.**

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

**WHEREAS,** the Absentee-Shawnee Tribe of Indians 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 Indians 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 Tribe authorizes Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7) and 25 U.S.C. Section 2703(8), and

**WHEREAS,** the Tribe shall have sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this resolution, and

**WHEREAS,** net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies, and

**WHEREAS,** the Tribe shall cause to be conducted annually an independent audit of gaming operations; procedures for background investigations previously approved and the existing gaming enterprise known as Thunderbird Entertainment Center shall be automatically licensed with the adoption of this resolution, and such license shall be renewed each year with the waiver of any fees unless otherwise provided by Executive Committee decision or amendment to this resolution.

NOW THEREFORE BE IT RESOLVED that the Absentee-Shawnee Tribe of Indians of Oklahoma hereby authorizes Class II and Class III gaming within their jurisdiction.

C E R T I F I C A T I O N

We, Kenneth Blanchard, Lt. Governor and Cynthia Hernandez, Secretary of the Absentee-Shawnee Tribe of Indians of Oklahoma, do hereby certify that this Resolution No. E-AS-94-94 to be a true and exact copy as approved by the Executive Committee of the Absentee-Shawnee Tribe of Indians of Oklahoma at a duly called meeting held on August 12, 1994, there being a quorum present, by a vote of 3 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor - N/A; Secretary - YES; Treasurer - YES; Representative - YES; and the Governor's vote, if required, ABSENT.

  
KENNETH BLANCHARD, Lt. Governor

  
CYNTHIA HERNANDEZ, Secretary

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA  
SPECIAL EXECUTIVE COMMITTEE MEETING

JUNE 22, 1990

A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA ENACTING THE ABSENTEE SHAWNEE GAMING CODE OF 1990 AND REPEALING THE ABSENTEE SHAWNEE BINGO ORDINANCE OF 1986.

WHEREAS, the Absentee Shawnee Tribe of Oklahoma is a federally recognized Indian tribe and has a Constitution which was approved by the Department of the Interior on August 13, 1988, and

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

WHEREAS, the Executive Committee hereby adopts the Absentee Shawnee Gaming Code of 1990.

WHEREAS, all parts of the Absentee Shawnee Bingo Ordinance of 1986 are hereby repealed by implication insofar as such ordinance conflicts with the Absentee Shawnee Gaming Code of 1990.

NOW THEREFORE BE IT RESOLVED, that the Executive Committee of the Absentee Shawnee Tribe of Indians of Oklahoma enacts the Absentee Shawnee Gaming Code of 1990 and repeals by implication the Absentee Shawnee Bingo Ordinance of 1986 insofar as such ordinance conflicts with the Absentee Shawnee Gaming Code of 1990.

CERTIFICATION

We, Larry Nuckolls, Governor and Jim Johnson, Secretary of the Absentee Shawnee Tribe of Indians of Oklahoma, do hereby certify that this Resolution No. AS-90-110 to be a true and exact copy as approved by the Executive Committee of the Absentee Shawnee Tribe at a duly called meeting held on June 22, 1990, there being a quorum present by a vote of 4 in favor, 0 opposed and 0 abstention, as follows: Lt. Governor: YES; Secretary: YES; Treasurer: YES; Representative: YES Governor's vote, if required: NA

  
LARRY NUCKOLLS, Governor

  
JIM JOHNSON, Secretary

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

GAMING CODE

- Section 1. Scope. This Code shall apply to all games conducted within the territorial jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma.
- Section 2. Purpose. This Code 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 be maintained and this Code shall be liberally construed to promote such purpose.
- Section 3. Definitions. As used in this Code the term:
- (a) "Gaming" shall include all games in manner, type and definition as described in Public Law 100-497.
  - (b) "Court" means the District Court of the Absentee Shawnee Tribe of Oklahoma.
  - (c) "Executive Committee" means the Absentee Shawnee Tribal Executive Committee.
  - (d) "Public Gaming Commissioner" or "Commissioner" means that person designated by the Governor of the Absentee Shawnee Tribe of Oklahoma and confirmed by the Executive Committee to fulfill said office.
- Section 4. Gaming Prohibited--Exceptions. No person or legal entity shall conduct any game subject to the jurisdiction of the Absentee Shawnee Tribe of Indians of Oklahoma, without a license issued pursuant to this Code. No games shall be played which are not conducted pursuant to Federal Public Law 100-497 and this Code.
- Section 5. Manner of Filing Instruments with Commissioner. Any document, affidavit, return, report, fee or other instrument or payment required to be filed with, delivered to, or served upon the Commissioner by this Code shall be deemed to be properly filed, delivered, or served, as the case may be if it is filed, delivered, or served upon the Tribal Administrator at the Tribal Complex, or such other employee of the Tribe as the Commissioner shall authorize in writing.

Section 6. Issuance of instruments by Commissioner. Any registration form receipt, or other instrument which the Commissioner is required or permitted to issue pursuant to this Code, may be issued by the Tribal Administrator or such other employee of the Tribe as the Commissioner shall authorize in writing. Issuance by any such authorized person shall have the same effect as if such instrument were personally issued by the Commissioner.

Section 7. Authorizations to be Posted. The written authorizations mentioned in Sections 5 and 6 of this Code shall be conspicuously posted in the Tribal Complex.

Section 8. Audits and Reviews. Any individual, organization or corporation which applies for or receives a license to conduct gaming pursuant to this Code shall be deemed to have consented to the jurisdiction of the Courts of the Absentee Shawnee tribe of Oklahoma, the Tribe's laws, and shall be subject to seizure of any funds owed and audit and review of records by authorized accounting or law enforcement agencies of the Tribe without notice or warrant.

Section 9. Citation. This Code may be cited as the "Absentee Shawnee Gaming Code of 1990."

**TITLE I. - DEVELOPMENT, ADMINISTRATION AND ENFORCEMENT**

Section 101. Office of Public Gaming Commissioner 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 Commissioner. The Governor shall nominate a person to serve as the Commissioner, subject to confirmation by the Executive Committee. Said Commissioner shall be seated for a period of three (3) years. The Commissioner may be removed from office prior to the end of any term only for cause by Ordinance. The Commissioner may be suspended by the Executive Committee for 90 days. During such suspension the Executive Committee may appoint a qualified person to act as Commissioner. Further, should any vacancy occur in the position of Commissioner, 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 Commissioner.

Section 102.

- A. The Commissioner shall be charged with the sole responsibility of administering and enforcing the provisions of this Code.
- B. It shall be the responsibility of the Commissioner to promulgate regulations necessary to administer the provisions of this Code. These duties shall include but not be 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 Commissioner 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 Commissioner, 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 Commissioner.

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

- Section 103. The Commissioner 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 Commissioner 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 Commissioner may be held, at the discretion of the Commissioner, at such time and places as may be convenient and open to tribal members, with notice posted in a public place at least 24 hours prior to the meeting.
- Section 106. The Commissioner may organize and form divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Commissioner 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 Commissioner shall give prior notice of the proposed action to all licensees and other persons whom the Commissioner has reason to believe have a legitimate and bona fide interest in such proposed action.
- Section 108. The Commissioner 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 this 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 Commissioner deems appropriate; provided, that the Commissioner may summarily temporarily suspend or extend suspension of license for sixty (60) days in those cases where such action is deemed appropriate by the Commissioner. 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 Commissioner determines that any person has failed to comply with the provisions of this Code or any

regulation promulgated hereunder, the Commissioner 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 Commissioner shall hold a hearing at which time the subject shall have an 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 Commissioner 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 Commissioner (including but not limited to forfeitures or fines) should be taken.

## TITLE II. - LICENSING/PERMITS

Section 201. License required. Any person conducting Gaming operations on property within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma shall be required to have and display prominently an appropriate, valid and current Public Gaming license issued pursuant to the provisions of this Code. Any other forms of public gaming operations being conducted within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma without the lawful written approval of the Absentee Shawnee Tribe of Oklahoma Public Gaming Commissioner are prohibited.

Section 202. Classes and Fees. Different classes of licenses shall be issued, and each shall have a separate fee, and each shall grant separate privileges. Each license shall be for a specific place, and licensees desiring to operate multiple locations shall be required to obtain multiple licenses. Licensee shall operate and conduct only those activities authorized under each license as listed below and as may be further specified in regulations promulgated hereunder:

- A. Class "A". A Class A License may be issued to any person or group which holds a valid gaming license from the State of Oklahoma or its political subdivision, at an annual rate of \$600.00 or a monthly rate of \$50.00 for the revocable privilege of conducting gaming for the remainder of the licensed period.
- B. Class "B". A Class B License may be issued to an entity holding a contract with the Absentee Shawnee Tribe of Oklahoma, at an annual rate of \$1,200.00 for the revocable privilege of conducting gaming in a specific location within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma for the remainder of the calendar year.
- C. Class "C". A Class C License may be issued at an annual rate of \$1,200.00 for the revocable privilege of operating satellite gaming in a specific location within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma.

Section 203.

Exemptions. The following activities are not public gaming operations under the terms of this Code, and therefore do not require a license under this title:

- A. Gaming not for gain. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings, or "places" for immediate competitive rankings, is not subject to the provisions of this Code. However, gaming for gain which is conducted by a non-profit organization is subject to the requirements of this Code if cash or valuable prizes are awarded. "Valuable prize" means an object or service worth \$100.00 (One hundred dollars) or more in fair market value.

Section 204.

All persons or organizations who may seek to engage in public gaming activities with the jurisdiction of the Absentee Shawnee Tribe of Oklahoma must apply for the same at least thirty (30) days prior to the scheduled activities. All other licenses must be applied for no less than sixty (60) days prior to the scheduled activities.

Section 205.

Every licensee intending to continue engaging in public gaming activities within the Absentee Shawnee Tribe of Oklahoma during the next following calendar year shall apply for renewal of the license at least thirty (30) days prior to the end of the previous license period.

- Section 206. Every licensee shall display in a prominent place a current and valid license for that location.
- Section 207. When a licensee changes a location of public gaming activities within the Absentee Shawnee Tribe of Oklahoma, the Commissioner shall issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.
- Section 208. Fees. Each application for an initial or renewal license shall be accompanied by payment of the license fee. Subject only to the appeal as provided under this Code, the Commissioner's determination of the license fee properly owed under this Code shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the Absentee Shawnee Tribe of Oklahoma.
- Section 209. Non-transferability. The license issued pursuant to the provisions of this Code is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Commissioner.
- Section 210. All license fees shall be paid to the Treasury of the Absentee Shawnee Tribe of Oklahoma.
- Section 211. The Public Gaming Operations license is a revocable privilege, and no holder thereof shall be deemed to have a part in any vested rights therein or thereunder. The burden of proving qualifications to hold any license rests at all times in the licensee. The Commissioner is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person(s) whose operations are conducted in an unsuitable manner.
- Section 212. Violation of any provisions of this Code or any of the Commissioner's rules by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the Absentee Shawnee Tribe of Oklahoma and the inhabitants of the Absentee Shawnee Tribe of Oklahoma, and shall be deemed grounds for affirmative Commissioner action. Such Commissioner action shall include, but not be limited to:
- A. Suspension or revocation of a license;

- B. Refusal to grant or renew or grant or renew a license;
- C. Exclusion of individuals or individuals representing corporate entities from any or all gaming facilities;
- D. Filing of court action.

**Section 213.** Acceptance of a license or renewal thereof, or condition imposed thereon, by a licensee constitutes an agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Commissioner and by the provisions of this Code as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will no excuse the violations.

**Section 214.** As a provision of licensing, all contracts or agreements with the Absentee Shawnee Tribe of Oklahoma that include gaming or related activities must be reviewed by the Commissioner. Upon such review the Commissioner shall reform all gaming contracts to comport and comply with existing tribal and federal law. Any reformation provisions shall be prepared in writing and delivered to the Executive Committee and all other parties to the contract.

**Section 215.** Any person or entity entitled to receive notice of reformation subject to Section 214 may request a hearing for reconsideration of the Commissioner's reformation, provided such request is made within ten (10) days of delivery of reformation provisions. The Commissioner, upon such request, shall promptly set a hearing date, notify any person or entity entitled to notice pursuant to Section 214 of the hearing date in writing. At the hearing the Commissioner shall receive testimony and exhibits to determine whether to amend the reformation provisions prepared pursuant to Section 214. In no event shall the Commissioner delay a hearing requested pursuant to this section more than forty-five (45) days beyond the date of issuance of notice of reformation pursuant to Section 214.

**Section 216.** At the conclusion of any hearing required by Section 215, the Commissioner shall within five (5) days render a written decision. Said decision shall contain a determination that reconsideration is warranted or not warranted. If reconsideration is warranted the Commissioner shall state whether any reformation is necessary and if so shall fully

describe the contract reformation imposed. Nothing herein shall prevent the Commissioner from withdrawing his original determination that reformation is necessary. A copy of the decision of the Commissioner shall be sent immediately to the Executive Committee and all other parties to the reformed contract.

Section 217. Within ten (10) days of the decision of the Commissioner issued pursuant to Section 216 the Executive Committee or any other parties to the reformed contract may initiate an appeal to tribal district court. The court shall review the decision of the Commissioner to determine whether his final reformation decision is an abuse of Commissioner discretion. If the court determines that no abuse of discretion exists, the Commissioner's decision shall stand as written. If the court determines that the Commissioner's decision is an abuse of discretion, the court shall vacate the decision and shall direct the Commissioner to prepare reformation if any is necessary pursuant to court order.

Section 218. Effective date. Reformation of a contract pursuant to Section 214 shall be effective upon expiration of the time available for a reconsideration by the Commissioner provided reconsideration is not requested. If reconsideration is requested, the reformation shall be effective upon the expiration of time for appeal to tribal court if no appeal is pursued. If tribal court appeal is pursued the effective date shall be ten (10) days from the date of decision by the tribal district court and provided that such reformation shall be consistent with the tribal court decision.

### TITLE III. - RULES OF OPERATION AND GENERAL APPLICABILITY

Section 301. Records, Returns and Audits. It shall be the responsibility of the Public Gaming Commissioner to promulgate regulations establishing proper accounting procedures and methods of operations for all licensees, so that all monies or things of value received and/or paid out may be properly monitored and accounted for. All licensees under this Code shall be required to keep an approved accounting system, which shall comply with, but not be limited to all applicable provisions of this Code or regulation of the Commissioner. Said accounting system shall reflect all business and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Code.

Section 302. All licensees shall charge players only for the cards to be used in each game. The rate to be charged players for cards or packs shall be fixed by each licensee and posted conspicuously on the premises. Each person paying for the opportunity to participate in a game shall be given an approved receipt for the card or pack, which shall be numbered and dated, which can be readily identified as belonging to that licensee. Each card or pack issued shall represent a specific amount of money which has been paid to the licensee. The amount of money represented by each card or pack issued shall be clearly made known to all players prior to anyone paying to participate in the activity.

Section 303. Any delay, maneuver or action of any kind, which in the opinion of the Commissioner, is effectuated by any licensee to unlawfully avoid paying the proceeds properly owing to the Absentee Shawnee Tribe of Oklahoma shall constitute grounds for taking any disciplinary action deemed necessary by the Commissioner, including but not limited to fining, revoking, suspending, limiting, or refusing to renew the license of any licensee. Further, the Commissioner shall have authority to make assessments of monies owed to the Absentee Shawnee Tribe of Oklahoma by contract or taxation and may levy collection of the same with or without notice.

Section 304. No applicant, licensee, or employee thereof shall neglect or refuse to produce records or evidence under his control, or to give information upon proper and lawful demand by the Commissioner, or shall otherwise interfere with any proper and lawful efforts by the Commissioner to produce such information. The Commissioner may summon any licensee or a licensee's agents, employees, or suppliers to appear to testify with regard to the conduct of any licensee or the agents, employees, or suppliers of any licensee. All such testimony shall be given under oath and may embrace any matters, which the Commissioner may deem relevant to the discharge of his official duties. Any person so summoned to appear shall have the right to be represented by counsel. Any testimony so taken may be used by the Commissioner as evidence in any proceeding or matter before the Commissioner of the tribal district court or, which may later come before the Commissioner of the tribal district court. Failure to so appear and testify fully at the time and place designated, unless excused, shall constitute grounds for revocation or suspension of any license held by the person summoned, his principal, or employee, or the loss of the

privilege to further supply any person licensed under this Code.

- Section 305. Licensees shall provide for their facility security, provided, that contracts are reviewed, security plans, or amendments thereto are approved by the Commissioner prior to implementation.
- Section 306. Unless prior written approval is obtained from the Commissioner, no person employed in the conduct of public gaming operating under one license shall be employed under any other license authorized to operate under this Code.
- Section 307. Age limit for gaming. No person who is under the age of eighteen (18) shall operate nor shall be allowed to participate in any manner in the operation of any game. No person(s) under the age of sixteen (16) shall be allowed on premises where games are being conducted. It shall be the responsibility of the licensee to enforce the provisions of this section.
- Section 308. On duty operators shall not play. No operator shall allow a person who manages or receives any compensation, directly or indirectly, for the operation of any games conducted by the operator to play in a game while on duty. No operator shall allow any person who assists in the operation of any game conducted by the operator to play in any game conducted by the operator within twenty-four (24) hours of the time said person did so assist.
- Section 309. No free games for winners. No free cards or any opportunity to play in a game shall be awarded or given to a person as prize for or conditioned upon winning a bingo game or games. Provided, that the Commissioner shall have the authority to grant exceptions upon request by the operators.
- Section 310. Every prize awarded during the operation authorized shall be awarded only to the person(s) actually winning the prize and displaying the proper admission ticket.
- Section 311. Cards or packs shall be sold and paid for only in advance for use in a specified game or specified numbered games. All sales of cards or packs shall take place upon the premises. All cards or packs must be used on the day sold.
- Section 312. Promotional activities and remuneration. Certain licensees may be exempt from Section 309 and engage in promotions and activities that include prizes or the award of cards or packs as an incentive to allow certain individuals, who provide a specified service or meet other stated

requirements, to participate in games the same as regular participants. Licensees participating in promotional activities must provide the Commissioner full details of all such activities and receive advance approval for each such promotional activity. Written approval for such activities must remain on file with the Commissioner and with the licensee for a period of not less than one (1) year.

Section 313. Each numbered ball or other device used in a game for the selection of numbers to be called in play shall be the same weight and size as each of the other balls or devices used for that purpose of that game.

Section 314. In all cases the operator must have and exercise complete control over that portion of the premises being used for gaming at all times said games are being played. The licensee shall be held liable for any violation of the Code.

Section 315. Games shall be operated and conducted only on the appropriate licensed premises authorized under this Code.

Section 316. No manufacturer, distributor, or operator shall by agreement either express or otherwise with any other manufacturer, distributor, or operator fix the price at which any device, paraphernalia, machine, equipment, prize or any other items used in connection with any of the activities authorized under this Code shall be sold or which services in connection therewith shall be rendered. The price of these items in a competitive market place shall be established by each manufacturer, distributor, or operator for the products and services offered by each and shall not be established, directly or indirectly, in concert with another.

Section 317. Licensees must own, supervise, and be directly responsible for all activities on their premises authorized by license under this Code, except as specifically outlined in management agreement approved by Ordinance.

Section 318. It is the policy of the Commissioner and the Absentee Shawnee Tribe of Oklahoma to require that all establishments, wherein gaming is conducted within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma, be operated in a manner suitable to protect the public health, safety, morals, good order, and general welfare of the inhabitants under within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma. Responsibility for the employment and maintenance of suitable methods of operation rests with the

licensee and willful and persistent use or toleration of unsuitable methods of operation will constitute grounds for license revocation or other disciplinary actions.

Section 319.

Receipt required for income and prizes in gaming. All income from games shall be receipted by the licensee at the time the income is received from each individual player, and all prizes shall be receipted for by the winner of each prize at the time the prize is distributed to each individual winner.

A. Income receipts form. Income receipt forms shall be supplied by the licensee. They may be tickets or disposable cards numbered consecutively, or they may be based upon a cash register system if an identification number is on the receipt given to the customer, which is one of a series of such numbers printed consecutively, and a corresponding number is recorded together with a record of the transaction being kept inside the cash register.

In the event a cash register system is used, the following information shall appear upon the receipt given a customer and upon the record being kept inside the machine: the name of the licensee operating the activity; the date the transaction took place; the receipt number; the amount of money paid or a description of other consideration paid for the opportunity to play. The cash register receipt rolls retained in the machine showing those transactions shall be retained in the machine showing those transactions shall be retained with the records of the licensee for a period not less than two (2) years.

1. Receipts from income from all sales except those of opportunities to play on disposable cards. Each person paying for the opportunity to participate in a game, except as provided in subsection 2, who does not receive a cash register receipt shall be given a ticket or tickets, which shall be consecutively serially numbered. Each ticket issued shall represent a specific amount of money which has been paid to the licensee. The amount of money represented by each ticket issued shall be clearly made known to all players prior to anyone paying to participate in the activity. Licensee shall record in his daily records the lowest numbered ticket issued as a receipt on each day

or occasion and highest numbered ticket issued on this day or occasion. Tickets bearing numbers falling between these high and low numbers issued, which were not issued as receipts on that day or occasion, shall be retained by the licensee as part of its daily records and shall not be otherwise be used or disposed of by the licensee for a period of not less than three (3) months or until such ticket has been duly inspected and accounted for by the Commissioner, at which time said receipts may be disposed of by the licensee.

2. Receipt for income from sales of opportunities to play games on disposable cards. As to each person playing for the opportunity to play games on disposable cards, the disposable cards themselves may be used as the receipt required by this rule. Provided, that each set of disposable cards used is consecutively numbered from the first card to the last, and each card contains both its individual consecutive serial number and the identification number assigned by the manufacturer to that set of disposable cards on its face, except for licensees specifically exempt by the Commissioner to minimize duplicate cards and avoid excess waste.

No disposable card in any game plays shall be a duplicate of any other card in that game. Each disposable card should represent a specific amount of money which has been paid to the licensee, which amount has been clearly disclosed to all players in advance of any player participating in the activity. Each disposable card shall be sold from the same price, as each other disposable card of the same class being used during any particular bingo game.

All licensees shall record in its daily records the set number of each set or portion of a set, which has been used during each bingo game on each occasion immediately following the playing of that game together with the serial number of the cards with the lowest and highest number of cards sold from each of those sets. The licensee shall retain, as a part of his daily records,

each unsold disposable card with the serial number falling between the lowest and highest number sold from each set on that occasion and shall not otherwise use or dispose of those cards so retained for a period of not less than three (3) months or until such cards have been duly inspected and accounted for by the Commissioner, at which time said cards may be disposed of by the licensee.

- B. Receipts for prizes. Receipts for prizes shall contain the following information: the name of the license operating the activity; the date the transaction took place; the receipt number and the game number; the true name and address of the winner of the prize; a description of the prize won and any value of that prize, which has been represented to the player by the licensee.

It shall be the responsibility of the licensee to see that the prize winners are properly and accurately identified upon the receipt for the prize, and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be upon the receipt for the prize. One duplicate of each prize receipt shall be given to the winner, and the other duplicate of prize receipts shall be retained by the licensee as part of its records for a period of not less than five (5) years.

Section 320. All establishments, wherein bingo operations are to be conducted, must be certified as safe by the Commissioner prior to the issuance of a license. All alterations or modifications must be approved by the Commissioner.

Section 321. Any premises licensed or any premises connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the Commissioner. At any time during which a licensed gaming or related administrative activity is being conducted on a premises, the Commissioner or any authorized representative of the Commissioner may enter upon the premises without advance notice and:

- A. Make an account of all monies on the premises and all monies received during the operation

of the censured activity located on the premises, inspect all receipts for prizes which have been awarded by the licensee;

- B. Inspect any other records, accounts or other related information of the licensee, or of any member who directly participates in the management, operation, or promotion of a licensed activity; or of any employee of the licensee; or of any operator of the licensed activity;
- C. Inspect, including the dismantling of all pieces of equipment or parts thereof or devices of any nature, which are being used to conduct the licensed activity.
- D. When the Commissioner finds cause to believe that there is a reasonable probability that the provisions of this Code, including any amendments thereto or any of the rules passed by the Commissioner have been or are being violated by the licensee or its employees or operators, they may move to another location or locations for further inspection or investigation of any and all records and any and all equipment, part thereof, devices, or thing(s) of any nature located upon the premises related to the operation of the licensed activity or any other gaming activity. A receipt shall be issued to the licensee or operator of the activity which shall list and describe each record, that piece of equipment or part thereof, device, or thing(s) which has been removed from the premises. Each such record, piece of equipment, part thereof, or thing(s) so removed shall be returned to the premises or to the address of the licensee within ten (10) days, except Saturdays, Sundays, and days when tribal offices are legally closed. After its removal in as good condition as it was when it was removed unless the Commissioner determines that the record, equipment, devices, or thing(s) so removed are necessary for an ongoing investigation and/or evidence of possible violations of this Code or rules of the Commissioner by the licensee, by employers of the licensee or by operators of the licensed activity, or for possible forfeiture under Title II hereof with the Commissioner so notifying the licensee of the reasons said property or thing(s) are to be so held.

Section 322. No beverage containing alcohol, including but not limited to beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for

winning at any of the activities authorized by this Code, nor sold on the premises at any time.

Section 323. No firearms, air guns which are capable of discharging dangerous projectiles or gases, including but not limited to "B.B.'s" or CO2 guns, rifles shotguns, pistols, or revolvers shall be allowed on the premises, except as permitted by regulation of the Commissioner.

Section 324. No licensee or any of its members or employees, or any operator conducting or in any way participating in the conducting of any of the activities, which are authorized by this Code or by the Commissioner's rules, shall allow a person to play that activity on credit or shall grant a loan of any kind at any time to a person playing the activity.

Section 325. No person involved in the operation of any activity authorized by this Code or a rule of the Commissioner shall, directly or indirectly, in the course of such operation employ any device, scheme, or artifice to defraud; make any untrue statement of a fact, or omit to state a fact necessary in order to make a statement not misleading in consideration of the circumstances under which such statement was made; engage in any act, practice, or course of operation as would operate as a fraud of deceit upon any person.

Section 326. Each licensee shall obtain, maintain, and keep current a copy of the gaming Code and all rules of the Commissioner and any amendments to either, which shall be located upon the premises used for the conduct of a licensed activity by a licensee during all times the activity is there conducted. The rules shall be produced by the licensee and shown to any person upon demand. The fact that the licensee may not have a current copy of each of the rules of the Commissioner shall not in any way diminish the licensee's obligation to abide these rules.

Section 327. No licensee shall conduct any activity authorized under this Code upon any premises, if the lease, license, contract, or any other agreement under which right to use said premises is not first fully disclosed to the Commissioner.

Section 328. No manufacturer or distributor shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area or areas, and such a restriction shall not be a condition of any sales between manufacturer, distributor and any other licensee. Provided, that this shall not prevent a

distributor or manufacturer from assigning sales territories among its bona fide representatives.

Section 329. All licensees shall be responsible to insure that each manufacturer and each distributor selling or distributing equipment or other things used, directly or indirectly, in said licensee's gaming activities and who is not an Absentee Shawnee Tribe of Oklahoma resident or resident corporation shall designate a natural person, who is a resident under the jurisdiction of the Absentee Shawnee Tribe of Oklahoma and who is eighteen (18) years of age or older, as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the manufacturer or distributor. The name and business address where service of process and delivery of mail can be made, and home address of such designated resident agent shall be filed with the Commissioner. All said manufacturers or distributors must be listed with the Commissioner.

Section 330. Immediately before the calling of each number in a game, the caller shall turn the portion of the ball or other device used to determine which number is called, which shows the number and letter to the participants in the game, so that participants may know that the proper number is being called out.

Section 331. All licensees conducting games with a progressive payout feature will provide the Commissioner, for approval, the system for accumulation and account restrictions of funds so designated. The procedure and any amendments thereto must receive prior written approval of the Commissioner.

Section 332. All employees must be listed with the Commissioner. Such lists are to be kept current.

#### TITLE IV. - CRIMINAL PENALTIES

Section 401. Any Absentee Shawnee Indian person violating the provisions of this Code shall be guilty of any offense and shall upon conviction thereof be punished by the confinement in the tribal jail for a period of not less than ten (10) days nor more than six (6) months and a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by both such fine or imprisonment for each separate violation.

Section 402. Any non-Absentee Shawnee Indian person violating the provisions of this Code shall be guilty of an offense and excluded from all areas within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma.

LEGISLATIVE

RESOLUTION NO. AS-91-06

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA  
SPECIAL EXECUTIVE COMMITTEE MEETING

OCTOBER 24, 1990

A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA AMENDING SECTION 202 "C" OF THE GAMING CODE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA.

WHEREAS, the Absentee Shawnee Tribe of Oklahoma is a federally recognized Indian Tribe and has a Constitution which was approved by the Department of the Interior, and

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

WHEREAS, the Gaming Code of the Absentee Shawnee Tribe of Oklahoma currently read:

"Class "C". A Class C License may be issued at an annual rate of \$1,200.00 for the revocable privilege of operating satellite gaming in a specific location within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma"., and

WHEREAS, it is deemed in the best interests of the Tribe to amend Section 202 "c" of the Absentee Shawnee Gaming Code of 1990 to read as follows:

"Class "C". A Class C License may be issued for the revocable privilege of operating satellite gaming in a specific location within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma. No charge shall be made for such license".

NOW THEREFORE BE IT RESOLVED, that Section 202 "c" of the Absentee Shawnee Tribe of Oklahoma Gaming Code is hereby amended to read: "A Class C License may be issued for the revocable privilege of operating satellite gaming in a specific location within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma. No charge shall be made for such license".

C E R T I F I C A T I O N

We, Larry Nuckolls, Governor, and Jim Johnson, Secretary, of the Absentee Shawnee Tribe of Oklahoma, do hereby certify that this Resolution No. AS-91-06 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 October 24, 1990, there being a quorum present, by a vote of 4 in favor, 0 opposed and 0 abstentions, as follows: Lt. Governor: AYE; Secretary: AYE; Treasurer: AYE; Representative: AYE. Governor's vote, if required: \_\_\_\_\_.

  
\_\_\_\_\_  
LARRY NUCKOLLS, Governor

  
\_\_\_\_\_  
JIM JOHNSON, Secretary

RECEIVED SEP 16 1993



## Absentee Shawnee Tribe of Oklahoma

2025 S. Gordon Cooper  
Shawnee, Oklahoma 74801-9381  
Phone (405) 275-4030  
FAX (405) 275-5637

Tribal Secretary  
Enrollment

### MEMORANDUM

**TO:** Bruce Longhorn, Assistant Gaming Commissioner  
**FROM:** Tribal Secretary  
**DATE:** August 30, 1993  
**SUBJ:** Addition of Title V to the Gaming Code

The Executive Committee adopted and added Title V, to the Absentee-Shawnee Gaming code at the August 25, 1993 Special Executive Committee Meeting. A copy of the resolution with attachment is provided for your records.

  
CYNTHIA HERNANDEZ, Tribal Secretary

Attachment  
Legislative Resolution L-AS-93-25

**LEGISLATIVE**

**RESOLUTION NO. AS-93-25**

**ABSENTEE-SHAWNEE TRIBE OF INDIANS OF OKLAHOMA**

**SPECIAL EXECUTIVE COMMITTEE MEETING**

**AUGUST 25, 1993**

**A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE-SHAWNEE TRIBE OF INDIANS OF OKLAHOMA ADOPTING AND ADDING TITLE V, TO THE ABSENTEE SHAWNEE GAMING CODE, EFFECTIVE IMMEDIATELY.**

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

**WHEREAS, the Absentee-Shawnee Tribe of Indians 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 Indians 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 various laws and ordinances of the Tribe must be amended from time to time to remain consistent and be in conformance with applicable Federal law and regulation, and**

**WHEREAS, 25 CFR 556 mandates that certain background investigations be performed for primary officials and key employees of gaming facilities, and**

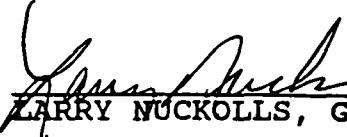
**WHEREAS, it is deemed in the best interests of the Tribe to implement these procedures in the selection of managerial and key personnel operating Thunderbird Entertainment Center.**

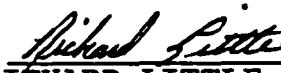
**NOW THEREFORE BE IT RESOLVED, that the Absentee-Shawnee Tribe of Indians of Oklahoma adopts and adds Title V, to the Absentee Shawnee Gaming Code, effective immediately.**

**C E R T I F I C A T I O N**

**We, Larry Nuckolls, Governor, and Richard Little, Acting Secretary of the Absentee-Shawnee Tribe of Indians of Oklahoma, do hereby certify that this Resolution No. L-AS-93-25 to be a true and exact copy as approved by the Executive Committee of the Absentee-Shawnee Tribe of Indians of Oklahoma at a duly called meeting held on**

August 25, 1993, there being a quorum present, by a vote of 2 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor: ABSENT, Secretary: ABSENT, Treasurer: AYE, Representative: AYE, Governor's vote, if required, N/A.

  
LARRY NUCKOLLS, Governor

  
RICHARD LITTLE, Acting Secretary

**TITLE V**  
**BACKGROUND INVESTIGATIONS**  
**FOR**  
**PRIMARY MANAGEMENT OFFICIALS**  
**AND**  
**KEY EMPLOYEES**

**Section 501. Privacy Notices**

(A) The tribe shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant.

In compliance with the Privacy Act of 1974 the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee the issuance or revocation of a gaming license or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(B) The tribe shall notify in writing existing key employees and primary management officials that they shall either:

(1) Complete a new application form that contains a Privacy Act notice; or

(2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

**Section 502. Notice regarding false statements.**

(A) The tribe shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant.

A false statement on any part of the application may be grounds for not hiring or firing after the incumbent begins work.

Also one may be punished by fine or imprisonment (U.S. Code, title 18, Section 1001).

(B) The tribe shall notify in writing existing key employees and primary management officials that they shall either:

(1) Complete a new application form that contains a notice regarding false statements; or

(2) Sign a statement that contains the notice regarding false statements.

**Section 503. Background investigations for class II gaming.**

The tribe shall perform a background investigation for each primary management official and for each key employee of a class II gaming operation.

(A) The tribe shall request from each primary management official and for each key employee all of the following information:

(1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(2) For the previous 5 years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

(3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (A)(2) of this section;

(4) Current business and residence telephone numbers;

(5) A description of any previous business relationships with Indian tribes, including ownership interests in those businesses;

(6) A description of any previous business relationships with the gaming industry general, including ownership interests in those businesses;

(7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of

the court involved, and the date and disposition;

(9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(10) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such licenses or permit was granted;

(11) A photograph; and

(12) Any other information a tribe deems relevant.

(B) The tribe shall conduct an investigation sufficient to make a determination under SS. 558.2 of this chapter. In conducting a background investigation, the tribe and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(C) If the National Indian Gaming (Commission) and a tribe possess an investigative report for an employee, the tribe may update that report instead of performing an entirely new investigation.

**Section 504. Report to Commission for class II gaming.**

(A) When the tribe employs a primary management official or a key employee, the tribe shall forward to the Commission a completed application containing the information listed under SS 556.3(A) of this part.

(B) Before issuing a license to a primary management official or to a key employee, a tribe shall forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

(1) Steps taken in conducting a background investigation;

(2) Results obtained;

(3) Conclusions reached; and

(4) The bases for those conclusions.

(C) When a tribe forwards its report to the Commission, it shall include a copy of the eligibility determination made under SS 558.2 of this chapter.

**Section 505. Background investigations for class III gaming.**

The tribe shall conduct a background investigation for each primary management official and for each key employee using procedures as stringent as those provided in SS 556.3

**Section 506. Report to Commission for class III gaming.**

Before a tribe or other licensing authority licenses a key employee or primary management official, the tribe shall forward to the Commission the information required under SS. 556.3(A)(1).

PROCEDURES FOR RESOLVING DISPUTES WITH CUSTOMERS  
OF THE GAMING OPERATION.

Rules of play for each type of gaming that is licensed by the Office of Public Gaming, of the Absentee Shawnee Tribe of Oklahoma, shall be approved by the Gaming Commissioner. Such rules shall be posted in plain view, accessible and visible to all customers of the licensed gaming operation. All games are to be conducted in a fair and equitable manner by both customer and Licensee. In the event of a dispute between the customer and the Licensee of a gaming operation, the written rules of play shall govern. The Licensee shall be initially responsible to resolve all disputes with the customers. However, if a dispute cannot be resolved by the Licensee and the customer, the Licensee shall submit a written report to the Gaming Commissioner for final determination to resolve the dispute. Any customer not satisfied with the decision of the Gaming Commissioner may appeal the decision to the Executive Committee of the Absentee Shawnee of Oklahoma. The decision of the Executive Committee is final.