DEC 11 2006

Mr. Jason Greenwalt
Gaming Commissioner-Executive Director
Citizen Potawatomi Nation Gaming Commission
1601 S. Gordon Cooper Dr.
Shawnee, OK 74801

Re: Amended Gaming Ordinance

Dear Mr. Greenwalt:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Citizen Potawatomi Nation's Amended Gaming Ordinance, Ordinance No. 07-01, enacted by the Nation's Business Committee on August 31, 2006.

This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note, however, that approval is granted for gaming only on Indian lands, as defined the in IGRA, over which the Nation has jurisdiction.

Thank you for submitting the Amended Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Nation on future gaming issues.

Sincerely,

Philip N. Hogen
Chairman

cc/ John A. Barrett, Tribal Chairman

Citizen Potawatomi Nation

NOV 14

Ordinance #07-01

BE IT ENACTED BY THE BUSINESS COMMITTEE OF THE CITIZEN POTAWATOMI NATION:

The Citizen Potawatomi Nation Gaming Ordinance is amended to read as follows:

SECTION 1: CITATION

This ordinance shall be known and may be cited as the "Citizen Potawatomi Nation Gaming Ordinance" and shall apply to all forms of gaming conducted within the jurisdiction of the Citizen Potawatomi Nation.

SECTION 2: PURPOSES

The purposes of this ordinance are to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Citizen Potawatomi Nation, to provide a safe and wholesome means of recreational activity in a community setting, and to provide a source of revenue for the operation of the programs and departments of the Tribal government by ensuring that any gaming activity conducted whether Class I, II, or III is fair, responsible, and consistent with applicable federal law including the regulations and guidelines established by Public Law 100-497, known as "The Indian Gaming Regulatory Act," and/or any Tribal-State Compact to which the tribe is a party. This ordinance shall be liberally construed to promote these purposes.

SECTION 3: DEFINITIONS

Unless the context clearly indicates a different meaning, the following words are defined as:

a. "Tribe" (and any of its derivations) means the Citizen Potawatomi Nation.

b. "Class I Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with Tribal ceremonies or celebrations.

c. "Class II Gaming" means

(1) "Bingo," which means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith)

(a) played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(b) in which two (2) or more players must be competing for a game to begin,

(c) in which the holder of the card covers such numbers or designations when objects similarly numbered or designated, are drawn or electronically determined, and

(d) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) "Card Games" that:

(a) are explicitly authorized by the laws of the State of Oklahoma, or

(b) are not explicitly prohibited by the laws of the State of Oklahoma and are played at any location in the State of Oklahoma, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oklahoma regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term "Class II Gaming" does not mean:

(a) any house-banked card games, including baccarat, chemin de fer, or blackjack (21), or

(b) electronic or electromechanical facsimile of any game of chance which can be played as a standalone slot machine

d. "Class III Gaming" means all forms of gaming that are not Class I or Class II but are now or hereafter permitted by the State of Oklahoma.

e. "Gross Revenue" means the total revenues from the operation of gaming including among other things, entry fees, special session fees, proceeds from the sale or rental of gaming cards or supplies, sale of food or drink and similar items.

f. "Net Revenues" means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711 (C).

g. "Expenses" means all sums actually expended and reasonable and necessary for the gaming operation including, by example, supplies, equipment, non-cash prizes, facilities, security services, license fees, rent, employees and other personnel services.

h. "Court" means the courts of the Citizen Potawatomi Nation.

i. "NIGC" means the National Indian Gaming Commission.

k. "Gaming Commissioner" means the person appointed by the Business Committee pursuant to Pott. Ord. No. 92-12 (Oct. 2, 1991).

l. "Gaming Commission" means the Gaming Commissioner's Staff.

m. "GM" means General Manager of a Citizen Potawatomi Nation gaming facility.

SECTION 4: APPLICATION OF NET REVENUES

In compliance with 25 U.S.C. § 2710(b) (2) (B), net revenues from any gaming activity, are not to be used for purposes other than:

a. to fund Tribal government operations or programs;

b. to provide for the general welfare of the Tribe and its members;

c. to promote Tribal economic development

d. to donate to charitable organizations;

e. to help fund operations of local Government Agencies; or

f. any other purpose permitted under the Act.

SECTION 5: GAMING PROHIBITED

Except as provided herein no person shall conduct any form of gaming within Tribal Indian Country for which a charge is made or other consideration requested or required for participation, or to the winner of which any prize is awarded.

SECTION 6: GAMING ALLOWED

The only form of gaming allowed within Tribal jurisdiction is that duly licensed and authorized by the Tribe and subject to the regulations of the Tribe and the Indian Gaming Regulatory Act, or any Tribal-State compact for Class III Gaming approved by the Chairman and the Secretary of the Interior.

SECTION 7: GAMING OPERATIONS

The Tribe shall have sole proprietary interest in and be responsible for the conduct of all gaming operations. The Tribal Business Committee administers the Tribal gaming operations consistent with this ordinance. The Tribal Administrator, or in his absence, the Chairman of the Business Committee or his designee, shall be the liaison between the Business Committee and the GM. The Gaming Commission regulates and monitors compliance with this ordinance, any Tribal-State compacts, and all applicable federal or tribal laws on behalf of the Tribe.

SECTION 8: MANAGEMENT OF GAMING OPERATIONS

All gaming operations shall be administered by the GM who is employed by and serves at the pleasure of the Business Committee.

SECTION 9: LICENSE FOR LOCATION

No Class II or Class III gaming shall be allowed at any location unless a separate license is issued by the Gaming Commission upon approval by the Business Committee for such site.

SECTION 10: PUBLIC SAFETY STANDARDS

In compliance with 25 U.S.C. § 2710 (b) (42) (E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall

be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of any applicable Tribal-State Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

SECTION 11: QUALIFICATIONS OF GENERAL MANAGER

The General Manager must:

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

b. Not have been convicted of any offense except traffic violations within two years from the date of employment.

c. Not be a member of the Business Committee or Grievance Committee or related to any member of the Business Committee or Grievance Committee by blood or marriage within the second degree.

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

e. Be bondable in the necessary amounts.

f. Meet any other applicable qualifications as prescribed in the Indian Gaming Regulatory Act.

SECTION 12: DUTIES OF GENERAL MANAGER

The duties of the General Manager are to:

a. Manage and conduct all forms of gaming and concessions of the Tribal gaming operation allowed under this ordinance.

b. Timely submit all reports required by the Business Committee and any applicable law.

c. Account for all monies and properties entrusted to him.

d. Perform any other duties established by the Business Committee.

SECTION 13: CONDUCT OF GAMING OPERATIONS

The General Manager shall conduct the gaming operation consistent with the following:

a. The rules of play and operation of the game as prescribed and approved by the Gaming Commission and the Business Committee.

b. Each and every player has a fair and equal opportunity to win.

c. The method of winning and the prize or prizes for each game should be clearly outlined before each game.

d. The winner or winners of each game shall be verified in a manner that all present may witness.

e. No person who is conducting or assisting in the gaming operation shall participate directly or indirectly in the play of that game.

f. No person under eighteen (18) years of age shall be permitted to play for any reason.

g. He/she shall make determination as to the validity of a winner or winners at the conclusion of the game at which they were a winner. If the GM's decision is disputed, it will be forwarded to the Gaming Commission for the final resolution.

h. No alcoholic beverages or drugs of any kind shall be permitted in the facility during the time that the facility is being used for the gaming operation, unless the Business Committee has issued an Alcoholic Beverage license for on-premises consumption.

i. Persons excessively intoxicated, under the influence of drugs, or in any violation of Tribal law or ordinance shall be permitted neither to engage in any form of gaming nor to remain in the building when gaming is being conducted.

SECTION 14: GAMING FACILITY EMPLOYEES

The following shall apply to employees of the gaming facilities:

a. All persons employed in the gaming operation shall be licensed by the Gaming Commissioner as prescribed by the Indian Gaming Regulatory Act or any Tribal-State compact.

b. Each employee will wear his or her license in a visible manner when operating or assisting in the operation of a gaming facility.

c. No person shall be employed whose prior activity, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

d. As necessary, the Business Committee may require the GM or any other "key" employee to be bonded in an amount not less than $50,000 payable to the tribe.

e. Background investigations will be conducted on the primary management officials and key employees as prescribed in the Indian Gaming Regulatory Act, federal regulations, or any tribal-state compact and the results forwarded to the NIGC prior to the issuance of licenses.

f. When licenses are issued, the Gaming Commission will promptly notify the NIGC as described in the Indian Gaming Regulatory Act, federal regulations, or any tribal-state compact for Class III gaming.

g. The GM shall employ qualified tribal members in preference to other equally-qualified applicants for work, but shall not be required to employ or retain in employment unqualified tribal members.

SECTION 15: GAMING FACILITY RECORDS

The General Manager shall be responsible for storing and maintaining records concerning all gaming operations. These records shall be audited annually and the audit reports shall be open for inspection by any Tribal member at the office of the Tribal Administrator.

SECTION 16: ESTABLISHMENT OF GAMING COMMISSION

The Citizen Potawatomi Nation Gaming Commission ("Gaming Commission") having been previously established under prior gaming ordinances shall continue to act as the regulatory body of the Tribe. The Gaming Commissioner may act as the Executive Director. The Gaming Commissioner shall establish a professional staff for purposes of investigations, licensing, auditing, and compliance as deemed necessary. The Gaming Commissioner shall report directly to the governing body of the Citizen Potawatomi Nation.

SECTION 17: GAMING COMMISSIONER QUALIFICATIONS

Gaming Commissioner must:

a. Never have 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 facilities.

c. Not have been convicted of any offense except traffic violations within two years from the date of employment.

d. Not be a member of the Business Committee or Grievance Committee or related to any member of the Business Committee or Grievance Committee by blood or marriage within the second degree.

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

f. Be bondable in the necessary amounts.

h. Meet any other applicable qualifications as prescribed in the Indian Gaming Regulatory Act.

SECTION 18: COMPENSATION

The Gaming Commissioner shall be compensated at a rate established by the Business Committee.

SECTION 19: MEETINGS

(Reserved)

SECTION 20: QUORUM

(Reserved)

SECTION 21: GAMING COMMISSION FUNDING

The Gaming Commission functioning as an independent, non-profit entity shall be funded as follows:

a. The Gaming Commissioner shall determine licensing fees, to adequately operate and regulate, and propose a budget on an annual basis to the Business Committee for approval.

b. The Gaming Commission shall collect any licensing fees required. Such fees shall become tribal revenues and will be specifically disbursed to the Gaming Commission budget as approved by the Business Committee.

SECTION 22: FUNCTION OF THE GAMING COMMISSION

The Gaming Commission shall have the following powers and duties:

a. To ensure that all gaming within the Tribe's jurisdiction is operated in accordance with all applicable laws and regulations including the background checks and licensing of all employees of the gaming operation pursuant to 25 CFR 558.1 (b).

b. The Gaming Commission shall be recognized as a law enforcement authority for the purposes of conducting background investigations and fingerprinting, enforcing regulations, and investigating incidents of possible cheating, fraud, theft, or collusion.

c. Conduct background investigations on management officials, key tribal gaming employees, and vendors in accordance with IGRA, NIGC regulations, and/or Tribal-State Compact provisions and forward them for NIGC and/or State review.

d. Issue, deny, review, rescind, put conditions on, suspend or revoke tribal gaming licenses for management officials, key tribal gaming employees, and vendors.

g. Promulgate tribal gaming regulations in accordance with tribal and Federal law and Tribal-State compact requirements for gaming as needed.

h. Establish or approve Tribal Minimum Internal Control Standards and policies and procedures for the operation of the gaming facilities, including but not limited to rules for cage and vault, credit,

table games, gaming devices, and surveillance and security standards.

i. Establish regulations and procedures for proceedings including but not limited to evidence, representation, and hearing officers for patron dispute hearings as described in Section 30 (b) and licensing hearings as described in Section 23 (h) of this ordinance.

j. Continuously regulate and monitor gaming operations to ensure compliance with Tribal and Federal law and Tribal-State compact requirements.

k. Oversee and/or conduct audits of the gaming facilities, including audits of service and supply contracts.

l. Conduct investigations of any alleged misconduct, take appropriate enforcement action, and make appropriate referrals to Tribal, State, and Federal law enforcement agencies.

m. Conduct hearings, take testimony, take disciplinary actions, levy fines, issue closure orders and resolve patron disputes.

n. Ban, bar, or exclude patrons from gaming facilities.

o. Perform licensing responsibilities and duties assigned in Sections 23 and 24 of this ordinance.

p. Perform reporting responsibilities to the IRS as stated in Section 28 of this ordinance and ensure proper reporting in accordance with Title 31 of the US Code.

q. Work cooperatively with all applicable Tribal, State, and Federal regulatory and law enforcement agencies.

SECTION 23: EMPLOYEES LICENSED

The Gaming Commissioner shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming facility operated on tribal lands:

a. Definitions. For the purposes of this section, the following definitions apply:

(1) Key employee means those key employees as defined in any statute or regulation and at a minimum includes:

(a) A person who performs one or more of the following functions: (1) Bingo caller; (2) Counting room supervisor; (3) Chief of Security; (4) Custodian of gaming supplies or cash; (5) Floor manager; (6) Pit boss; (7) Dealer; (8) Croupier; (9) Approver of credit; or (10) Custodian of gambling devices including persons with access to cash and accounting within such devices.

(b) If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year; or

(c) If not otherwise included, the four most highly-compensated persons in the gaming operation.

(2) Primary management official means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

b. Application Forms

(1) The following notice shall be placed 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.A. § 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, 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."

(2) Existing key employees and primary management officials shall be notified in writing that they shall either:

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

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

(3) The following notice shall be placed 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 your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment." (U.S. Code, Title 18 Section 1001).

(4) The Gaming Commission shall notify in writing existing key employees and primary management officials that they shall either:

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

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

c. Background Investigations:

(1) The Gaming Commission shall request from each primary management official and from each key employee all of the following information:

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

(b) Currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

(c) The names and current addresses of at least three-personal references, including one personal reference that was acquainted with the applicant during each period of residence listed under Paragraph (1) (b) of this section;

(d) Current business and residence telephone numbers;

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

(f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(g) 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;

(h) 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, if any;

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

(j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to Paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(k) 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 license or permit was granted;

(l) A current photograph;

(m) Any other information the Gaming Commission deems relevant; and

(n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted to check the criminal history records information maintained by the Federal Bureau of Investigation;

(2) The Gaming Commission shall conduct an investigation sufficient to make a determination under Subsection d below. In conducting a background investigation, the Gaming Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

d. Eligibility Determination.

The Gaming Commission shall review all the information referred to in Subsection c of this Section including but not limited to a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person.

e. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management officials to the Nation Indian Gaming Commission.

(1) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background

investigation and make the determination referred to in Subsection d of this section.

(2) The Gaming Commission shall forward the report referred to in this subsection to the NIGC within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the NIGC.

(3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

f. Report to the NIGC.

(1) Pursuant to the procedures set out in Subsection e of this section, the Gaming Commission shall prepare and forward to the NIGC an investigative report on each background investigation. An investigative report shall include all of the following:

(a) Steps taken in conducting the background investigation;

(b) Results obtained;

(c) Conclusions reached; and

(d) The basis for those conclusions.

(2) The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Subsection d of this section.

(3) If a license is not issued to an applicant, the Gaming Commission:

(a) Shall notify the NIGC; and

(b) May forward copies of its eligibility determination and investigative report (if any) to the NIGC for the inclusion in the Indian Gaming Individuals Records System.

(4) With respect to key employees and primary management officials, the Gaming Commission shall retain applications for employment and reports (if any) of background

investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

g. Granting a Gaming License.

(1) If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Gaming Commission has provided an application and investigative report to the NIGC, the Gaming Commission may issue a license to such applicant.

(2) The Gaming Commission shall respond to a request for additional information from the NIGC concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Paragraph g (1) of this section until the Chairman of the NIGC receives the additional information.

(3) If, within the thirty (30) day period described above, the NIGC provides the Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Gaming Commission has provided and application and investigative report to the NIGC, The Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Gaming Commission shall make the final decision whether to issue a license to such applicant.

h. License Suspension.

(1) If, after the issuance of a gaming license, the Gaming Commission receives from the NIGC reliable information indicating that a key employee or primary management official is not eligible for employment under Subsection d above, the Gaming Commission shall suspend such license and notify in writing the licensee of the suspension and the proposed revocation.

(2) The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.

(3) After a revocation hearing, the Gaming Commission shall decide to revoke or to reinstate a gaming license. The Gaming Commission shall notify the NIGC of its decision.

SECTION 24: PROCEDURES FOR BACKGROUND INVESTIGATIONS

The Gaming Commission is responsible for the conduct of the background investigations and suitability to determinations for licensing of key employees and primary management officials.

a. Organizational Chart.

(1) Gaming Commissioner.

The Gaming Commissioner under the gaming ordinance shall be ultimately responsible for conducting and/or causing to be conducted the background investigations on key employees and primary management officials. The Gaming Commissioner may conduct the investigations personally or may, employ Gaming Commission Staff to conduct the background investigations on behalf of the Gaming Commissioner. The Gaming Commissioner may also designate a Licensing Agent responsible for reviewing and approving the investigative work performed. The Gaming Commissioner or designee shall make all determinations concerning the licensing of key employees and primary management officials. The results of the background investigation shall be submitted to the NIGC.

(2) Licensing Agents and Background Investigators.

Licensing Agents and Background Investigators may be employed by the Gaming Commissioner to assist in background investigations. Any investigators employed for background investigations will be under the supervision of the Gaming Commissioner or designee referred to in Subsection a (1) above. All reports of the investigators will be forwarded to the Gaming Commissioner or designee, who shall make the reports a part of the Gaming Commission's final investigative report submitted to the NIGC.

(3) Selection of Responsible Individuals.

Persons responsible for the background investigations are granted the authority under the Tribal Ordinance.

b. Investigative Procedures

(1) Information Required.

The Gaming Commission shall secure from each key employee or primary management official applicant all information required by the tribal gaming ordinance, federal law, and regulation.

(2) Check List.

The Gaming Commission shall create a checklist which shall be used in the verification process. This list shall indicate that each item of information received from the primary management official or employee applicant has been verified through written or oral communication.

(3) Personal Interviews.

In inquiring into the applicant's character, the Gaming Commission shall interview a sufficient number of knowledgeable people such as former employers, personal references, and any other individuals which may have information as to the reputation, habits and associations of the applicant. The Gaming Commission shall interview as many individuals as is necessary (in no event shall the number of persons interviewed be less than five) sufficient to make a finding concerning the eligibility for employment in the gaming operation.

c. Investigative Report

(1) Content.

The final investigative report shall identify all potential problem areas as discovered during the investigation and shall state the final resolution of each problem area. Further, the final report shall specifically identify the information which formed the basis for the rejection or disqualification of any applicant.

(2) Procedure.

The final investigative report submitted to the NIGC shall set forth in detail the procedure followed by the Gaming Commission in conducting the background investigation.

(3) Disclosure.

The final report submitted to the National Indian Gaming Commission shall set forth in detail the results of the investigation, including the disclosure of all potential problems in the applicant's background and, in detail, the facts which demonstrate the existence of the problem.

(4) Recommendation.

The final investigative report shall state whether the applicant should or should not be granted a license and shall state, in detail, the facts that support the grant, or denial of said license.

SECTION 25: ANNUAL AUDIT

The Business Committee will annually provide the NIGC with a copy of that portion of the audit prepared by the Tribe's independent auditor that relates to the gaming. This audit will include, among other matters, all contracts for supplies, services (except legal or accounting) or concessions in excess of $25,000 annually that relate to the gaming operation.

SECTION 26: GAMING ACCOUNT

By resolution, the Tribe by Business Committee shall designate one banking account as the Tribal "Gaming Account." The account shall be maintained in a financial institution designated by the Business Committee. The Gaming Account shall be subject to the Annual Audit. Gross revenues derived from the conduct of Tribal gaming operations, excluding any cash payouts made during a Gaming session shall be deposited in the Tribal Gaming Account. No other monies shall be commingled with the Tribal Gaming Account. Except as specifically approved by the Business Committee, disbursement from the Tribal Gaming Account will only be made to pay reasonable and necessary expenses and will only be made on checks endorsed by Tribal Administration (two Executive Committee members). Net revenues are to be transferred monthly to the Tribe's General Fund account to be disbursed solely as authorized by Business Committee appropriation.

SECTION 27: SUPPLIES AND EQUIPMENT

All reasonable and necessary expenses of the gaming operation must be approved by the Tribal Administration. Provided further that all contracts for purchases of supplies, concession or services (excluding contracts for

professional, legal or accounting services) must receive prior approval of Tribal Administration, which shall be obtained by the GM by submitting the proper requisition. All purchases of equipment, materials, concessions and food or any other item paid from the Gaming Account shall be the property of the Tribe.

SECTION 28: LOCATION AND SCHEDULE OF GAMING

All gaming sessions authorized herein shall be conducted at a place within Tribal jurisdiction and on such days and times as may be approved by the Business Committee. The location and time for conducting Class III Gaming shall be consistent with any Tribal-State compact.

SECTION 29: DISCRIMINATION

Notwithstanding any other provision of this section, The Business Committee or the GM, or the Gaming Commissioner may bar any person from admittance to any Tribal gaming facility for any or no reason whatsoever. However, no person shall be discriminated against because of his race, color, creed, sex, or natural origin.

SECTION 30: PATRON DISPUTE RESOLUTION

In the event of (a) an alleged personal injury or property damage suffered by a patron of the gaming facility, or (b) a dispute between a patron and the gaming enterprise regarding the payment of bet or distribution of winnings, the patron may make a claim against the gaming enterprise as follows:

a. Personal Injury or Property Damage.

(1) Making Claim.

Any patron having a claim against the gaming enterprise for personal injury or property damage shall present a claim to the gaming enterprise for any appropriate relief including the award of money damages. Claims against the gaming enterprise are to be presented within ninety (90) days of the date of the injury or loss occurs. In the event a claim is not presented following ninety (90) days after the injury or loss occurs, but within one (1) year, any judgment in a lawsuit arising from the act which is the subject of the claim shall be reduced by ten (10) percent. A claim against the gaming enterprise shall be forever barred unless notice thereof is presented within one (1) year after the injury or the loss occurs. A claim against the gaming enterprise shall be in writing and filed with the Tribal Gaming Commission at the address of the gaming

facility. Notices explaining this procedure shall be posted in the gaming facility. Such notices shall explain that this procedure is the exclusive method of making a tort claim. Such notices shall explain that upon denial of a claim redress must be sought exclusively in Tribal Court.

(2) Notice.

The written notice of claims of the gaming enterprise shall state the following:

(a) Date;

(b) Time;

(c) Place;

(d) circumstances of the claim;

(e) the identities of tribal or gaming employees, and witnesses as applicable,

(f) the amount of compensation or other relief demanded,

(g) the name, address and telephone number of the claimant; and

(h) the name, address and telephone number of any agent authorized to settle the claim.

(3) Denial.

A claim is deemed denied if the gaming enterprise fails to approve the claim in its entirety within ninety (90) days of receipt, unless the interested parties have reached a settlement before the expiration of that period. A person may not initiate suit against the gaming enterprise unless the claim has been denied in whole or in part. The claimant and the gaming enterprise may continue attempts to settle a claim; however, settlement negotiations do not extend the date of denial.

(4) Limitations.

No action for any cause arising from personal injury or property damage shall be maintained unless valid notice has been given and the action is commenced in a tribal court within 180 days after

denial of the claim as set forth herein. Neither the claimant nor the gaming enterprise may extend the time to commence an action by continuing to attempt settlement of the claim.

b. Patron Dispute – Payment of Winnings.

(1) Administrative Process.

Any person who has any dispute, disagreement or other grievance with the gaming enterprise that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order:

(a) a member of the staff relevant of the gaming enterprise.

(b) the supervisor in the area of the relevant gaming enterprise in which the dispute arose.

(c) the General Manager of the gaming enterprise.

(2) Patron Rights Regarding Disputes.

When a patron brings a dispute for resolution through the administrative process, the complainant shall have the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level. Resolution of any dispute by the personnel of a gaming enterprise shall always involve two or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, the General Manager of the property, and to the Gaming Commission.

(3) Refusal to Pay Winnings.

Whenever the gaming enterprise refuses payment of alleged winnings to a patron and the GM of that enterprise and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:

(a) At least five hundred Dollars ($500.00), the General Manager shall immediately notify the Gaming Commission. The Gaming Commission shall conduct whatever investigation it deems necessary and shall determine whether payment should be made; or

(b) Less than five hundred dollars ($500.00), the General Manager shall inform the patron of his or her right to request that the Gaming Commission conduct an investigation. Upon request of the patron, the Gaming Commission shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

(4) Limitation of Liability.

The liability of the gaming enterprise in any proceeding under these regulations shall be limited to the amount of the alleged winnings and a patron shall not be entitled to an award of special or punitive damages, or damages for mental distress. In addition, disputes relating to a patron's entitlement to a game prize shall be limited to the amount of such prize. The Gaming Commission's decision shall constitute the complainant's final remedy.

(5) Petition to the Gaming Commission

Patrons who have complaints against the gaming enterprise shall have as their final remedy the right to file a petition for relief with the Gaming Commission. Any patron complaint must be submitted in writing to the Gaming Commission within thirty (30) days of the incident giving rise to the complaint. The Gaming Commission shall then grant a hearing.

(6) Hearing Procedures – Patron Disputes.

The Gaming Commission shall establish hearing procedures as stated in Section 19 (i) that shall be used to hear and decide any petition for relief. The Gaming Commission shall then issue a written decision that shall be sent via certified mail to the patron and the GM of the enterprise.

(7) Petition for Reconsideration.

Within thirty (30) days after the date of receipt of the written decision, the aggrieved party may file a petition with the Gaming Commission requesting a review of the decision. The Gaming Commission may, at its discretion, set a hearing on the matter or may make a decision based solely upon the prior decision and other documentation provided to it by the patron and the gaming enterprise. The decision of the Gaming Commission shall be final and binding upon the patron and the gaming enterprise and shall

not be subject to any further dispute resolution, judicial review, or any other legal action.

SECTION 31: REPORT OF WINNERS

No prize shall be awarded unless the winner has fairly won without any collusion with the GM or any of his employees or agents. A receipt acknowledging acceptance and receipt of the prize awarded must be signed by any winner if it exceeds the amount designated by the GM. The GM has the authority to hold the payment of any winnings indefinitely until the final verification of authentic winning has been determined whether by inquiry or electronic means of validation upon the approval of the Gaming Commissioner or Business Committee.

The Gaming Commissioner or designee shall ensure accurate and timely reports are sent to the Internal Revenue Service of any winners at any gaming facility whose prize winnings exceed the minimum limits set by the Internal Revenue Service. In which case, acceptable proof of winners' name, address, and social security number must be presented to the GM or his designee in order to be paid prizes.

SECTION 32: CRIMINAL PENALTIES

Any person or firm violating the provisions of this chapter shall be guilty of an offense and shall, upon conviction thereof, be punished as provided by law. If a person is convicted in Tribal court, he may be punished by confinement in the Tribal jail for a period of not less than ten (10) days and no more than six (6) months or by a fine of not less than $500 and no more than $5,000 or by both such fine and imprisonment per occurrence.

Such remedy shall not be exclusive or preclude any civil or other judicial remedy available to the Tribe.

SECTION 33: SERVICE OF PROCESS

All notices or process made pursuant to this ordinance may be made by directing said notice to:

Gaming Commissioner
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801

cc: Tribal Administrator
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801

SECTION 34: REPEALER

Any prior gaming ordinances and all other ordinances inconsistent herewith are hereby repealed.

SECTION 35: EFFECTIVE DATE

This Ordinance shall become effective on the date of approval.

CERTIFICATION

In their respective capacities as officers of the Citizen Potawatomi Nation, the undersigned do hereby certify that the above and foregoing ordinance is a true and correct copy of Ordinance # 07-01, as approved on the 31st day of August, 2006, with 5 voting for, 0 opposed, and 0 absent.

John A. Barrett, Jr.
Chairman

D. Wayne Trousdale
Secretary/Treasurer