

RX Date/Time 08/27/2009 11:59  
AUG-27-2009 15:57

P.002  
P.002

## National Indian Gaming Commission

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### Settlement Agreement

SA-09-34

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#### Introduction

This Settlement Agreement ("Agreement") is entered into by and between the Quinault Indian Nation ("Tribe"), a federally recognized Indian tribe, and the Chairman of the National Indian Gaming Commission ("NIGC"), relating to the matter contained in the NIGC Chairman's Notice of Violation No. NOV-09-34.

#### Recitals

1. Whereas, the Indian Gaming Regulatory Act (IGRA) authorizes the NIGC Chairman to issue civil fines for violations of the IGRA, NIGC regulations, or tribal regulations, ordinances, or resolutions approved by the NIGC Chairman under 25 U.S.C. §§ 2710, 2712, 25 U.S.C. § 2713(a)(1).
2. Whereas, under the regulations of the NIGC, 25 C.F.R. § 573.3(a), the NIGC Chairman may issue a Notice of Violation ("NOV") to any person for violations of any provision of the IGRA, NIGC regulations, or any provision of a tribal gaming ordinance or resolution approved by the Chairman.
3. Whereas, on June 26, 2009, the NIGC Chairman issued NOV-09-34 for the Tribe's failure to submit timely quarterly statements and fee payments for the quarter ending March 31 of the calendar year 2009.
4. Whereas, the NIGC Chairman and the Tribe desire to achieve an amicable resolution of the Notice of Violation No. NOV-09-34.
5. Therefore, the Chairman and the Tribe have agreed to execute this Agreement and perform in accordance with the following covenants and conditions:

#### Terms of Settlement

6. This Agreement is entered into pursuant to 25 C.F.R. § 575.6(b) and shall be effective upon the date that it is signed by the last party to sign this Agreement ("Effective Date").
7. The Tribe agrees that it was required to submit a timely quarterly statements and fee payments to the NIGC for the Quinault Beach Resort & Casino for the calendar year 2009.

RX Date/Time  
AUG-27-2009 15:57

08/27/2009 11:59

P.003  
P.003

8. The Tribe agrees that it submitted the quarterly statements and fee payment for the Quinault Beach Resort & Casino for the quarter ending March 31, 2009, to the NIGC in an untimely fashion.
9. The Tribe agrees that the failure to submit the quarterly statement and fee payment for the Quinault Beach Resort & Casino is a violation of the NIGC regulations.
10. The Tribe agrees to pay a fine of two thousand dollars (\$2,000.00). The full amount of the fine shall be suspended from immediate payment pending the following:
  - a. The suspended amount to be forgiven for timely submission of the quarterly statements and fees for the remaining quarters of calendar year 2009, ending September 30<sup>th</sup> and December 31<sup>st</sup>.
  - b. If the quarterly statements and fee payments for the remaining quarters of calendar year 2009 are not submitted timely, i.e., on or before September 30<sup>th</sup> and December 31<sup>st</sup>, the remaining fine will be due within 30 days of the untimely submission or payment.
11. The Tribe also agrees to place a minimum of two thousand dollars (\$2,000.00) into a training fund for the purposes of training the Quinault Beach Resort & Casino Chief Financial Officer, and other casino staff as may be appropriate, as well as the tribal gaming commission, on compliance with the NIGC regulations governing the submission of quarterly statements and fee payments.
12. The Tribe shall submit appropriate documentation evidencing the completion of the training set forth in paragraph 11 above on or before May 31, 2010. Such documentation shall include an accounting of the costs of said training. The training funds set aside pursuant to paragraph 11 above shall be spent on or before May 31, 2010.
13. Should the Tribe fail to set aside the training funds, complete the training, or submit documentation evidencing the completion and costs of said training, as required in paragraphs 11 & 12 above, the Tribe shall pay two thousand dollars (\$2,000.00) to the NIGC on or before June 30, 2010, and may be subject to additional fines and penalties.
14. By entering into this Agreement, the NIGC Chairman waives his right to impose any additional civil fine against the Tribe for the matters addressed in NOV-09-34, provided that if the Tribe fails to comply with this Agreement, the NIGC Chairman may issue a proposed civil fine to resolve the Tribe's violation and/or breach of this Agreement.

RX Date/Time  
AUG-27-2009 15:57

08/27/2009 11:59

P.004  
P.004

- 15. The Tribe agrees upon execution of this Agreement to waive the right to further review the matters addressed in this Agreement, including all rights to appeal to the full Commission as set forth in 25 C.F.R. Part 577, and judicial review pursuant to 25 U.S.C. § 2714.

**Additional Covenants**

- 16. This Agreement constitutes the entire agreement between the NIGC Chairman and the Tribe relating to the enforcement matter set forth in Notice of Violation No. NOV-09-34. Any modifications or waiver of any term in this Agreement must be in writing and signed by both parties.
- 17. The Tribe stipulates that this Agreement shall be deemed to be the subject of a final order of the NIGC under 25 C.F.R. § 575.4(c)(1) and a final agency action pursuant to 25 C.F.R. § 577.9(d).
- 18. The NIGC Chairman and the Tribe expressly agree and acknowledge that time is of the essence in this Agreement. The recitals herein shall be binding upon the parties, their agents, successors and assigns.
- 19. The parties agree that upon the Effective Date, the Agreement shall be a public document and may be published or disclosed by either party.
- 20. This Agreement may be executed on one or more counterparts and each shall constitute an original. A signature produced by facsimile shall be deemed to be an original signature and shall be effective and binding for purpose of the Agreement.

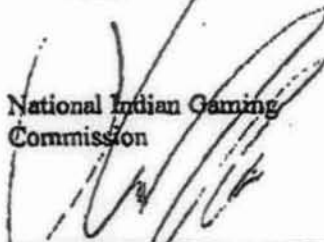
Quinault Indian Nation



Fawn Sharp, Chairperson  
Quinault Indian Nation Business Committee

8/18/09  
Date

National Indian Gaming  
Commission



Philip N. Hodgen, Chairman

8/27/2009  
Date