

NATIONAL
INDIAN
GAMING
COMMISSION

AUG 16 1995

Jonathan L. Taylor
Principal Chief
Eastern Band of Cherokee Indians
Qualla Boundary - P.O. Box 455
Cherokee, NC 28719

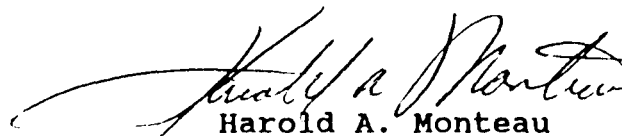
Dear Chief Taylor:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Eastern Band of Cherokee Indians (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 197, on August 4, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to 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.

Thank you for submitting the amendment to the tribal gaming ordinance of the Eastern Band of Cherokee Indians. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

TABLED

PASSED

AUG 0 2 1994

AUG 0 4 1994

Cherokee Council House
Cherokee, North Carolina

JUL 0 7 1994

Date

ORDINANCE NO. 197 (1994)

SHORT TITLE: PATRON DISPUTE AMENDMENT

NOW THEREFORE, BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in Annual Council assembled, with a quorum present, that the Cherokee Code shall be amended by making the following addition to Chapter 16 of the Code:

§16-18. PATRON DISPUTES.

(A) Whenever a gaming facility operator refuses payment of alleged winnings to a patron and the gaming facility operator and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:

(1) at least five hundred (\$500.00) dollars, the gaming facility operator shall immediately notify the Tribal Gaming Commission, which shall conduct whatever investigation it deems necessary and shall determine whether payment should be made; or,

(2) for disputes involving less than five hundred (\$500.00) dollars, the gaming facility operator shall inform the patron of his or her right to request the Commission to conduct an investigation. Upon request of the patron, the Commission shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

(B) The Commission shall mail written notice by certified mail, return receipt requested, to the gaming facility operator and the patron of the decision resolving the dispute within thirty (30) days after the date that the Commission first receives notification from the gaming facility operator or a request to conduct an investigation from the patron.

(C) The decision of the Commission shall be effective on the date it is received by the aggrieved party as reflected on the return receipt.

(D) Within thirty (30) days after the date of receipt of the written decision, the aggrieved party may file a written petition with the Commission requesting a review of the decision. The Commission may conduct 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 facility operator. The Commission shall then issue a written decision and mail it to the parties pursuant to the procedures set forth in (B) above. The decision of the Commission shall be final and binding upon the patron and the gaming facility operator and shall not be subject to judicial review, dispute resolution or other legal action.

EFFECTIVE DATE. The amendment shall become effective immediately upon ratification by the Principal Chief.

SUBMITTED BY: Tribal Attorney

The attached Resolution/Ordinance No. 197 dated JUL 07 1994 was Passed () Killed () and ratified in open Council on AUG 04 1994 by 45.5 voting for the act and 6 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
William R. Taylor	<input checked="" type="checkbox"/>			
Glenn J. Bradley				<input checked="" type="checkbox"/>
Teresa McCoy	<input checked="" type="checkbox"/>			
Dan McCoy	<input checked="" type="checkbox"/>			
Jess Murphy				<input checked="" type="checkbox"/>
Richard Welch	<input checked="" type="checkbox"/>			
Robert Blankenship	<input checked="" type="checkbox"/>			
Marion Teesateskie		<input checked="" type="checkbox"/>		
Larry Blythe			<input checked="" type="checkbox"/>	
Carroll Parker				<input checked="" type="checkbox"/>
Abe Wachacha				<input checked="" type="checkbox"/>
Jimmy Welch	<input checked="" type="checkbox"/>			
TOTAL	45.5	6	6	42.5

William R. Taylor
 TRIBAL COUNCIL CHAIRMAN

Myrtle Johnson
 TRIBAL COUNCIL ENGLISH CLERK

Jonathan L. Taylor
 PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED () DATE _____

I hereby certify that the foregoing act of the Council was duly Passed () Killed () and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED () Halton Paul
 OMITTED
 () _____
 INTERPRETED