



By First Class Mail

SEP 29 2011

Tiger Hobia, Town King
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

Re: Kialegee Tribal Town gaming ordinance amendments

Dear Town King Hobia:

This letter responds to your request for the National Indian Gaming Commission to review and approve three amendments enacted by Resolution Nos. TR-2011-4-14A, TR-2011-06-30, and TR-2011-9-23. Resolution TR-2011-4-14A authorizes individually-owned gaming and expands patron dispute resolution procedures. Resolutions TR-2011-06-30 and TR-2011-9-23 include the following amendments:

- updates notices regarding the Privacy Act and false statements;
- includes provisions governing individually-owned gaming consistent with NIGC regulations;
- increases the terms of office of Tribal Gaming Commissioners; and
- clarifies that the Gaming Commission may delegate authority to take fingerprints.

Thank you for bringing these amendments to our attention and for providing us a copy of the updated ordinance. The ordinance amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC's regulations.

I note that the Tribe has submitted a notice that a facility license is under consideration for a partially restricted allotment that is held by non-members of the Tribe and that a lease of that land has not yet been approved by the Department of the Interior. My approval of this ordinance does not constitute a determination that the Tribe has jurisdiction over that parcel or that the parcel constitutes Indian lands eligible for gaming under IGRA.

If you have any questions, please feel free to contact Staff Attorney Dawn Sturdevant Baum at 202-632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Stevens".

Tracie L. Stevens
Chairwoman



Kialegee Tribal Town
P.O. Box 332
Wetumka, Oklahoma 74883
Tiger Hobia, Town King
Thomas Givens, 1st Warrior

APR 18 2011

Kialegee Tribal Town Resolution
TR-2011-4-14A

**RESOLUTION OF THE KIALEGEE TRIBAL TOWN BUSINESS COMMITTEE
AMENDING THE KIALEGEE TRIBAL TOWN OF OKLAHOMA GAMING
ORDINANCE AS PROVIDED FOR IN THE ATTACHED "EXHIBIT A",
EFFECTIVE IMMEDIATELY.**

WHEREAS, the Kialegee Etlwv (Tribal Town) is one of the original towns of the Mvskoke Confederacy and the Kialegee Mekko (Town King), Cheea Hajo, did sign the June 29, 1796 treaty of peace between the Creek Confederacy and the United States (7 Stat. 56) as the representative of the Kialegee Tribal Town; and

WHEREAS, the Kialegee Etlwv (Tribal Town) was organized pursuant to the provisions of the Oklahoma Indian Welfare Act ("OIWA") of June 26, 1936 (49 Stat. 1967, codified at 25 U.S.C. §§ 501 – 509) with a Constitution and By-Laws ratified by the tribal membership on June 12, 1941, as well as, a Corporate Charter ratified on September 17, 1942; the Tribal Town conducts all business pursuant to its OIWA organizing documents and has continuously maintained its governmental organization since ratification thereof; and

WHEREAS, the Kialegee Constitution states; at Article II, Section 2, identifies that following as among the purposes for the Town's organization pursuant to the OIWA: "secure[ing] and obtain[ing] the benefits, rights, privileges, and powers as provided by the existing laws of the United States and those which hereafter may be enacted for the good and benefit of Indians or other citizens of the United States administered by different governmental agencies, such as relief, conservation, rehabilitation, resettlement, hospitalization, education, economic and all other programs that may be for the good and benefit of the members of the Town;" and

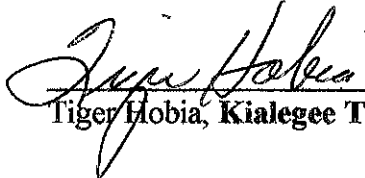
WHEREAS, the Kialegee Tribal Town Business Committee ("Business Committee") is the duly elected governing body of the Town and is empowered by the Tribe's Constitution, at Article IV, Section 3, to "transact business or otherwise speak or act on behalf of the Town in all matters on which the Town is empowered to act" which powers to act are set forth in the Town's Corporate Charter which, specifically include but are not limited to, the power to sue and be sued in any court and to enter into any obligation or contract; and

WHEREAS, from time to time it is necessary to amend laws and ordinances to reflect the best interests of the Tribe; and the Business Committee believes it to be in the best interest of the Tribe for the Gaming Ordinance to be amended; and

NOW THEREFORE BE IT RESOLVED, that on behalf of the Kialegee Tribal Town, the Business Committee amends the Kialegee Tribal Town of Oklahoma Gaming Ordinance as provided for in the attached "Exhibit A", effective immediately.

We, the undersigned officers of the Kialegee Etlwv (Tribal Town) Business Committee, do hereby certify that the foregoing Resolution TR-2011-4-14A was duly adopted on the 14th day of April, 2011 by a vote of 7 for, 0 against, and 0 abstaining.

ATTEST:


Tiger Hobia, Kialegee Tribal Town Mekko

4-14-11
[DATE]


Lynelle Shatswell, Secretary

4-14-11
[DATE]

EXHIBIT "A"

Amendments to the Kialegee Tribal Town of Oklahoma Gaming Ordinance

Section 102. Definitions

- (o) **Non-Tribally Owned Gaming Enterprise (NTOGE)** means a licensed gaming operation not owned by the Tribe .
- (p) **Primary Management Official** renumbered from (o) to (p).

Section 104. Ownership of Gaming

- (a) The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance, unless non-Tribally owned gaming is approved and licensed under this ordinance.
- (b) The Kialegee Tribal Town Gaming Commission shall license and regulate all Class II and Class III gaming within its Indian Lands, as defined herein, pursuant to this Ordinance, including those Class II and Class III gaming operations that are not Tribally owned.
- (c) **For Non-Tribally Owned Gaming Enterprises (NTOGE):**
 - (1) Non-Tribal persons or entities, shall not be eligible to receive a tribal license to own a class II gaming activity conducted on Kialegee Indian Lands if such person or entities would not be eligible to receive a gaming license from the State of Oklahoma to conduct the same activity within the jurisdiction of the State.
 - (2) Any person or entity other than the Tribe that is permitted by the Tribe to operate Class III gaming on Kialegee Indian Lands must be fully compliant with the terms of the applicable Tribal/State Compact.
 - (3) In order to be licensed by the Tribal Gaming Commission, individual owners, in addition to the requirements of this ordinance, shall also be required to:
 - (i) Pay to the Tribe not less than 60 percent of the non-Tribally owned gaming operation's net gaming revenues, to be used only for the purposes set forth in this Ordinance at Section 105.
 - (ii) Comply with eligibility standards of a State license for the same activity, so that if the individual is ineligible to receive a State license to conduct the same activity within that jurisdiction, a Tribal license shall be denied.
 - (iii) Pay NIGC annual fees.

Section 107. Gaming Commission

- (a) The Tribe hereby establishes a Tribal Gaming Commission whose duty it is to regulate all tribal and non-tribal gaming operations. The Tribal Gaming Commission shall consist of three members. There shall be among them a Chairperson, Vice-Chairperson, and one additional Commissioner.
- (f)
 - (4) Obtain and process fingerprints, or designate an agency to obtain and process fingerprints;
 - (7) Establish standards for licensing gaming operations;
 - (8) Issue facility gaming licenses to gaming operations;
 - (17) Establish a list of persons not allowed to game in gaming facilities in order to maintain the integrity of the gaming;
 - (18) Establish a list of persons who have voluntarily asked to be excluded from the gaming facility(s) and create regulations for enforcing this exclusion;
 - (22) Perform such other duties the Commission deems appropriate for the proper regulation of the gaming operations;
- (g) The Gaming Commission . . . processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the gaming operation on a need-to-know basis for . . . duties.

Section 112. Patron Dispute Resolution

- (a) The Tribal Gaming Commission, as established in this Ordinance, is authorized to oversee and regulate all gaming activities authorized by this Ordinance, including decision-making authority in regard to any disputes that may arise by the gaming public.
- (b) Patrons having a dispute with the gaming establishment, a Gaming Operator or Management Company licensed by the Tribal Gaming Commission may request that the Gaming General Manager or Operator resolve the dispute within seven (7) days of the occurrence.
- (c) If dissatisfied with the results received from the Gaming General Manager or Operator, patrons have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission.
 - (1) Complaints shall be submitted in writing and must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint;
 - (2) The Gaming Commission shall hold a hearing within thirty (30) days of receipt of

petitioner's complaint and, at the discretion of the Commission, the petitioner may be allowed to present evidence. Petitioner may be represented by counsel;

- (3) The Commission shall render a decision in a timely fashion and all such decisions shall be final when issued and shall constitute the complainant's final remedy.
- (d) All claims by patrons shall be limited to a maximum recovery of \$10,000.00 per occurrence, and a cumulative limit of \$50,000.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize.

Section 113. Tribal Internal Control Standards

- (a) The Tribe gives responsibility to the Tribal Gaming Commission to conform with 25 C.F.R. § 542 to adopt and implement Tribal Internal Control Standards (TICS) for the operation of Tribally Owned and Non-Tribally Owned gaming operations in accordance with applicable law.
- (b) The TICS shall be set out in separate regulations to be reviewed and approved by the Tribal Gaming Commission.

Section 114. Facility Licenses

- (c) The Gaming Commission Chairperson is authorized to issue temporary facility licenses not to exceed 30-days and may renew said temporary licenses for 30-day periods.

Section 201. Licenses for Key Employees and Primary Management Officials

- (a) The Tribal Gaming Commission 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 enterprise operated on Indian Lands. The Gaming Commission will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.
- (b) Notwithstanding anything herein to the contrary, if the Applicant has completed a License Application, the Gaming Commission may immediately issue a temporary license if:
 - (1) The Gaming Commission has conducted a preliminary, local, background investigation; and
 - (2) Based on the preliminary investigation, the information does not indicate that the Applicant has a criminal history.
- (c) A temporary license shall not exceed 90 days.

New Section 309. Violations and Sanctions

- (a) Any person who engages in Gaming or Gaming related activities on property subject to the provisions of this Ordinance without a gaming license, or in violation of the terms imposed by a Gaming License, or in violation of the terms of a suspension imposed by the Gaming Commission on that Gaming License, or in violation of any other provision of this Ordinance and regulations promulgated hereunder, or amendments hereto, shall be in violation of the Ordinance. This provision shall apply to any person who is upon any premises licensed by this Ordinance without the consent of the licensee and/ or the Gaming Commission.**
- (b) Violation of any provision of this Ordinance or any of the Gaming Commission's Regulations by a Licensee, his or her agent or employee:**

 - (1) Shall be deemed contrary to the public safety, good order, and general welfare of the Tribe and its members;**
 - (2) May be grounds for refusing to grant or renew a License, or for suspension or revocation of a license;**
 - (3) May be grounds for filing a complaint with the National Indian Gaming Commission, may be grounds for filing criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Commission; and**
 - (4) In the case of a licensee being convicted of a felony, shall be grounds for immediate revocation of the License.**
- (c) Acceptance of a License or renewal thereof or condition imposed thereon by a Licensee constitutes agreement of the part of the Licensee to be bound by all the regulations and/or conditions of the Gaming Commission and by the provisions of this Ordinance, and the regulations promulgated hereunder, and as the same may informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violations.**
- (d) Any person in violation of this Ordinance shall be subject to sanctions under this Ordinance. The following provisions shall govern the response of the Gaming Commission to violations:**

 - (1) Each day of violation may constitute a separate count or violation of this Ordinance. Separate violations shall be heard as separate offenses before the Gaming Commission and/or prosecuted by a court of appropriate jurisdiction;**
 - (2) All property used in each and every separate violations of this Ordinance may become the property of the Tribe. All property used in each and every separate violation of this Ordinance may be subject to forfeiture following a hearing;**
 - (3) Violators may also be required to pay court costs, storage fees, and auction or sales fees;**

- (4) Persons may be excluded or ejected from Gaming Enterprises or prohibited from trespassing on premises licensed under this Ordinance, and may be subjected to civil penalties or sanctions for violating any provision of this Ordinance;
 - (5) Licenses may be suspended, revoked, or limited and/or Gaming Establishments may be forcibly closed;
 - (6) Winnings found to have been received in violation of this ordinance may be confiscated and may, following a hearing, be forfeited and become the property of the Tribe; and
 - (7) Civil penalties may be imposed as additional sanctions, in the amounts prescribed and in accordance with the hearing procedures set forth in the Ordinance.
- (e) Any of the above actions may be taken at the discretion of the Gaming Commission.

New Section 310. Civil Penalty Provisions

It shall be a civil violation of the laws of the Kialegee Tribal Town to disobey the provisions of this Ordinance or any regulations promulgated by the Gaming Commission, or any proper order issued under the authority of this Ordinance. Any person or Licensee found to be guilty of such violation may be assessed a civil penalty. Civil penalties may be imposed pursuant to and in compliance with the provisions of this Ordinance, and any regulations promulgated by the Gaming Commission under the authority provided in this Ordinance. Civil penalties may be imposed in addition to the imposition of any other sanctions permitted under this Ordinance, including but not limited to suspension or revocation of the Gaming License. Civil penalties may be imposed up to the amount of \$25,000.00 for each individual violation, exclusive of any restitution.

New Section 311. Exclusion of Individuals From Gaming Activities

- (a) Any operator shall have the authority and discretion to exclude from gaming activities or gaming facilities, any individual who:
 - (1) Appears to be under the influence of intoxicants;
 - (2) Appears to be losing an unreasonable amount of money at gaming activities;
 - (3) Appears to be violating rules or regulations governing gaming activities as established by the Commission or the Operator; or
 - (4) By virtue of his or her condition or activities, disturbs the peaceful participation of other individuals in gaming activities or disrupts the orderly conduct of the gaming activity.
- (b) An operator may make reasonable inquiries of individuals in the course of determining whether any of the activities defined in paragraph (a) above are occurring.

- (c) An operator who excludes any individual pursuant to this section shall not incur any liability, criminal or civil, as a result of an exclusion under this section.

New Section 312. Sovereign Immunity

The Business Committee acting on behalf of the Kialegee Tribal Town by this enactment, does expressly retain and does not in any way waive its sovereign immunity as expressed in treaties, laws or in any other manner.

New Section 313. Savings Clause

If any clause, provision or section of this ordinance shall be ruled invalid or unenforceable by any court of competent jurisdiction by final order after all appellate jurisdiction is exhausted, such judgment shall not invalidate or render unenforceable any other remaining provisions of this ordinance. Until such final order is entered and review exhausted, the questioned provisions shall be valid absent an enforceable injunction to the contrary.



Kialegee Tribal Town
P.O. Box 332
Wetumka, Oklahoma 74883
Tiger Hobia, Town King
Thomas Givens, 1st Warrior

Kialegee Tribal Town Resolution
TR-2011-6 - 30

**RESOLUTION OF THE KIALEGEE TRIBAL TOWN BUSINESS COMMITTEE
AMENDING AND CLARIFYING THE 4/14/11 AMENDED KIALEGEE TRIBAL
TOWN OF OKLAHOMA GAMING ORDINANCE AS PROVIDED FOR IN THE
ATTACHED "EXHIBIT A", EFFECTIVE IMMEDIATELY.**

- WHEREAS,** the Kialegee Etylwy (Tribal Town) is one of the original towns of the Mvskoke Confederacy and the Kialegee Mekko (Town King), Cheea Hajo, did sign the June 29, 1796 treaty of peace between the Creek Confederacy and the United States (7 Stat. 56) as the representative of the Kialegee Tribal Town; and
- WHEREAS,** the Kialegee Etylwy (Tribal Town) was organized pursuant to the provisions of the Oklahoma Indian Welfare Act ("OIWA") of June 26, 1936 (49 Stat. 1967, codified at 25 U.S.C. §§ 501 - 509) with a Constitution and By-Laws ratified by the tribal membership on June 12, 1941, as well as, a Corporate Charter ratified on September 17, 1942; the Tribal Town conducts all business pursuant to its OIWA organizing documents and has continuously maintained its governmental organization since ratification thereof; and
- WHEREAS,** the Kialegee Constitution states; at Article II, Section 2, identifies that following as among the purposes for the Town's organization pursuant to the OIWA: "secure[ing] and obtain[ing] the benefits, rights, privileges, and powers as provided by the existing laws of the United States and those which hereafter may be enacted for the good and benefit of Indians or other citizens of the United States administered by different governmental agencies, such as relief, conservation, rehabilitation, resettlement, hospitalization, education, economic and all other programs that may be for the good and benefit of the members of the Town;" and
- WHEREAS,** the Kialegee Tribal Town Business Committee ("Business Committee") is the duly elected governing body of the Town and is empowered by the Tribe's Constitution, at Article IV, Section 3, to "transact business or otherwise speak or act on behalf of the Town in all matters on which the Town is empowered to act" which powers to act are set forth in the Town's Corporate Charter which, specifically include but are not limited to, the power to sue and be sued in any court and to enter into any obligation or contract; and
- WHEREAS,** from time to time it is necessary to amend and clarify laws and ordinances to reflect the best interests of the Tribe; and the Business Committee believes it to be

in the best interest of the Tribe for the Gaming Ordinance to be amended; and
NOW THEREFORE BE IT RESOLVED, that on behalf of the Kialegee Tribal Town, the
Business Committee amends and clarifies the 4-14-11 Amended Kialegee Tribal
Town of Oklahoma Gaming Ordinance as provided for in the attached "Exhibit
A", effective immediately.

We, the undersigned officers of the Kialegee Tribal Town Business Committee, do
hereby certify that the foregoing Resolution TR-2011- 6-30 was duly adopted on the
day of June, 2011 by a vote of 7 for, 0 against, and
abstaining.

ATTEST:



Tiger Hobbs, Kialegee Tribal Town Meko

6-30-11

[DATE]



Lynelle Shatswell, Secretary

6-30-11

[DATE]

EXHIBIT "A"

Amendments and Clarifications to the 4/14/11 Amended Kialegee Tribal Town of Oklahoma Gaming Ordinance

Section 102. Definitions

- (o) **Non-Tribally Owned Gaming Enterprise (NTOGE)** means a licensed gaming operation not owned by the Tribe .
- (p) **Primary Management Official** renumbered from (o) to (p).

Section 104. Ownership of Gaming

- (a) The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance, unless non-Tribally owned gaming is approved and licensed under this ordinance.
- (b) The Kialegee Tribal Town Gaming Commission shall license and regulate all Class II and Class III gaming within its Indian Lands, as defined herein, pursuant to this Ordinance, including those Class II and Class III gaming operations that are not Tribally owned.
- © For Non-Tribally Owned Gaming Enterprises (NTOGE):
 - (1) Non-Tribal persons or entities, shall not be eligible to receive a tribal license to own a class II or class III gaming activity conducted on Kialegee Indian Lands if such person or entities would not be eligible to receive a gaming license from the State of Oklahoma to conduct the same activity within the jurisdiction of the State.
 - (2) Any person or entity other than the Tribe that is permitted by the Tribe to operate Class III gaming on Kialegee Indian Lands must be fully compliant with the terms of the applicable Tribal/State Compact.
 - (3) In order to be licensed by the Tribal Gaming Commission, individual owners, in addition to the requirements of this ordinance, shall also be required to:
 - (I) Pay to the Tribe not less than 60 percent of the non-Tribally owned gaming operation's net gaming revenues, to be used only for the purposes set forth in this Ordinance at Section 105.
 - (ii) Comply with eligibility standards of a State license for the same activity, so that if the individual is ineligible to receive a State license to conduct the same activity within that jurisdiction, a Tribal license shall be denied. State law standards shall apply with respect to purpose, entity, pot limits and hours of operation.

- (iii) Pay NIGC annual fees.

Section 107. Gaming Commission

- (a) The Tribe hereby establishes a Tribal Gaming Commission whose duty it is to regulate all tribal and non-tribal gaming operations. The Tribal Gaming Commission shall consist of three members. There shall be among them a Chairperson, Vice-Chairperson, and one additional Commissioner.
- (f)
 - (4) Obtain and process fingerprints, or designate an agency to obtain and process fingerprints;
 - (7) Establish standards for licensing gaming operations;
 - (8) Issue facility gaming licenses to gaming operations;
 - (17) Establish a list of persons not allowed to game in gaming facilities in order to maintain the integrity of the gaming;
 - (18) Establish a list of persons who have voluntarily asked to be excluded from the gaming facility(s) and create regulations for enforcing this exclusion;
 - (22) Perform such other duties the Commission deems appropriate for the proper regulation of the gaming operations;
- (g) The Gaming Commission . . . processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the gaming operation on a need-to-know basis for . . . duties.
- (h) Terms of Office for Tribal Gaming Commission shall be as follows: the Chair shall serve an initial term of four (4) years, with subsequent Chairs serving five-year terms. The Vice-Chair shall serve an initial term of three (3) years, with subsequent Vice-Chairs serving five-year terms. The Commissioner(s) shall serve an initial term of two (2) years, with subsequent Commissioners serving five-year terms.

Section 112. Patron Dispute Resolution

- (a) The Tribal Gaming Commission, as established in this Ordinance, is authorized to oversee and regulate all gaming activities authorized by this Ordinance, including decision-making authority in regard to any disputes that may arise by the gaming public.
- (b) Patrons having a dispute with the gaming establishment, a Gaming Operator or Management Company licensed by the Tribal Gaming Commission may request that the Gaming General Manager or Operator resolve the dispute within seven (7) days of the occurrence.

- (c) If dissatisfied with the results received from the Gaming General Manager or Operator, patrons have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission.
 - (1) Complaints shall be submitted in writing and must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint;
 - (2) The Gaming Commission shall hold a hearing within thirty (30) days of receipt of petitioner's complaint and, at the discretion of the Commission, the petitioner may be allowed to present evidence. Petitioner may be represented by counsel;
 - (3) The Commission shall render a decision in a timely fashion and all such decisions shall be final when issued and shall constitute the complainant's final remedy.
- (d) All claims by patrons shall be limited to a maximum recovery of \$10,000.00 per occurrence, and a cumulative limit of \$50,000.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize.

Section 113. Tribal Internal Control Standards

- (a) The Tribe gives responsibility to the Tribal Gaming Commission to conform with 25 C.F.R. § 542 to adopt and implement Tribal Internal Control Standards (TICS) for the operation of Tribally Owned and Non-Tribally Owned gaming operations in accordance with applicable law.
- (b) The TICS shall be set out in separate regulations to be reviewed and approved by the Tribal Gaming Commission.

Section 114. Facility Licenses

- © The Gaming Commission Chairperson is authorized to issue temporary facility licenses not to exceed 30-days and may renew said temporary licenses for 30-day periods.

Section 201. Licenses for Key Employees and Primary Management Officials

- (a) The Tribal Gaming Commission 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 enterprise operated on Indian Lands. The Gaming Commission will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.
- (b) Notwithstanding anything herein to the contrary, if the Applicant has completed a License Application, the Gaming Commission may immediately issue a temporary license if:

- (1) The Gaming Commission has conducted a preliminary, local, background investigation; and
 - (2) Based on the preliminary investigation, the information does not indicate that the Applicant has a criminal history.
- (c) A temporary license shall not exceed 90 days.

Section 202. License Application Forms

- (a) All applications for Gaming Employee Licenses for Key Employees and Primary Management Officials shall include the following notices which shall be pre-printed at the beginning of each application:

"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 the individuals to be employed in a gaming operation. The information will be used by the Tribe and 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 issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operations. 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."

[25 C.F.R. §556.2(a)]

- (b) The following additional notice shall be pre-printed on said applications:

"A false statement on any part of this application may be grounds for denying a license or the suspension or revocation of a license and may subject you to criminal charges punishable by fine or imprisonment under federal law pursuant to 18 U.S.C. 1001."

[25 C.F.R. §556.3(a)]

Section 204. Fingerprints.

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken

electronically by the Gaming Commission or its designated agency. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

Section 205. Background Investigations.

- (a) The Gaming Commission or its designated agency shall be responsible for conducting background investigations. Suitability determinations shall be made by the Gaming Commission under Section 207 below.

New Section 309. Violations and Sanctions

- (a) Any person who engages in Gaming or Gaming related activities on property subject to the provisions of this Ordinance without a gaming license, or in violation of the terms imposed by a Gaming License, or in violation of the terms of a suspension imposed by the Gaming Commission on that Gaming License, or in violation of any other provision of this Ordinance and regulations promulgated hereunder, or amendments hereto, shall be in violation of the Ordinance. This provision shall apply to any person who is upon any premises licensed by this Ordinance without the consent of the licensee and/ or the Gaming Commission.
- (b) Violation of any provision of this Ordinance or any of the Gaming Commission's Regulations by a Licensee, his or her agent or employee:
 - (1) Shall be deemed contrary to the public safety, good order, and general welfare of the Tribe and its members;
 - (2) May be grounds for refusing to grant or renew a License, or for suspension or revocation of a license;
 - (3) May be grounds for filing a complaint with the National Indian Gaming Commission, may be grounds for filing criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Commission; and
 - (4) In the case of a licensee being convicted of a felony, shall be grounds for immediate revocation of the License.
- © Acceptance of a License or renewal thereof or condition imposed thereon by a Licensee constitutes agreement of the part of the Licensee to be bound by all the regulations and/or conditions of the Gaming Commission and by the provisions of this Ordinance, and the regulations promulgated hereunder, and as the same may informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violations.
- (d) Any person in violation of this Ordinance shall be subject to sanctions under this Ordinance. The following provisions shall govern the response of the Gaming Commission to violations:

- (1) Each day of violation may constitute a separate count or violation of this Ordinance. Separate violations shall be heard as separate offenses before the Gaming Commission and/or prosecuted by a court of appropriate jurisdiction;
 - (2) All property used in each and every separate violations of this Ordinance may become the property of the Tribe. All property used in each and every separate violation of this Ordinance may be subject to forfeiture following a hearing;
 - (3) Violators may also be required to pay court costs, storage fees, and auction or sales fees;
 - (4) Persons may be excluded or ejected from Gaming Enterprises or prohibited from trespassing on premises licensed under this Ordinance, and may be subjected to civil penalties or sanctions for violating any provision of this Ordinance;
 - (5) Licenses may be suspended, revoked, or limited and/or Gaming Establishments may be forcibly closed;
 - (6) Winnings found to have been received in violation of this ordinance may be confiscated and may, following a hearing, be forfeited and become the property of the Tribe; and
 - (7) Civil penalties may be imposed as additional sanctions, in the amounts prescribed and in accordance with the hearing procedures set forth in the Ordinance.
- (e) Any of the above actions may be taken at the discretion of the Gaming Commission.

New Section 310. Civil Penalty Provisions

It shall be a civil violation of the laws of the Kialegee Tribal Town to disobey the provisions of this Ordinance or any regulations promulgated by the Gaming Commission, or any proper order issued under the authority of this Ordinance. Any person or Licensee found to be guilty of such violation may be assessed a civil penalty. Civil penalties may be imposed pursuant to and in compliance with the provisions of this Ordinance, and any regulations promulgated by the Gaming Commission under the authority provided in this Ordinance. Civil penalties may be imposed in addition to the imposition of any other sanctions permitted under this Ordinance, including but not limited to suspension or revocation of the Gaming License. Civil penalties may be imposed up to the amount of \$25,000.00 for each individual violation, exclusive of any restitution.

New Section 311. Exclusion of Individuals From Gaming Activities

- (a) Any operator shall have the authority and discretion to exclude from gaming activities or gaming facilities, any individual who:
 - (1) Appears to be under the influence of intoxicants;

- (2) Appears to be losing an unreasonable amount of money at gaming activities;
 - (3) Appears to be violating rules or regulations governing gaming activities as established by the Commission or the Operator; or
 - (4) By virtue of his or her condition or activities, disturbs the peaceful participation of other individuals in gaming activities or disrupts the orderly conduct of the gaming activity.
- (b) An operator may make reasonable inquiries of individuals in the course of determining whether any of the activities defined in paragraph (a) above are occurring.
- © An operator who excludes any individual pursuant to this section shall not incur any liability, criminal or civil, as a result of an exclusion under this section.

New Section 312. Sovereign Immunity

The Business Committee acting on behalf of the Kialegee Tribal Town by this enactment, does expressly retain and does not in any way waive its sovereign immunity as expressed in treaties, laws or in any other manner.

New Section 313. Savings Clause

If any clause, provision or section of this ordinance shall be ruled invalid or unenforceable by any court of competent jurisdiction by final order after all appellate jurisdiction is exhausted, such judgment shall not invalidate or render unenforceable any other remaining provisions of this ordinance. Until such final order is entered and review exhausted, the questioned provisions shall be valid absent an enforceable injunction to the contrary.



Kialegee Tribal Town
P.O. Box 882
Wetumka, Oklahoma 74883
Tiger Hobbs, Town King
Justina Yargee, 1st Warrior

**Kialegee Tribal Town Resolution
TR-2011-9-23**

**RESOLUTION OF THE KIALEGEE TRIBAL TOWN BUSINESS COMMITTEE
CORRECTING SECTION 202 OF THE KIALEGEE TRIBAL TOWN OF OKLAHOMA
GAMING ORDINANCE AS PROVIDED FOR IN THE ATTACHED "EXHIBIT A",
EFFECTIVE IMMEDIATELY.**

WHEREAS, the Kialegee Etlwv (Tribal Town) is one of the original towns of the Mvskoke Confederacy and Kialegee Mekko (Town King), Cheaca Hajo, did sign the June 29, 1796 treaty of peace between the Creek Confederacy and the United States (7 Stat. 56) as the representative of the Kialegee Tribal Town; and

WHEREAS, the Kialegee Etlwv (Tribal Town) was organized pursuant to the provisions of the Oklahoma Indian Welfare Act ("OIWA") of the June 26, 1936 (49 Stat. 1967, codified at 25 U.S.C. §§ 501-509) with a Constitution and By-Laws ratified by the tribal membership on June 12, 1941, as well as, a Corporate Charter ratified on September 17, 1942; the Tribal Town conducts all business pursuant to its OIWA organizing documents and has continuously maintained its governmental organization since ratification thereof; and

WHEREAS, the Kialegee Constitution states; at Article II, Section 2, identifies that following as among the purposes for the Town's organization pursuant to the IOWA: "secure[ing] and obtain[ing] the benefits, rights, privileges, and powers as provided by the existing laws of the United States and those which hereafter may be enacted for the good and benefit of Indians or other citizens of the United States administered by different governmental agencies, such as relief, conservation, rehabilitation, resettlement, hospitalization, education, economic and all other programs that may be for the good and benefit of the members of the Town;" and

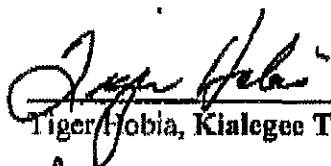
WHEREAS, the Kialegee Tribal Town Business Committee ("Business Committee") is the duly elected governing body of the Town and is empowered by the Tribe's Constitution, at Article IV, Section 3, to "transact business or otherwise speak or act on behalf of the Town in all matters on which the Town is empowered to act" which powers to act are set forth in the Town's Corporate Charter which, specifically include but are not limited to, the power to sue and be sued in any court and enter into any obligation or contract; and

WHEREAS, it is necessary to correct Section 202 of the KTT Gaming Ordinance to reflect the exact language required by NIGC; and the Business Committee believed it to be in

the best interest of the Tribe for the Gaming Ordinance to be so corrected; and
NOW THEREFORE BE IT RESOLVED, that on behalf of the Kialegee Tribal Town, the
Business Committee hereby corrects Section 202 of the Kialegee Tribal Town of
Oklahoma Gaming Ordinance as provided for in the attached "Exhibit A",
effective immediately.

We, the undersigned officers of the Kialegee Etlwv (Tribal Town) Business Committee, do
hereby certify that the foregoing Resolution TR-2011-9-23 was duly adopted on the
day of September, 2011 by a vote of 1 for, 0 against, and
Abstaining.

ATTEST:



Tiger Hobbs, Kialegee Tribal Town Meko

9-23-11

[DATE]



Lynelle Shatswell, Secretary

9/23/11

[DATE]

SECTION 202 of the KTT GAMING ORDINANCE

Section 202. License Application Forms

- (a) All applications for Gaming Employee Licenses for Key Employees and Primary Management Officials shall include the following notices which shall be pre-printed at the beginning of each application:

"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 the individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the 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 issuance, denial, 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 license you for 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."

[25 C.F.R. §556.2(a)]

- (b) The following additional notice shall be pre-printed on said applications:

"A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001)."

[25 C.F.R. §556.3(a)]