

**NATIONAL
INDIAN
GAMING
COMMISSION**

NOV 18 1996

Robert Ogo, Executive Director (Acting)
Yavapai Gaming Commission
P.O. Box 10190
Prescott, Arizona 86304-0190

Dear Mr. Ogo:

This letter responds to your request to review and approve the amendments to the Yavapai-Prescott Indian Tribe's gaming ordinance which was submitted on November 8, 1996. The amendments were adopted by Resolution Numbers 96-14 and 96-16 on May 21, 1996. The Yavapai-Prescott Tribe's Gaming Ordinance (Ordinance) was approved by the Chairman of the National Indian Gaming Commission (NIGC) on December 13, 1995.

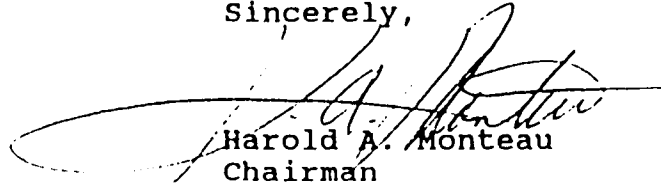
Under the Indian Gaming Regulatory Act (IGRA) and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. The scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval.

The amendments do not require approval by the NIGC. Resolution Number 96-14 addresses a Class III Gaming activity which is to be conducted in accordance with the Yavapai-Prescott and State of Arizona compact. The NIGC is not authorized to approve Class III activities. See 25 U.S.C. § 2706.

Resolution Number 96-16 addresses Class II nonbanking card games. The approved Ordinance includes Class II gaming at § 4 (A). The NIGC regulations define Class II card games as nonbanking card games. See 25 C.F.R. § 502.3(c), see also, NIGC Bulletin No. 95-1. So long as the nonbanking card games are played in conformity with the Ordinance and with the NIGC regulations, the Yavapai-Prescott Indian Tribe has already acquired the necessary approval from the NIGC.

Thank you for submitting the Yavapai-Prescott Indian Tribe's amendments for review. If you have further questions or require further assistance, please contact Cherie Thomas at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold A. Monteau", is written over a large, horizontal, looping flourish. The signature is positioned above the printed name and title.

Harold A. Monteau
Chairman

cc: Mr. Bill Goode, Casino Office Manager

RESOLUTION NO. 96-14
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

WHEREAS, the Yavapai-Prescott Indian Tribe of Yavapai County, Arizona (the "Tribe") executed the Tribal State Gaming Compact of 1993 with the State of Arizona, to conduct "Class III Gaming" activities, and

WHEREAS, the Tribal-State Compact identifies allowable "Class III" games as (1) gaming devices, (2) Keno, (3) lottery, (4) off-track parimutuel wagering, (5) parimutuel wagering on horse racing, and (6) parimutuel wagering on dog racing, and

WHEREAS, pursuant to provisions of the Compact, tribes are required to submit appendices prior to conducting any allowable Class III gaming activities authorized in the Compact or any amendments thereto, and

WHEREAS, the Tribe has authorized the Class III game of Keno as an additional Class III gaming activity, to be conducted in accordance with the Tribal State Gaming Compact, the Indian Gaming Regulatory Act and regulations promulgated thereunder, and Ordinance No. 13.

WHEREAS, the Tribe's Board of Directors, in concurrence with the Arizona State Gaming Department, negotiated the following revisions to Keno Appendix D:

1. Page 5, Section V: added item Number 9 "Number Selection - Rabbit Ear System - Main Keno Game.
2. Page 6, Section 5: revised the item entitled "Random Number Generated Systems". This is now item Number 10.

NOW, THEREFORE BE IT RESOLVED THAT the Board of Directors adopt the revised Keno Appendix D to be part of the Tribal-State Gaming Compact of 1993.


BE IT FURTHER RESOLVED THAT:

1. The Board of Directors authorizes the President to sign any related documents.
2. Adoption of this Resolution will supersede Resolution No. 96-07.
3. The term of this Resolution will be for the duration of the 1993 Compact.

Resolution 96-14
Page Two

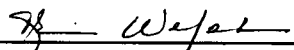
C E R T I F I C A T I O N

I, the undersigned as President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members of whom 5 members constituting a quorum were present at a Special Board Meeting this 21st day of May, 1996 and that the foregoing Resolution was adopted by a vote of 3 for, 0 against, and 1 abstention under the Articles of Association, Article VI, Section 1, paragraph (b), (f), (g), and (h).



PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:



SECRETARY, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

RESOLUTION NO. 96-15
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

WHEREAS, the Yavapai-Prescott Indian Tribe does not have any Tort Claim Procedures for patron claims/disputes that may be made against our Yavapai Gaming Casino, Officers, Directors, Agents and/or Employees, and

WHEREAS, such Tort Claim Procedures are a requirement of the Yavapai-Prescott Indian Tribe and State of Arizona Gaming Compact, and

NOW, THEREFORE BE IT RESOLVED that the Board of Directors approves and adopts the following as the Tort Claim Procedures for the Yavapai-Prescott Indian Tribe. The Procedures follow Chapters 1 and 2 of the Yavapai-Prescott Indian Tribe Law and Order Code with additional language clarifying jurisdiction and sovereign immunity preceding the chapters.

Specific changes to the Law and Order Code will read as follows:

Section 2.4 Damages

Where the injury inflicted was the result of negligence of a defendant, other than the Tribe, its Officers, Directors, Agents and/or Employees, the judgment shall fairly compensate the injured party for the loss he has suffered. In any action against the Tribe, its Officers, Directors, Agents and Employees the foregoing parties shall not be deemed to have waived immunity from suit with respect to any claims."

BE IT FURTHER RESOLVED THAT:

1. The Board of Directors requests approval from the Secretary of the Interior or his designee.
2. The changes will become effective upon the approval of the Secretary of the Interior.
3. This amendment will supercede previous Section 2.4, Page 21 of the Law and Order Code.

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

I, the undersigned, as President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members, of whom 5 members constituting a quorum, were present at a Special Board Meeting this 21st day of May, 1996 and that the foregoing Resolution was adopted by a vote of 3 for, 0 against, and 1 abstention under the Articles of Association, Article VI, Section 1 paragraph (b), (f), (g), (h), and (i).



PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:



SECRETARY, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

RESOLUTION NO. 96-16
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

WHEREAS, the Yavapai-Prescott Indian Tribe of Yavapai County, Arizona (the "Tribe") enacted a Gaming Ordinance ("Ordinance No. 13"), to conduct lawful gaming pursuant to Public Law 100-497, known as the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 et seq. (the "Act"), and the regulations promulgated thereunder by the National Indian Gaming Commission;

WHEREAS, Ordinance No. 13 governs and regulates the operation, conduct and playing of (1) "Class II Gaming," as defined by the Act, and the regulations promulgated by the National Gaming Commission, and (2) "Class III Gaming," as defined by the Act and the regulations promulgated by the National Indian Gaming Commission, so that revenue may be produced for the support of Tribal government programs which promote economic development and the health, education and welfare of the Tribe and its members;

WHEREAS, pursuant to the Act, regulations promulgated thereunder and Ordinance No. 13, the Tribe has engaged, licensed and regulated certain Class II and Class III games as defined by the Act and regulations promulgated thereunder, and


WHEREAS, in addition to the Tribe's current Class II and Class III gaming activities, the Tribe desires to conduct Class II nonbanking card games, as defined by the Act and regulations promulgated thereunder, and in accordance with the Act, regulations promulgated thereunder and Ordinance No. 13,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Tribe to engage in, license and regulate, Class II nonbanking card games as additional Class II gaming activities to be played in accordance with and pursuant to the Act, regulations promulgated thereunder and Ordinance No. 13. Such Class II nonbanking card games shall consist of such games that:

1. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State of Arizona; and
2. Players play in conformity with state laws and regulations concerning hours, periods of operation and limitation on wagers and pot sizes.

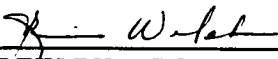
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PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:



SECRETARY, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE