

Wewoka, Oklahoma 74884

NOTICE OF VIOLATION

Ref. No.: NOV-99-03

VIA FAX AND CERTIFIED MAIL

Z 247 687 820

To: Jerry Haney, Principal Chief  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, Oklahoma, 74884

Respondent

1. Under National Indian Gaming Commission (hereinafter referred to as the "NIGC") regulations, the Chairman may issue a notice of violation to any person for violation of any provision of the Indian Gaming Regulatory Act (hereinafter referred to as "IGRA") or NIGC regulation or any provision of the tribal gaming ordinance or resolution approved by the Chairman. 25 C.F.R. § 573.3.
2. The Chairman hereby gives notice that the Seminole Nation of Oklahoma (hereinafter referred to as the "Tribe" or the "Respondent"), located in Wewoka, Oklahoma is in violation of IGRA, NIGC regulations, and its tribal gaming ordinance.
3. On February 24, 1994, the Tribe adopted a gaming ordinance by Resolution #94-2 (hereinafter referred to as the "Ordinance") which was submitted for approval to the NIGC. This Ordinance was approved by the Chairman of the NIGC on May 31, 1994.
4. This Ordinance requires the Respondent to conduct background investigations including a criminal history check for each key employee and primary management official employed at Seminole Nation Bingo. Title 15, Sec. 204(g). The Respondent is also required by the Ordinance to submit an investigative report and suitability determination to the NIGC within 60 days after an employee commences employment. Title 15, Sec. 205-B (a) and (b).
5. The Tribe opened the Seminole Nation Bingo, located on Indian lands in Wewoka, Oklahoma in August 1996. This facility has been in operation from the opening date until the present.
6. To ensure the completeness of the investigative reports and the efficiency in processing them, Linda Sumner, the NIGC Section Chief for Tribal Background Investigations, informed the Tribe that it should wait until it received the FBI CJIS (CJIS) fingerprint results from the

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NIGC before it sent in the completed applications and investigative reports to the NIGC. Specifically, on February 13, 1998, Ms. Sumner told the Respondent to complete the reports and to send them in within two weeks of receiving the CJIS results.

7. The NIGC sent the fingerprint cards for the Respondent's employees to the CJIS on January 24, 1995, June 12, 1996, April 7, 1997, May 5, 1997 and October 31, 1997. The NIGC disseminated the results of the fingerprint cards from the CJIS to the Respondent on March 31, 1995, August 30, 1996, June 11, 1997, June 13, 1997 and August 6, 1997. Within two weeks of receipt of the fingerprint results, Respondent should have completed the background investigations, written the investigative reports for those individuals for whom they had fingerprint results, and sent the reports to the NIGC. To date, the Respondent has not sent the NIGC completed employee applications or any investigative reports for all of the individuals whose fingerprint results were disseminated. NIGC records also reflect that the Respondent has not submitted fingerprint cards and applications for other key employees who are currently employed at Seminole Nation Bingo.
8. The Respondent is in violation of IGRA, NIGC regulations and the Ordinance as follows:
  - a. The IGRA requires a tribe to conduct background investigations on primary management officials and key employees and to notify the NIGC of the results of such background checks before the issuance of any gaming licenses. 25 U.S.C. § 2710(b)(2)(F).
  - b. NIGC regulations require a tribe to forward to the NIGC employment applications, an investigative report on each background investigation conducted and a copy of the suitability determination. 25 C.F.R. § 556.5(b). The procedures for the forwarding of reports to the NIGC are set forth in 25 C.F.R. § 558.3.
  - c. The Tribe's Ordinance, at Section 205-B, requires the Tribe to submit both the investigative report on each background investigation, and the suitability determination to the NIGC. Title 15, Sec. 205-B (a) and (b).
  - d. The Chairman has determined that the Respondent has failed to forward completed applications and investigative reports to the NIGC as required. Because of this failure the Respondent is in violation of IGRA, NIGC regulations and its Ordinance.
  - e. This Notice of Violation addresses both past and continuing violations.

9. The measures required to correct the violations are:

The NIGC must receive all reports required by 25 C.F.R. § 556.5 within 15 days of the date of this Notice. The Respondent must also submit fingerprint cards for those current employees and primary management officials that have not previously been submitted and complete background investigations, submit employee applications, investigative reports and suitability determinations to the NIGC. The documents should be submitted to: Chairman, National Indian Gaming Commission,

1441 L Street, NW, 9th Floor, Washington, DC 20005. Failure to do so is a substantial violation and may result in a closure order in accordance with 25 C.F.R. § 573.6.

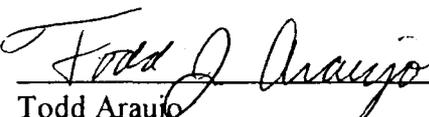
10. The violations cited in this NOV may result in the assessment of civil fines against the Respondent in an amount not to exceed \$25,000 per violation per day. Under 25 C.F.R. § 575.5(a), the Respondent may submit written information about the violations to the NIGC Chairman within 15 days after service of this NOV (or such longer period as the NIGC Chairman may grant for good cause). The NIGC Chairman shall consider any information submitted in determining the facts surrounding the violations and the amount of the civil fine, if any. Such information should be submitted to the address set forth in paragraph 9.
11. The Respondent may appeal the allegations contained in this NOV to the NIGC within 30 days after service of this NOV. 25 C.F.R. Part 577. The Respondent may appeal the allegations by submitting a Notice of Appeal to the NIGC at the address set forth in paragraph 9 above. The Respondent has a right to be represented by counsel in such an appeal. A Notice of Appeal must reference this NOV. Within ten (10) days after filing a Notice of Appeal, the Respondent must file with the NIGC a supplemental statement that states with particularity the relief desired and the grounds therefore and includes, when available, supporting evidence in the form of affidavits.

If the Respondent wishes to present oral testimony or witnesses at a hearing, the Respondent must include a request to do so with the supplemental statement. The request to present oral testimony must specify the names of the proposed witnesses and the general nature of their expected testimony, and whether a closed hearing is requested and why. The Respondent may waive the right to an oral hearing and instead elect to have the matter determined by the NIGC solely on the basis of the written submissions.

12. A copy of the regulations cited in this NOV is attached for your information.

  
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Montie R. Deer, Chairman  
National Indian Gaming Commission

3/2/99  
Date

  
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Todd Araujo  
Attorney  
Phone # (202) 632-7003  
Fax # (202) 632-7066

3/1/99  
Date