NATIONAL INDIAN GAMING COMMISSION

NOTICE OF VIOLATION

NOV-09-36

TO: Anthony L. Addison Sr., Chairman
(Agent for Service of Process)
Northern Arapaho Tribe
P.O. Box 396
Fort Washkie, WY 82514
FAX: (307) 332-7543

Patrick Lawson, Chairman
Northern Arapaho Gaming Agency
P.O. Box 9281
Arapaho, WY 82510
FAX: (307) 856-3705

1. Notification of Violation

The Chairman of the National Indian Gaming Commission (NIGC) hereby gives notice that the Northern Arapaho Tribe (Respondent or Tribe), located in Ethete, Wyoming, violated the Indian Gaming Regulatory Act (IGRA) by failing to submit fees for its Little Wind casino and violated NIGC regulations by failing to submit timely fee payments for its Wind River casino.

2. Authority

Under the Indian Gaming Regulatory Act (IGRA) and NIGC regulations, the Chairman of the NIGC (Chairman) may issue a Notice of Violation (NOV) to any person for violation of any provision of the IGRA, NIGC regulations, or any provision of a tribal gaming ordinance or resolution approved by the Chairman. 25 U.S.C. § 2713; 25 C.F.R. § 573.3.

3. Applicable Federal Laws and Tribal Ordinance Provisions

   A. IGRA requires the NIGC to establish a schedule of fees to be paid to the Commission annually by each gaming operation that conducts a class II or class III gaming activity. 25 U.S.C. § 2717(a)(1).

   B. NIGC regulations require that each gaming operation under the jurisdiction of the Commission shall pay to the Commission annual fees as established by the Commission. 25 C.F.R. § 514.1(a).

   C. NIGC regulations require each gaming operation to determine the amount of fees to be paid and to remit them to the Commission with the quarterly statement. The due dates for the quarterly statement and payment of fees are March 31, June 30, September 30, and December 31. 25 C.F.R. § 514.1(c)(5).

   D. Failure to pay fees at all is a violation of the IGRA and is grounds for revocation of the approval of the Tribe's gaming ordinance. 25 U.S.C. § 2717(a)(4).

   E. NIGC regulations designates the failure to pay the annual fee required by 25 C.F.R. § 514 as a substantial violation and provides that the Chairman may issue an order of temporary closure for such violation. 25 C.F.R. § 573.6.

   F. NIGC regulations define "gaming operation" as "each economic entity that is licensed by a tribe, operates the games, receives the revenues, issues the prizes and pays the expenses." A gaming operation may be operated by a tribe directly; by a management contractor; or, under certain conditions, by another person or other entity. 25 C.F.R. § 502.10.

4. Role of Quarterly Fees

   The annual fees collected by the NIGC are necessary in order to fund the agency's oversight and regulation of Indian gaming and are based upon the quarterly statements submitted by Indian gaming operations. NIGC must set a fee rate sufficient to fund its annual budget, yet may not exceed the fee cap set by Congress. Thus, it is imperative that the NIGC receive fee payments from the gaming operations in a timely manner so that the NIGC is able to set accurate preliminary and final fee rates.

5. Circumstances of the Violation

A. Respondent is a federally recognized Indian tribe with tribal headquarters in Ethete, Wyoming.

B. The Tribe operated its gaming operations: Wind River Casino; Little Wind Casino; and the 789 Truck Stop & Casino during all or part of 2007 and 2008.

C. The 789 Truck Stop opened on June 1, 2008, therefore no fee payments were due for the 789 Truck Stop in 2008.

D. On March 16, 2009 the Tribe submitted quarterly statements for its Little Wind Casino for the 1st and 4th quarters of calendar year 2008. These worksheets establish that the Tribe owes fees to the NIGC for this gaming operation for calendar year 2008 that it has not paid.

E. The NIGC did not receive any fees for the Little Wind Casino for calendar year 2008 and received untimely fee payments for Wind River Casino for calendar year 2008 as follows:

Facility	Fee Payment Due Date	Payment Rec'd Date
Wind River Casino	9/30/2008	4/21/2009
	12/31/2008	4/21/2009
Little Wind Casino	3/31/2008	NOT RECEIVED
	6/30/2008	NOT RECEIVED
	9/30/2008	NOT RECEIVED
	12/31/2008	NOT RECEIVED

F. The Tribe's failure to submit any fees for calendar year 2008 for Little Wind Casino violates the IGRA.

G. The Tribe's untimely filing of fees for Wind River Casino violates NIGC regulations.

6. Measures Required to Correct the Violation

While there is no remedial action that can correct the untimely payment of fees, improved controls to ensure timely submission of future fees should be put in place. Moreover, to correct the on-going violation, the Tribe should immediately submit the requisite fees for Little Wind Casino.

7. Appeal

Within thirty (30) days after service of this Notice of Violation, Respondent may appeal to the full Commission under 25 C.F.R. Part 577 by submitting a notice of appeal, and, if desired, request for hearing to the National Indian Gaming Commission, 1441 L Street NW, Ninth Floor, Washington, DC 20005. Respondent has a right to assistance of counsel in such an appeal. A notice of appeal must reference this Notice of Violation.

Within ten (10) days after filing a notice of appeal, Respondent must file with the Commission a supplemental statement that states with particularity the relief desired and the grounds therefore and that includes, when available, supporting evidence in the form of affidavits. If Respondent wishes to present oral testimony or witnesses at the hearing, Respondent must include a request to do so with the supplemental statement. The request to present oral testimony or witnesses must specify the names of proposed witnesses and the general nature of their expected testimony, whether a closed hearing is requested and why. Respondent may waives its right to an oral hearing and instead elect to have the matter determined by the Commission solely on the basis of written submissions.

8. Fine-Submission of Information

The violation cited above may result in the assessment of a civil fine against Respondent in an amount not to exceed $25,000 per violation per day. Under 25 C.F.R. § 575.5(a), Respondent may submit written information about the violation to the Chairman within fifteen (15) days after service of this notice of violation (or such longer period as the Chairman may grant for good cause). The Chairman shall consider any information submitted in determining the facts surrounding the violation and the amount of the civil fine, if any.

9. Assessment of Interest

Interest may be assessed at rates set by the Secretary of the Treasury on amounts remaining unpaid after their due date. 31 U.S.C. § 3717 and 25 C.F.R. § 514 .1 (c)(10).

10. Order of Temporary Closure

Failure to pay the fees required by 25 C.F.R. § 514.1 constitutes a substantial violation of NIGC regulations, which could result in the issuance of a temporary closure order. 25 C.F.R. § 573.6(a)(2) . In addition, the failure to pay fees, any applicable penalties, and interest related thereto may be grounds for closure. 25 C.F.R. § 514 .1 (e)(1).

11. Revocation of Ordinance

The failure to pay fees, any applicable penalti es, and interest related thereto is grounds for the disapproval or the revocation of approval of the Chairman of any license, ordinance, or resolution required under the IGRA for the operation of gaming. 25 C.F.R. § 514 .1 (e)(2).

Dated this 27 of August, 2009

PHILIP N. HOGEN
Chairman

CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Violation, In the Matter Of: Northern Arapaho Tribe NOV-09-36, has been sent by registered U.S. Mail and facsimile this 27th day of August, 2009, to:

Anthony L. Addison Sr. **(Agent for Service of Process)**
Chairman
Northern Arapaho Tribe
P.O. Box 396
Fort Washkie, WY 82514
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