

In the Matter of

Seminole Tribe of Florida, Respondent
regarding an Indian gaming operation in
Immokalee, Florida

STIPULATED NOTICE OF VIOLATION AND AGREED CIVIL FINE ASSESSMENT

To: The Honorable James E. Billie, Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

NOTICE

1. Pursuant to the Indian Gaming Regulatory Act ("IGRA" or "Act"), and by virtue of authority vested in the Chairman of the National Indian Gaming Commission ("NIGC"), the Chairman hereby gives notice that the Seminole Tribe of Florida (hereafter referred to as the Tribe), located in Hollywood, Florida, are in violation of Section 2711 of Title 25 of the United States Code, and regulations adopted by the NIGC pursuant to its authority under the Act.
2. The circumstances of the violations are:
 - A. The Tribe operates a gaming facility on Indian land in Immokalee, Florida.
 - B. In February 1994, Pan American & Associates Ltd. ("Pan American") began managing the Tribe's gaming facility in Immokalee, Florida. Thereafter, a management agreement dated August 25, 1994, was executed by James Billie for the Tribe and Jim R. Clare on behalf of Pan American. That agreement appeared to formalize the arrangement whereby Pan American managed the Immokalee Indian gaming operation for the Tribe. Although the agreement recited that it would become effective upon approval by the Chairman of the National Indian Gaming Commission, such approval was not obtained.
 - C. Thus, from February 1994, until February 1999, Pan American did manage the Tribal gaming operation at Immokalee, Florida without a management contract approved by the Chairman of the National Indian Gaming Commission.

D. Such a management arrangement constituted a violation of 25 U.S.C. § 2711, and 25 C.F.R. Part 533.

3. To correct this continuing violation the Tribe shall ensure 1) that no direct or indirect financial connection exists between Pan American and any person employed at the Immokalee gaming operation, and 2) that Pan American exercise no control or authority over employees of the Immokalee gaming operation.

AGREEMENT FOR SETTLEMENT

4. This Agreement (Agreement) is entered into by and between the Seminole Tribe of Florida by a duly authorized office or agent and the Chairman of the National Indian Gaming Commission (Chairman), relating to the role of Pan American in the Tribe's gaming operation at Immokalee, Florida, from February 1994, to February 1999.

5. This Agreement is entered pursuant to 25 C.F.R. § 575.6(b). The Agreement shall be effective upon signature by all parties and receipt of payment by the National Indian Gaming Commission.

6. Respondent admits the facts set forth in Paragraphs One (1) and Two (2) above and that NIGC possesses jurisdiction over this action.

7. Respondent is aware of its rights to:

- a. submit written information about the violation to the Chairman prior to issuance of a civil fine assessment by the Chairman (and to have at least fifteen days after the issuance of a notice of violation to do so) under 25 C.F.R. § 575.5;
- b. appeal the notice of violation to the Commission under 25 C.F.R. § 577;
- c. obtain a hearing to contest the matter under 25 C.F.R. § 577;
- d. seek a reduction or waiver of a civil fine under 25 C.F.R. § 575.6; and
- e. appeal any final determination by the Commission to a federal district court.

8. Respondent nevertheless waives the rights specified above and any other right to seek judicial review or otherwise challenge or contest the Chairman's actions under this agreement. Respondent also waives any right to have the Chairman provide his written analysis of the factors to be considered in assessing a civil fine set forth under 25 C.F.R. § 575.4.

9. Respondent affirms that Pan American has ceased all involvement in the Immokalee gaming operation.

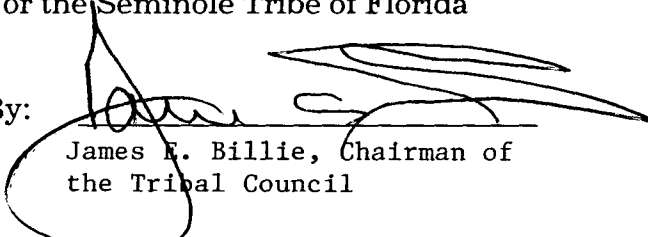
10. The Tribe and the Chairman are desirous of resolving the matter without the costs and uncertainties of formal administrative and judicial proceedings.

11. If this agreement is accepted by the Chairman, the Chairman will issue a Civil Fine Assessment which shall become a final order of the Commission and shall contain the following text: "CIVIL FINE ASSESSMENT - Pursuant to the Indian Gaming Regulatory Act ("IGRA" or "Act"), and by virtue of authority vested in the Chairman of the National Indian Gaming Commission ("NIGC"), the Chairman has found the Seminole Tribe of Florida (hereafter referred to as the Tribe), located in Hollywood, Florida, to be in violation of Section 2711 of Title 25 of the United State Code, and regulations adopted by the NIGC pursuant to its authority under these laws. Accordingly, Respondent shall pay civil fines as follows: The Tribe shall pay the sum of three million dollars (\$3,000,000.00). Pan American has agreed to return to the Tribe the sum of two million dollars (\$2,000,000.00) which shall constitute a return of income from the Immokalee operation. Pan American has ceased all involvement in the Immokalee gaming operation."

12. This agreement shall not become public unless and until it is accepted by the Chairman. This agreement contemplates that if it is accepted by the Chairman, the Chairman will, without further notice to the Respondent, simultaneously issue the Notice of Violation (set forth in Paragraphs One (1) through Three (3) above), and the Civil Fine Assessment (set forth in Paragraph Eleven (11) above). At such time as they are executed by the Chairman, these documents become a matter of record.

For the Seminole Tribe of Florida

By:


James E. Billie, Chairman of
the Tribal Council

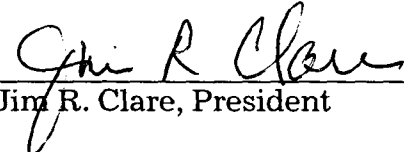
Date:


5/25/02

Seen and agreed:

PAN AMERICAN & ASSOCIATES LTD.
by and through its General Partner
Pan American & Associates, Inc.
Jim R. Clare, President

By:


Jim R. Clare, President


Montie R. Deer
Chairman
National Indian Gaming Commission