



August 14, 2018

VIA FIRST CLASS MAIL

Cheryl Andrews-Maltais  
Chairwoman  
Wampanoag Tribe of Gay Head (Aquinnah)  
20 Black Brook Road  
Aquinnah, MA 02535

Re: Resolution 2018-0017 Amending Wampanoag Tribe of Gay Head (Aquinnah) Gaming Ordinance

Dear Chairwoman Andrews-Maltais:

This letter responds to your July 17, 2018, request on behalf of the Wampanoag Tribe of Gay Head (Aquinnah) for the National Indian Gaming Commission Chairman to review and approve Resolution 2018-0017, an amendment to the Tribe's gaming ordinance approved by operation of law on August 29, 2013.

The gaming ordinance amendment is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter or the ordinance review process, please contact Tana Fitzpatrick, Staff Attorney, at (202) 632-7003.

Sincerely,

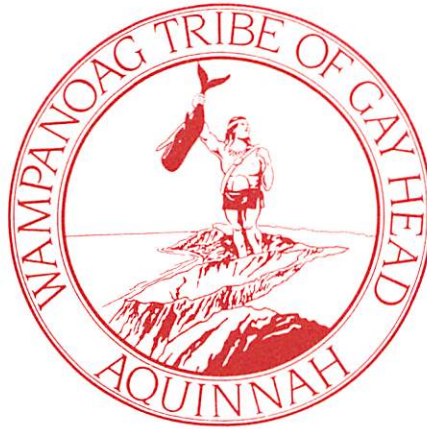
A handwritten signature in black ink, which appears to read "Jonodev O. Chaudhuri". The signature is fluid and cursive.

Jonodev O. Chaudhuri  
Chairman

cc: Lael Echo-Hawk, General Counsel (lael@mthirtysixpllc.com)  
Scott Crowell, AWGC Counsel (scottcrowell@clotag.com)

**20 BLACK BROOK ROAD  
AQUINNAH, MA 02535-1546**

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**WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH)  
Resolution No. 2018- 0017**

**Resolution Amending Wampanoag Tribe of Gay Head (Aquinnah)  
Gaming Ordinance No. 2011-01 Quorum Requirement and Commissioner Qualifications**

WHEREAS the Tribal Council of the Wampanoag Tribe of Gay Head (Aquinnah) (“Tribe”) is a sovereign nation and is the governing body of the Wampanoag Tribe of Gay Head (Aquinnah) under the Constitution adopted on November 18, 1990, as amended through November 16, 2008; and

WHEREAS, the Tribe has adopted a Constitution in order to sustain and perfect its historic form of Tribal government, and;

WHEREAS, under Article IV, Section 1 of the Tribes Constitution, governing power of the Tribe is vested in the Tribal Council, and;

WHEREAS, the Congress of the United States has enacted into law the Indian Gaming Regulatory Act (“IGRA”) to provide guidelines for the approval and regulation of Class II and Class III gaming activity by Indian Tribes, and;

WHEREAS, IGRA requires that the Tribe must duly enact and have approved by the National Indian Gaming Association (“NIGC”) an ordinance authorizing Class II and Class III gaming activity within the Tribe’s jurisdiction before the Tribe may lawfully engage in such gaming activity, and;

WHEREAS, the Tribal Council enacted Gaming Ordinance 2011-01 concerning tribal gaming on November 22, 2011 to authorize and govern gaming activity within the Tribe’s jurisdiction; and

WHEREAS, in order to conduct gaming, the Tribe must have a Gaming Commission; and

WHEREAS, the Tribe has determined it is necessary to have a quorum requirement of less than the entire Commission; and

WHEREAS, it is necessary to amend the Gaming Ordinance to reflect the change in quorum requirement; and

WHEREAS, the Tribe has determined that a person should not be disqualified for appointment to the Commission due to his or her position as a judge in any tribal court; and

**A FEDERALLY ACKNOWLEDGED TRIBE**

NOW BE IT RESOLVED, the Gaming Ordinance Section 2.8 Quorum is amended as follows:

**2.8 Quorum.**

A quorum of the Commission shall consist of two (2) Commissioners. All decisions shall be made by a majority vote of the Commission, unless indicated otherwise in this Ordinance.

NOW BE IT RESOLVED, the Gaming Ordinance Section 2.3(c)(2) is amended as follows:

**2.3 Restrictions on Commissioners.**

No person shall serve on the Commission if such:

(a) Person's other employment or responsibilities conflict with, or could potentially conflict with, the duties and responsibilities of a member of the Commission;

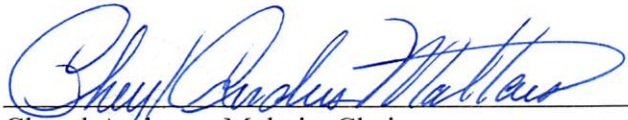
(b) Person is an employee of any Gaming Operation or the person's other employment or responsibilities create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a member of the Commission; or

(c) Person is a:

- (1) Member of the Tribal Council; or
- (2) Judge in the Aquinnah Tribal Court.

**ADOPTED** by the Tribal Council of the Wampanoag Tribe of Gay Head (Aquinnah) at a special meeting assembled on the 11<sup>th</sup> of July 2018, with a quorum present, by a vote of 10 for and 0 against.

Wampanoag Tribe of Gay Head (Aquinnah)

  
\_\_\_\_\_  
Cheryl Andrews-Maltais, Chairwoman

07/11/18  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Date 7/11/18