

**NATIONAL
INDIAN
GAMING
COMMISSION**

SEP 9 1999

Ross Hankins
Tribal Planner
Fort Sill Apache Tribe of Oklahoma
812 West Gore Boulevard, Suite B
Lawton, Oklahoma 72501

Dear Mr. Hankins:

This letter is in response to your request to review and approve the amended Fort Sill Apache Tribe of Oklahoma (Tribe) Gaming Ordinance of 1999 which was adopted by the Resolution to Amend Gaming Ordinance (No. FSABC 99-03) of the Tribe's Business Council on August 26, 1999. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, 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. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With approval of this gaming ordinance, the Tribal Gaming Commission is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official, pursuant to 25 C.F.R. § 556.5(a), and an investigative report on each background investigation, pursuant to 25 C.F.R. § 556.5(b), before the Tribal Gaming Commission issues a license to a key employee or primary management official.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Fort Sill Apache Tribe of Oklahoma on future gaming issues.

Sincerely yours,

LS) Montie R. Deer

Monte R. Deer
Chairman



FORT SILL - CHIRICAHUA - WARM SPRINGS - APACHE TRIBE

PHONE: (580) 588-2298 / 2314 • FAX: (580) 588-3133
ROUTE 2, BOX 121 • APACHE, OKLAHOMA 73006

RESOLUTION TO APPROVE GAMING ORDINANCE

RESOLUTION FSAGC-99-03

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA is a Federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of June 26, 1936, and under its Tribal Constitution ratified on October 30, 1976, has full power to act for the Tribe; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council has the duty and responsibility to represent the Tribe and act on all matters that concern the welfare of the Tribe pursuant to Article IV and Article VII of the Constitution of the FORT SILL APACHE TRIBE OF OKLAHOMA; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee on October 14, 1998, approved and ratified the Tribal Gaming Ordinance; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council desires to approve the Gaming Ordinance with the following change:

SECTION 200 TRIBAL GAMING BOARD OVER GAMING, second paragraph is amended in its entirety to read "The Gaming Board shall consist of five (5) board members appointed by the Tribal Business Committee to staggered three (3) year terms. The Chairperson shall be appointed to an initial three (3) year term, the Vice-Chairperson and an additional appointee shall be appointed for a two (2) year term. The two (2) remaining appointees shall be appointed for a one (1) year term. Vacancies caused by death, resignation or term expiration shall be filled by the Tribal Business Committee."

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council hereby authorizes and grants to the Tribal Business Committee the authority to amend the Gaming Ordinance as is necessary and desirable in the opinion of the Tribal Business Committee; and,

MOUNTAIN SPIRIT DANCER

Mountain Spirit Dancer represents the Mountain Spirit Ceremony which is used by the Chiricahua and Warm Springs Apache. It was given to the Apaches by the Mountain Spirits for blessing, protection, curing and warding off diseases. The Ceremony is still used today.

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council has the authority to authorize the Chairwoman, the Vice-Chairman, the Secretary-Treasurer, and the Business Committee Members of the FORT SILL APACHE TRIBE OF OKLAHOMA to enter into contracts, leases and agreements of every description not inconsistent with federal law;

NOW, THEREFORE, BE IT RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council finds that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee has previously approved and ratified the Gaming Ordinance on October 14, 1998.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council approves the Gaming Ordinance in its entirety with the change in Section 200 as set forth hereinabove.


NOW, THEREFORE, BE IT FURTHER RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council hereby authorizes and grants to the Tribal Business Committee the authority to amend the Gaming Ordinance as is necessary and desirable in the opinion of the Tribal Business Committee.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council authorizes and directs the Chairwoman, the Vice-Chairman, the Secretary-Treasurer, and the Business Committee Members of the FORT SILL APACHE TRIBE OF OKLAHOMA to execute and sign the Gaming Ordinance on its behalf, to carry out the intent of this Tribal Resolution.

BE IT FURTHER RESOLVED, that these documents are to be interpreted in a manner that minimizes their imposition upon the tribal sovereignty of the FORT SILL APACHE TRIBE OF OKLAHOMA.



RUEY H. DARROW
Chairwoman

ATTEST:


LORI GOODAY WARE
Secretary

CERTIFICATION

The foregoing resolution was adopted in a duly called meeting of the General Council of the FORT SILL APACHE TRIBE OF OKLAHOMA at Apache, Oklahoma, on February 16, 1999, by a vote of 14 for and -0- against, a quorum being present. This enactment is approved by the Chairwoman of the FORT SILL APACHE TRIBE OF OKLAHOMA under the authority of Article IV and Article VII of the Tribal Constitution.


LORI GOODAY WARE
Secretary

AUG 30 1999

FORT SILL APACHE TRIBE OF OKLAHOMA

GAMING ORDINANCE

Amended by the Fort Sill Apache Tribe of Oklahoma Business Committee on August 26,
1999

AUG 30 1999

FORT SILL APACHE TRIBE OF OKLAHOMA GAMING ORDINANCE

I. PURPOSE

The Fort Sill Apache Tribe of Oklahoma Tribal Business Committee (hereinafter "Tribe"), empowered by Article IV and Article VII of the Tribal Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for class II gaming operations on lands over which the tribe exercises jurisdiction pursuant to applicable federal statutes.

II. GAMING AUTHORIZED

Class II gaming as defined in the Indian Gaming Regulatory Act, P.O. 100-447, 25 U.S.C. Section 2703 (7) (A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. OWNERSHIP OF GAMING

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

IV. USE OF GAMING REVENUE

- A. Net revenues from Class II gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.
- B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710 (b) (3).

V. AUDIT

- A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

- B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

VII. LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any class II gaming enterprise operated on Indian lands:

A. Definitions

For the purpose of this section, the following definitions apply:

1. Key employee means
 - a. A person who performs one or more of the following functions:
 - (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor manager;
 - (6) Pit boss;
 - (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - b. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year; or,

- c. If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

- a. The person having management responsibility for a management contract;
- b. Any person who has authority:
 - (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation; or
- c. The chief financial officer or other person who has financial management responsibility.

B. Application Forms

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

- (a) Complete a new application form that contains a Privacy Act notice; or
 - (b) sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.

(U.S. Code, Title 18, Section 1001)

4. The Tribe shall notify, in writing existing key employees and primary management officials that they shall either:
 - (a) Complete a new application form that contains a notice regarding false statements; or
 - (b) Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:
 - (a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (b) Currently and for the previous five (5) years: business and employment positions held, ownership interest in those businesses, business and residence addresses, and drivers license numbers;
 - (c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section.;

- (d) Current business and residence telephone numbers;
 - (e) A description of any existing and previous business relationships with the Indian tribes, including ownership interest in those businesses;
 - (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
 - (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
 - (j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
 - (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - (l) A current photograph;
 - (m) Any other information the Tribe deems relevant; and
 - (n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2 (h).
2. The Tribe shall conduct an investigation sufficient to make a determination under subsection D. below. In conducting a background

investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - a. Steps taken in conducting a background investigation;

- b. Results obtained;
 - c. Conclusions reached; and
 - d. The basis for those conclusions.
2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.
3. If a license is not issued to an applicant, the Tribe:
 - a. Shall notify the National Indian Gaming Commission; and
 - b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian gaming Commission receives a report, the National Indian gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G. 1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming

4. Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

4. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
5. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
6. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian gaming Commission of its decision.

IX. LICENSE LOCATIONS

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II gaming is conducted under this ordinance.

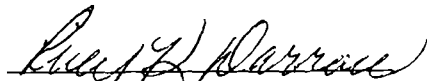
X. REPEAL

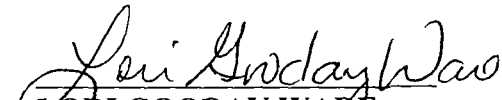
To the extent that they are inconsistent with this ordinance, all prior gaming ordinance are hereby repealed.

CERTIFICATION

Ruey H. Darrow, Tribal Chairwoman, of the Fort Sill Apache Tribe of Oklahoma, hereby certifies that this Gaming Ordinance is a true and exact copy as amended by the Business Committee at a duly called meeting held on the 26st day of August, 1999, there being a quorum present, by a vote of 4 for and 1 against and 0 abstentions.

Roll Call Vote: Lupe A. Gooday, Sr.; yes, Lori Gooday Ware; yes, Flora Weryackwe; yes, Thomasine Boyd; no, Keith Gooday; yes


RUEY H. DARROW
Chairwoman


LORI GOODDAY WARE
Secretary

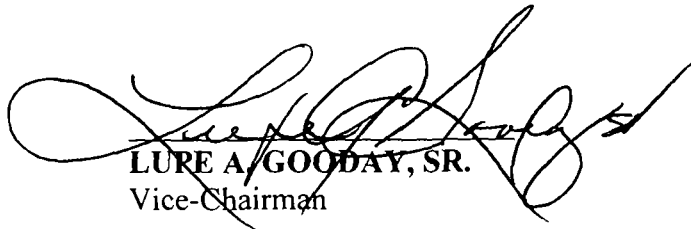
EXECUTED AND DELIVERED the day and the year first above written.

FORT SILL APACHE TRIBE OF OKLAHOMA:


By and through its delegated representatives:


RUEY H. DARROW
Chairwoman


KEITH GOODDAY
Committee Member

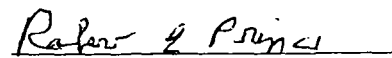

LURE A. GOODDAY, SR.
Vice-Chairman


FLORA WERYACKWE
Committee Member


LORI GOODDAY WARE
Secretary-Treasurer

THOMASINE BOYD
Committee Member

Approved by the Tribal Attorney on this 26th day of August, 1999.


ROBERT E. PRINCE
Tribal Attorney



FORT SILL - CHIRICAHUA - WARM SPRINGS - APACHE TRIBE

PHONE: (580) 588-2298 / 2314 • FAX: (580) 588-3133
ROUTE 2, BOX 121 • APACHE, OKLAHOMA 73006

RESOLUTION TO AMEND GAMING ORDINANCE

RESOLUTION FSABC-99- 26

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA is a Federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of June 26, 1936, and under its Tribal Constitution ratified on October 30, 1976, has full power to act for the Tribe; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee has the duty and responsibility to represent the Tribe and act on all matters that concern the welfare of the Tribe pursuant to Article IV and Article VII of the Constitution of the FORT SILL APACHE TRIBE OF OKLAHOMA; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee on October 14, 1998, approved and ratified the Tribal Gaming Ordinance; and

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council on February 16, 1999, approved and amended the Tribal Gaming Ordinance with authorization to the Tribal Business Committee to amend the Gaming Ordinance as necessary and desirable.

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee desires to approve the new amended Gaming Ordinance.

WHEREAS, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee has the authority to authorize the Chairwoman of the FORT SILL APACHE TRIBE OF OKLAHOMA to enter into contracts, leases and agreements of every description not inconsistent with federal law;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee on October 14, 1998, approved and ratified the Tribal Gaming Ordinance; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council on February 16, 1999, approved and

MOUNTAIN SPIRIT DANCER

Mountain Spirit Dancer represents the Mountain Spirit Ceremony which is used by the Chiricahua and Warm Springs Apache. It was given to the Apaches by the Mountain Spirits for blessing, protection, curing and warding off diseases. The Ceremony is still used today.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal General Council on February 16, 1999, approved and amended the Tribal Gaming Ordinance with authorization to the Tribal Business Committee to amend the Gaming Ordinance as necessary and desirable.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee on this date approves the Amended Gaming Ordinance in its entirety which supersedes the Gaming Ordinance approved on October 14, 1998 and February 16, 1999.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the FORT SILL APACHE TRIBE OF OKLAHOMA Tribal Business Committee hereby authorizes and directs the Chairwoman of the FORT SILL APACHE TRIBE OF OKLAHOMA, Ruey H. Darrow, to execute and sign the amended Gaming Ordinance on its behalf, and the Business Committee further approves said Amended Gaming Ordinance by endorsing their signatures on the Amended Gaming Ordinance and this Resolution.

BE IT FURTHER RESOLVED, that these documents are to be interpreted in a manner that minimizes their imposition upon the tribal sovereignty of the FORT SILL APACHE TRIBE OF OKLAHOMA.



RUEY H. DARROW
Chairwoman

ATTEST:



LORI GOODAY WARE
Secretary

CERTIFICATION

The foregoing resolution was adopted in a duly called meeting of the FORT SILL APACHE TRIBE OF OKLAHOMA Business Committee at Apache, Oklahoma, on August 26, 1999, by a vote of 4 for and 1 against and 0 abstention, a quorum being present. This enactment is approved by the Chairwoman of the FORT SILL APACHE TRIBE OF OKLAHOMA under the authority of Article IV and Article VII of the Tribal Constitution.

Lori Gooday Ware

LORI GOODAY WARE
Secretary

EXECUTED AND DELIVERED the day and the year first above written.

FORT SILL APACHE TRIBE OF OKLAHOMA:

By and through its delegated representatives:

Ruey H. Darrow

RUEY H. DARROW
Chairwoman

Keith Gooday

KEITH GOODAY
Committee Member

Lupe A. Gooday, Sr.

LUPE A. GOODAY, SR.
Vice-Chairman

Flora Weryackwe

FLORA WERYACKWE
Committee Member

Lori Gooday Ware

LORI GOODAY WARE
Secretary-Treasurer

THOMASINE BOYD
Committee Member

Approved by the Tribal Attorney on this 26th day of August, 1999.

Robert E. Prince

ROBERT E. PRINCE
Tribal Attorney

ADDENDUM

Fort Sill Apache Tribe of Oklahoma Gaming Ordinance

1. Statement of person(s) responsible for obtaining and processing fingerprints.
 - a. The Fort Sill Apache Tribe has authorized the "Executive Director" of the Tribal Gaming Commission to be responsible for obtaining and processing employee fingerprints.
2. Statement of procedures used in criminal history checks.
 - a. The Fort Sill Apache Tribal Gaming Commission has the responsibility to secure and process employee applications which will include criminal history checks. The Commission has formulated the standard employee application form and will utilize the services of the National Indian Gaming Commission (NIGC) or the Oklahoma State Bureau of Investigation (OSBI) to actually run the history checks and fingerprint verification. These agencies will coordinate directly with the Tribal Gaming Commission on every employee hired.
3. Statement of the process of Business Committee Member selection.
 - a. All Business Committee Members are selected in accordance with Article V of the Tribal Constitution and is as follows:

Excerpt from Fort Sill Apache Tribal Constitution: ARTICLE V - ELECTIONS
(Pursuant to Amendment VI, effective 5-23-81)

Section 1. The first election under this amendment to the Constitution and Bylaws shall be held at the Annual Meeting of the General Council next following the effective date of this amendment. Notwithstanding the provision of Article III of this Constitution and Bylaws that members of the Business Committee shall hold office for two (2) years, until the first election is held under this amendment the incumbent Business Committee members and officers shall continue to serve in their respective capacities subject, however, to all of the other provisions of this Constitution and Bylaws. For the purpose of providing staggered two (2) year terms for members of the Business Committee, and notwithstanding the provision of Article III of this Constitution that members of the Business Committee shall hold office for two (2) years, at the first election under this amendment the members and officers of the Business Committee shall be elected for the terms indicated below:

- (a) The Chairperson and two (2) additional Committee members shall be elected for terms of two (2) years each;

(b) The Vice-Chairman, the Secretary-Treasurer and one (1) additional Committee member shall be elected for terms of one (1) year each.

In all elections subsequent to the first election under this amendment, the term of office of each officer and member being elected shall be for a period of two (2) years.

Section 2. At Annual Meetings of the General Council, nominations for each office to be filled shall be received from the floor and voting shall be conducted by secret ballot. There shall be separate nominating and balloting procedures for each office to be filled. At the first election under this amendment, the Chairman shall be elected first, then the remaining officers in order, and finally each of the three (3) additional Committee members, the last additional Committee member selected being the one to serve a term of one (1) year. In subsequent years in which the Chairman and two (2) additional Committee members are to be selected, the Chairman shall be selected first and then the two (2) additional members of the Business Committee. In subsequent years in which the Vice-Chairman, the Secretary-Treasurer and one (1) additional Committee member are to be selected, the two (2) Officers shall be selected in order and then the one (1) additional Committee member. If there are more than two candidates for an office at any election and no one candidate receives a majority vote, the low candidate shall be eliminated and voting shall continue until one (1) receives a majority of the votes cast. All newly elected officers and members of the Business Committee shall be installed on the same day as elected and shall serve until their successors are duly elected and installed. No absentee ballots will be recognized or considered at such elections.

Section 3. All members of the Tribe eighteen (18) years of age or over shall be entitled to vote in all elections.

Section 4. All members of the Tribe twenty-five (25) years of age or older who have not been convicted of a felony in a court of competent jurisdiction within the five (5) years next preceding the subject election shall be eligible as candidates for the Business Committee.

Section 5. If a vacancy occurs in the membership of the Business Committee, it shall be filled by an appointee selected by the majority vote of the remaining members of the Business Committee to serve until the next duly called meeting of the General Council at which time a special election shall be conducted for the purpose of filling in any remaining unexpired term of said position.

4. Statement of how information on employee applications submitted will be verified.

The Fort Sill Apache Tribal Gaming Commission has the responsibility to review and verify each casino employee's application. This verification shall be done in a two step manner:

- a. Personal verification of residence, employment and reference matters done by Tribal Commission members.
 - b. Investigation of criminal background done through OSBI, NIGC and or the Federal Bureau of Investigation (FBI) as required.
- 5 Problem resolution involving patrons of the gaming facility.

In the event that a gaming dispute should arise with any patron of the Fort Sill Apache Casino the following procedure shall be utilized to resolve the issue:

- a. Patron shall notify any Fort Sill Apache employee that a problem exist.
 - b. Any employee notified of a problem shall immediately locate the supervisor of the area of casino gaming involved.
 - c. The Casino floor supervisor shall attempt to resolve the issue at hand. If that attempt fails the floor supervisor shall contact the head of accounting or person whom the floor supervisor reports to should the accounting head be off duty.
 - d. The head of accounting shall attempt to resolve the dispute with the patron. Should that attempt fail the supervisor shall then notify the General Manager of the dispute and what has been done to resolve the matter.
 - e. The General Manager shall immediately review the circumstances with the patron and use all means available to resolve the dispute. If this attempt fails the General Manager shall immediately notify the Fort Sill Apache Gaming Commission of the dispute. The Gaming Commission shall then review all information related to the dispute including the patrons statement, all "hard copies" to date, pay tickets, and machine information related to the dispute. The Fort Sill Apache Gaming Commission shall make a written determination as to what resolution action shall be taken and review that determination with the patron and General Manager. The General Manager of the Fort Sill Apache Casino shall then complete the dispute resolution in accordance with the written direction of the Gaming Commission and provide evidence to the Gaming Commission of the completion.
6. Agent for Service process for the Fort Sill Apache Casino

All service for the Fort Sill Apache Casino shall be delivered by hand, registered mail, courier or regular U.S. Postal delivery. All such service shall be directed to:

Chairperson
Fort Sill Apache Tribe of Oklahoma
Route 2, Box 121
Apache, Oklahoma 73006

7 Definition of Net Revenues:

Net revenues means gross gaming revenues of an Indian gaming operation less

- a. Amounts paid out as, or paid for, prizes; and**
- b. Total gaming-related operating expenses, excluding management fees.**

8. Documentation for all potential problem areas, noted and disqualifying information:

The Fort Sill Apache Gaming Commission, in the process of investigation, shall maintain complete written records on each and every employee under license review. If a potential problem(s) is discovered during this process the Gaming Commission shall secure definite data to support the condition and from that data reach a conclusion as to the potential employee's acceptability. A permanent written file shall be maintained, as in accordance with 25 CFR 558.1, Subsection C, as follows: For primary management officials or key employees, a tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman or his or her designee for no less than three (3) years from the date of termination of employment.