



Via U.S. Mail and Facsimile

JUN - 1 2007

Tribal Council Chairman Emery Negonsott  
Damon Williams, In-House Counsel  
Kickapoo Nation of Kansas  
P.O. Box 271 or  
1107 Goldfinch Road  
Horton, KS 66439  
Fax: (785) 486-2801

RE: Kickapoo Nation Tribal Gaming Ordinance

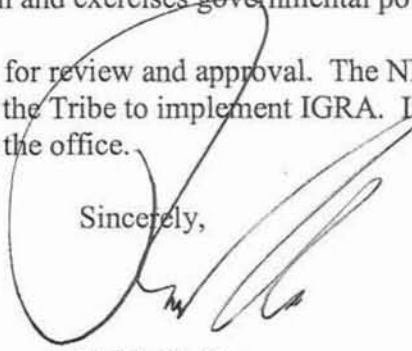
Dear Chairman Negonsott and Mr. Williams:

This letter responds to Mr. William's request on behalf of the Kickapoo Nation of Kansas for the Chairman to review and approve the Nation's newly enacted amendment to their gaming ordinance. The amendment to the gaming ordinance was adopted by the Nation, on May 31, 2007 via Resolution No. KT07-78.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed amendment to the Nation's gaming ordinance. I have noted that a scrivener's error appears in reference to section 2(1) of the gaming ordinance and its reference to the IGRA. I anticipate that the legislature will address this issue when it has time to do so. As you know, approval does not constitute approval of specific games. Furthermore, the approved ordinance, and the newly approved amendment, is approved only for gaming on Indian Lands as defined under the IGRA, lands over which the Nation possesses jurisdiction and exercises governmental power.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with you and the Tribe to implement IGRA. If you need further assistance, do not hesitate to contact the office.

Sincerely,



Philip N. Hogen  
Chairman



1107 Goldfinch Road • Horton, Kansas 66439  
phone 785.486.2131 • fax 785.486.2801

Resolution KT 07-78

## RESOLUTION

WHEREAS, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas is organized in accordance with the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas is empowered by the Kickapoo Constitution and By-Laws approved by the Secretary of the Interior on February 26, 1937; and

WHEREAS, the governing body of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas shall be the Kickapoo Tribal Council as authorized under the Kickapoo Constitution and By-Laws in Article III, Section 2; and

NOW THEREFORE BE IT RESOLVED, that the Kickapoo Tribal Council hereby amends the Kickapoo Nation Tribal Gaming Commission Ordinance, as amended April 26, 1996, and such amendments shall now read with changes and additions in italics:

- Section 2(i) "Net Revenues" means gross revenues of *Class II* and *Class III* gaming activities less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contract *within the meaning of 25 U.S.C. 2703.*"
- Section 5(f) *Patron Dispute. Patrons who have filed complaints against the gaming enterprise and who are unable to resolve such complaints with management shall have as their sole remedy the right to file a petition of relief with the Tribal Gaming Commission. Complaints shall be submitted in writing setting out the grounds for the complaint and any evidence, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Gaming Commission shall hold a hearing within 30 days of the receipt of the petitioner's complaint; however, the Commission may extend that period for extant circumstances. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and the decisions of the Commission shall be final when issued and there shall be no appeal. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of \$500.00 per occurrence, and a cumulative limit of \$1,000.00 per patron in any consecutive twenty-four month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. Management of the Enterprise shall pay claims affirmed by the Tribal Gaming Commission within fifteen (15) business days of notice of the Gaming Commission's decision. The Gaming Commission's decision for all claims brought under this section shall constitute the complainant's final remedy. Claims governed by Section 3(D) of the Compact arising from "alleged injuries to patrons" may not be brought pursuant to this Section.*
- Section 5(a) *Limitation on Gaming Operations. In compliance with 25 USC 2710(b)(2)(A) and 25 USC 2711(g), the Tribe shall have sole proprietary interest and responsibility for any gaming*

activity on the Reservation; provided however, that nothing herein shall (i) preclude the Tribe from entering into a Management Contract as authorized under 25 USC 2711; or (ii) interfere with the exercise by any secured party of its rights under any duly approved collateral lease, leasehold mortgage or other financing agreement with the Tribe to enforce its security interest in the premises on which such gaming activities may be conducted, or to enforce rights against gross revenues of the Tribe from its gaming activities for the purpose of repayment of the debt obligation of the Tribe to such secure party accordance with the provision of such agreements. However, any transfer, conveyance and/or encumbrance of any interest in land or other real property shall be prohibited.

- §5(e)(vi)(aa) The Applicant must sign a *privacy statement that is compliant with 25 C.F.R. §556.2(a)*, and provide other information which permits the Gaming Commission to conduct an investigation of the applicant's criminal history, credit history, and drivers license history;
- §5(e)(vi)(dd) *The application shall include a false statement provision that provides a statement as to penalties for providing any such false statement that is compliant with 18 U.S.C. 1001.*
- Section 5(e)(l) all gaming employees, including all primary management officials and key employees of any gaming enterprise, shall be subject to the background investigation and licensing requirements of IGRA, this Ordinance and the Compact which shall include *requesting the following information for the initial background investigations and ongoing review for all gaming employees:*
  - (aa) *Full Name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);*
  - (bb) *Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;*
  - (cc) *The names and current address of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (bb) of this section;*
  - (dd) *Current business and residence telephone numbers;*
  - (ee) *A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;*
  - (ff) *A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;*
  - (gg) *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;*
  - (hh) *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;*
  - (ii) *For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;*
  - (jj) *For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such a criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (hh) or (gg) of this section, the criminal charge, the name and address of the court involved and the date and disposition;*

- (lc) *The name and address of any licensing or regulatory agency with which the person has filed an application for an occupation license or permit, whether or not such license or permit was granted;*
  - (ll) *A recent photograph;*
  - (mm) *Any other information the Tribe deems relevant;*
  - (nn) *Fingerprints that shall be taken by Kansas Bureau of Investigation (KBI) or other tribal / state/ federal agency consistent with 25 CFR 522.2.*
- o **Section 5(e)(ii):** *Before issuing a license to a gaming employee, the Commission shall notify the National Indian Gaming Commission of the results of its background investigation as provided for in a Memorandum of Understanding dated April 19, 2008 in a form which meets the requirements as provided for 25 C.F.R. §§556 and 558. The notification shall include:*
    - a. *Tribal Affiliation*
    - b. *Employee name, date of birth, and social security number*
    - c. *Applicant Status i.e. key employee or primary management official*
    - d. *Synopsis of background investigation conducted and the results of the investigation;*
    - e. *Suitability determination, i.e. license granted, denied or revoked.*

*The Gaming Commission shall also retain, at the filing or archive site hereafter designated, the original application, investigative report and suitability determination for each key employee and primary management official. The Gaming Commission shall also provide to NIGC a copy of the application upon request.*

- o **Section 7(b)(1)(C)** *The Tribal Gaming Commission shall issue separate gaming facility licenses to each gaming place, facility or location with the jurisdiction of the Kickapoo Tribe in Kansas where Class II or III gaming is conducted under this Ordinance.*

### CERTIFICATION

The foregoing resolution was duly adopted this regular meeting: May 31, 2007 at which 7 members were present, constituting a quorum, with 6 voting for, 0 against, 0 abstaining and the Chairman not voting.



  
Steve Cadue, Chairman

ATTEST:

  
Candace Wishkeno, Secretary