



MAY - 3 2004

A.D. Ellis, Principal Chief
Muscogee (Creek) Nation
Office of the Principal Chief
P.O. Box 580
Hwy. 75, Loop 56
Okmulgee, Oklahoma 74447

RE: Amendment to the Muscogee (Creek) Nation's Gaming Code

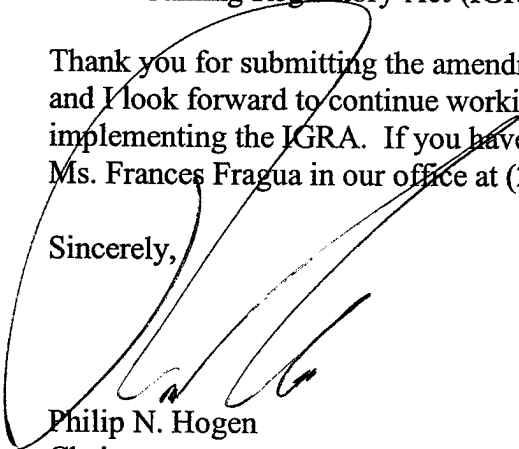
Dear Mr. Ellis:

This letter is in response to your letter dated January 16, 2004, received at the NIGC on February 13, 2004, requesting approval of a recent amendment to the Muscogee (Creek) Nation's Gaming Code.

The NIGC Chairman approved the Nation's Gaming Code on November 3, 1994, and approved earlier amendments in 2002 and 2003. The Muscogee (Creek) National Council adopted the recent amendment by Resolution NCA 03-177 on December 20, 2003. The amendment to the Gaming Code adds a new section, §1108-A, Regarding Banning Individuals From Gaming Facilities. This letter constitutes our approval under the Indian Gaming Regulatory Act (IGRA).

Thank you for submitting the amendment to the Nation's Gaming Code. The NIGC staff and I look forward to continue working with you and the Muscogee (Creek) Nation in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua in our office at (202) 632-7003.

Sincerely,



Philip N. Hogen
Chairman



I hereby certify that I am the designated, Secretary of the National Council of the Muscogee (Creek) Nation. I further certify that this document is a true and correct copy of the original Law NCA 03-177 Executed the 29th day of December, 2003.

Terry Dutchy
Terry Dutchy, Secretary of the National Council

NCA 03-177

CLASSIFICATION: #21. Gaming

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING THE GAMING CODE, NCA 01-183, TO ADD A NEW §1108-A, REGARDING BANNING INDIVIDUALS FROM GAMING FACILITIES

SECTION ONE. AMENDMENT. NCA 01-183, is hereby amended to add a new § 1108-A, which shall read as follows:

Section 1108-A. Banishment.

A. Temporary Banishment Notice by General Manager or Authorized Security Personnel. The General Manager of any Muscogee (Creek) Nation gaming facility, including a gaming facility operated by a chartered Indian community or an authorized Security personnel of such a facility, may issue a temporary banishment notice prohibiting a person from entering any Muscogee (Creek) Nation gaming facility for a period not to exceed thirty (30) days. Said notice of temporary banishment may be served on any person, including a terminated gaming facility employee, who; (i) the General Manager or authorized Security personnel determines to be an immediate threat to the safety or economic welfare of the Nation's employees, patrons or facilities, (ii) is observed to violate any provision of this Code or Office of Public Gaming regulation at that facility, (iii) is observed to violate tribal, state or federal law at that facility, or (iv) is known to have been judicially or administratively determined to have violated any tribal, state or federal law while at any gaming facility, regardless of where located. A temporary banishment notice shall be served by providing a written notice stating the reason for the temporary banishment, the length of time of said temporary banishment and the person's right to a hearing before the Gaming Commissioner prior to the expiration of the temporary banishment order. The notice of temporary banishment shall be effective when delivered personally or by certified mail to the last known address of the subject of the temporary banishment notice. A copy of the notice of temporary banishment shall be delivered personally, by regular mail, electronic mail or by facsimile transmission to all Muscogee (Creek) Nation gaming facilities, including gaming facilities operated by chartered Indian communities and to the Gaming Commissioner within 48 hours of issuance.

B. Gaming Commissioner Authority. Gaming Commissioner is authorized to issue a final banishment order only after all conditions and requirements of sub-section C of this section 1108-A have been met, in either of the following circumstances:

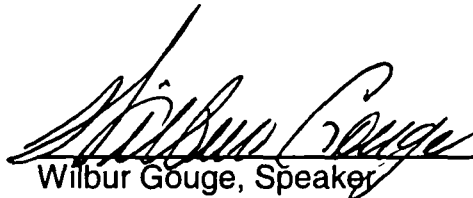
1. The Gaming Commissioner is authorized to issue a final banishment order in appeal proceedings by the subject of a temporary banishment notice issued by the General Manager or Security personnel of a gaming facility pursuant to subsection A of this section after affording a hearing to the appealing party in accordance with subsection C of this section.
2. The Gaming Commissioner is also authorized to issue a final banishment order based on information obtained subsequent to delivery to the person a notice of temporary banishment stating the reason for the temporary banishment, the length of time of said temporary banishment and the person's right to a hearing before the Gaming Commissioner prior to the expiration of the temporary banishment order; provided that a temporary banishment order issued by the Gaming Commissioner shall be effective immediately and shall be served personally or sent by certified mail to the last known address of the subject of the temporary banishment notice.

C. Final Banishment Order by the Gaming Commissioner. The Gaming Commissioner may issue a final order banishing from the Nation's gaming facilities for a period not to exceed five (5) years to any person who the Commissioner determines: (i) is a potential threat to the safety or economic welfare of the Nation's employees, patrons or facilities, (ii) has violated any provision of this Code or Office of Public Gaming regulations, (iii) has violated tribal, state or federal law while at any of the Nation's gaming facilities or (iv) has been judicially or administratively determined to have violated any tribal, state or federal law while at any gaming facility, regardless of where located. The Gaming Commissioner may issue a final banishment order only after notice of hearing is served on the person stating that if the person fails to appear and show cause why a final banishment order should not be issued, then a final banishment order may be issued without right of judicial review. The Gaming Commissioner's final banishment order shall state specifically the reason for the banishment, the length of time of the banishment and the person's right, if any, to appeal the Gaming Commissioner's banishment order to the District Court in accordance with the procedural requirements of section 1110 of this Code. The final banishment order shall be served personally or sent by certified mail to the last known address of the subject of the banishment order.

D. Enforcement of Temporary Banishment Notice and Final Banishment Order. Temporary banishment notices may be enforced as criminal trespasses pursuant to the Nation's Criminal Code. Final banishment orders may be enforced by the Gaming Commissioner in accordance with any applicable provisions of this Code or as criminal trespasses pursuant to the Nation's Criminal Code.

ENACTED by the Muscogee (Creek) National Council on this 20th day of December 2003.

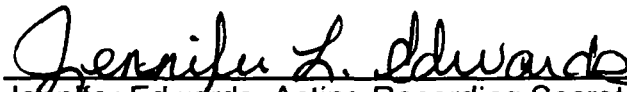
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Wilbur Gouge, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with **Twenty-one** members attending this meeting on the **20th day of December 2003**, and that the above is in conformity with the provisions therein adopted by a vote of **20** in favor, **0** against, **0** abstentions, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Jennifer Edwards, Acting Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 29 day of Dec., 2003, to the above Law, NCA 03-177, authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



R. Perry Beaver, Principal Chief
Muscogee (Creek) Nation

