



JUL 7 2003

Mr. Jim Gray
Principal Chief
Osage Tribal Council
P.O. Box 779
Pawhuska, OK 74056

RE: Request for Approval of Amendment to the Osage Tribe's Gaming Ordinance

Dear Chief Gray:

This letter is in response to your request to the National Indian Gaming Commission ("NIGC") for the review and approval of an amendment to the Osage Tribe's gaming ordinance adopted by Osage Tribal Council Resolution No. 31-255 on April 4, 2003, and submitted to the NIGC with your letter of July 3, 2003. We also received a copy of the amendment from attorney Geoffrey M. Standing Bear on April 11, 2003.

This letter constitutes approval of the submission under the Indian Gaming Regulatory Act ("IGRA"). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Osage Tribe exercises jurisdiction.

Thank you for submitting the amendment to the tribal gaming ordinance of the Osage Tribe of Indians for review and approval. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202-632-7003.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to be "PHILIP N. HOGEN". The signature is written over the word "Sincerely," and extends across the page.

Philip N. Hogen
Chairman

cc: Geoffrey M. Standing Bear, P.O. Box 1049, Pawhuska, OK 74056

JUL 15 2003

**RESOLUTION
OF THE
OSAGE TRIBAL COUNCIL**

No. 31-255

WHEREAS,

1. The Osage Tribal Council, organized pursuant to provisions of the Act of June 28, 1906, 34 Stat. 539, as amended, and is the elected governing body of the Osage Tribe of Indians; and

2. After due consideration of the status of the gaming operations of the Osage Tribe, the Osage Tribal Council believes it will improve the efficiency, independence, and ability of the Osage Tribal Gaming Commission by making amendments to OTC Resolution No. 31-177, the Class II Gaming Ordinance of the Osage Tribe of Indians.

3. The Osage Tribal Council has fully considered and reviewed this law. **THEREFORE, BE IT**

RESOLVED,

1. The following provisions of the Class II Gaming Ordinance of the Osage Tribe of Indians are repealed:

- A) Definitions (d) "Chairman" means the Chairman of the Gaming Commission; and
- B) Definitions (f) "Commission" means the Osage Tribal Gaming Commission; and
- C) Definitions (g) "Commissioner" means an individual member of the Osage Tribal Gaming Commission; and
- D) All of Chapter II; and
- E) All of Chapter VI.

2. The following new provisions of the Class II Gaming Ordinance of the Osage Tribe of Indians are enacted:

- A) (d) **blank**; and
- B) (f) "Commission" means the Office of the Commissioner of the Osage Tribal Gaming Commission, and its employees; and
- C) (g) "Commissioner" means the Public Officer appointed and confirmed by the Osage Tribal Council to carry out the duties of the Class II Gaming Ordinance of the Osage Tribe of Indians, or as authorized by any other

gaming ordinances, resolutions, or laws enacted by the Osage Tribal Council; and

D) **CHAPTER II**
Establishment, Administration and Powers of Commission

Section 2.01 Gaming Commission Established In order to provide for the orderly development, administration, and regulation of gaming activities within the jurisdiction of the Osage Tribe, there is established the Osage Tribal Gaming Commission which shall consist of one (1) Public Officer, the Gaming Commissioner, and staff necessary to carry out the provisions of this Code, and any regulations promulgated thereunder.

Section 2.02 Appointment and Term of Commissioner The Principal Chief shall nominate a member of the Osage Tribe to serve as the Commissioner, subject to confirmation by Tribal Resolution. The Commissioner's term will be for a period of three (3) years, from the date of confirmation.

Section 2.03 Outside Employment and Activities of Commissioner The Commissioner may not hold other tribal positions. The Commissioner may be engaged in business, provided, however, that the Commissioner shall not engage in any business which is subject to provisions of this Code or which has commerce with any licensee under this Code. The Commissioner shall post a bond with the Osage Tribe in the amount of One Hundred Thousand Dollars (\$100,000.00). Such bond shall be funded from the fund appropriated to the Osage Tribal Gaming Commission.

Section 2.04 Removal from Office

1. The Commissioner may be removed from office prior to the end of any term for one or more of the following causes, as set forth in a written Petition and proved by a preponderance of the evidence in the hearing provided for in Paragraph 3 of this subsection:

- a. dishonesty, gross misconduct, or incompetence in office;
- b. conviction of a felony or any crime involving dishonesty under federal, state, or tribal law;
- c. directly or indirectly engaging in activities or transactions constituting a conflict of interest under the laws of the Osage Tribe or any other applicable laws, rules, or regulations;
- d. being employed by the Osage Tribe or by any other board or authority of the Osage Tribe;

2. A Petition for removal hereunder may only be filed by the Principal Chief or by a majority vote of the Osage Tribal Council.

3. The Commissioner accused of any of the foregoing causes shall be given a copy of the Petition charging him or her and afforded the right to respond to the charges and present witnesses and other evidence in his or her defense at a hearing convened by the Tribal Council. The Petition shall state the cause or causes for removal with sufficient particularity to put the Commissioner on notice of the nature of the charges against him or her. Both the Petitioner and the Commissioner so accused shall have the right to be represented by an attorney at the hearing, provided that the Commissioner shall be responsible for paying his or her own attorneys fees and other expenses in defending the Petition. The Tribal Council shall preside over the removal hearing and receive the evidence. Removal of the Commissioner shall require a majority vote of the Tribal Council. The decision of the Tribal Council shall be final and binding on the Osage Tribe and the Commissioner, and shall not be subject to judicial review.

Section 2.05 Duties The Commissioner shall be charged with the responsibility of administering and enforcing the provisions of this Code. It shall be the responsibility of the Commission to promulgate regulations necessary to administer provisions of this Code. These duties shall include but not be limited to the following:

1. Printing and making available application forms for initial review;
2. Supervising the collection of all fees and taxes prescribed in this Code;
3. Processing all license applications;
4. Issuing licenses;
5. Determining applicable license fees;
6. Auditing all returns;
7. Reviewing all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountability of licensees or to the enforcement of any provision of this Code or Osage Tribal Gaming Commission regulations;

8. Denying any application, limit, condition, suspending, or restricting any license or permit, making a finding of suitability or approval of the license or permit, or a finding of suitability or approval of or the imposition of a fine upon any person licensed or permitted for any cause deemed reasonable by the Commissioner;
9. Performing additional duties as required in the Code or any amendments thereto, or other duties that may hereafter be specified by the Commissioner;
10. Employing legal counsel with the consent of the Osage Tribe under applicable laws;
11. Defending this Code in any court of law;
12. Acting as designee agent for service of process for any legal disputes that may arise at any of the Tribe's gaming facilities;
13. Reviewing and enforcing the Minimum Internal Control Standards of the Osage Tribe or as set out by the National Indian Gaming Commission;
14. Any other duties that are deemed by the Commissioner as necessary to carry out the provisions of this Code, the Commission's regulations, or rules of the National Indian Gaming Commission.

Section 2.06 Authority of Commissioner The Commissioner may exercise any proper power and authority necessary to perform the duties assigned by this Code. The Commissioner may organize any functional divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Commissioner shall recommend the Osage Tribal Gaming Commission budget to the Principal Chief and Osage Tribal Council, and take any other steps necessary to fulfill the duties and responsibilities under the Code. In adopting, amending, or repealing any Osage Tribal Gaming Commission regulations, the Commissioner shall give prior notice of the proposed action to all licensees and other persons whom the Commissioner has reason to believe have a legitimate and bona fide interest in such proposed action.

Section 2.07 Reports of the Commission The Commission, through its Gaming Commissioner, shall provide to the Principal Chief, Assistant Principal Chief, and Osage Tribal Council, quarterly reports of the activities of the Commission. In addition, the Commissioner shall provide any other report requested by the

Principal Chief, Assistant Principal Chief, and Osage Tribal Council, or as requested by the National Indian Gaming Commission; and

E)

Chapter VI Appeals

Section 6.01. Petition for Review As imposed by the Commissioner, any person found to be in violation of any provision of this Code or Regulation of the Osage Tribal Gaming Commission after hearing, may seek review of the Commissioner's decision by filing a Petition for Review of the Commissioner's decision with the District Court of the Osage Tribe within thirty (30) days of said decision. Failure to file Petition for Review shall make the decision of the Commissioner final and not subject to further judicial review. Upon receiving notice of the filing of a Petition for Review, the Commissioner shall, within fifteen (15) days of receiving notice, file the record of proceeding in its entirety with the Osage District Court.

Section 6.02 Standard for Review Upon hearing of the appeal, the Osage District Court shall give proper deference to the administrative expertise of the Commissioner. The Osage District Court shall not set aside, modify, or remand any determination by the Commissioner unless it finds the termination to be arbitrary and capricious, unsupported by substantial evidence, or contrary to law.

Section 6.03 Legal Representation The Petitioner may be represented by legal counsel in any proceedings or reviews of the District Court, and the Commissioner shall be represented by the attorney for the Gaming Commission.

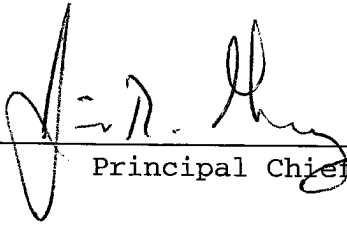
Section 6.04 District Court Decision The District Court of the Osage Tribe shall issue a written decision on all appeals. In no event shall the Court be authorized to award or order payment of damages or to fashion any remedy against the Commissioner. In the event that the District Court affirms the decision of the Commissioner or the Osage Tribe, the Court shall award costs and reasonable attorney fees to the Osage Tribal Gaming Commission with the provision that any part of the attorneys fee collected shall be paid to the Treasury of the Osage Tribe.

Section 6.05 Appeal of District Court Decision If the Petitioner receives an adverse decision from the District Court, then the Petitioner may appeal to the Osage Tribal Council within thirty (30) days after the District Court enters the decision. The appeal shall be limited to the record on appeal. The decision of the Osage Tribal Council shall be final.

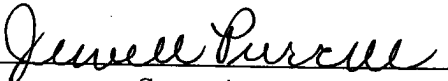
3. The Principal Chief or in his absence the Acting Principal Chief, is hereby authorized to sign this Resolution and to certify the Ordinance adopted by this Resolution and to transmit three original copies thereof to the Chairman of the National Indian Gaming Commission for his official approval of the amendments made herein.

CERTIFICATION

I hereby certify the foregoing Resolution No. 31-255 as considered by the Osage Tribal Council at a duly called meeting in Pawhuska, Oklahoma, at which a quorum was present and the same was adopted by a vote of 7 in favor, 0 opposed and 1 absent on this 4th day of April 2003.


Principal Chief

ATTEST:


Secretary