



AUG 31 2004

Kay Rhoads
Principal Chief
Sac & Fox Nation of Oklahoma
Route 2, Box 246
Stroud, OK 74079

Re: Approval of the Amendment to the Gaming Ordinance of the
Sac & Fox Nation of Oklahoma

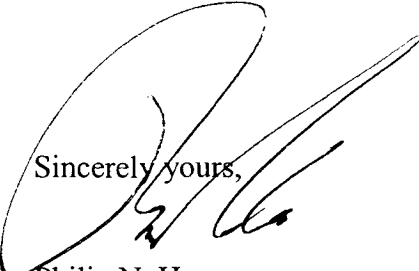
Dear Ms. Rhoads:

An amendment to the Sac & Fox Nation's gaming ordinance was submitted to the National Indian Gaming Commission (NIGC) for our review and approval. The amendment was approved by the Nation's Business Committee in Resolution SF-04-86 on May 10, 2004. The amendment and the Business Committee resolution were received by the NIGC on August 10, 2004.

The amendment adds a section, entitled "Disputes Between the Gaming Public and Gaming Operations," to the Nation's gaming ordinance. This amendment conforms with 25 C.F.R. § 522.2 (f), which requires the submission of procedures for resolving disputes between the gaming public and the tribe or management contractor for our approval of a gaming ordinance.

The Chairman of the NIGC approved the original ordinance on April 1, 1994. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed amendment, as set forth in Resolution SF-04-86. The amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe possesses jurisdiction and exercises governmental power.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to continuing to work with you and the Tribe to implement the IGRA. If you have questions or require further assistance, please contact Jo-Ann Shyloski, NIGC Staff Attorney, at 202-632-7003.



Sincerely yours,

Philip N. Hogen
Chairman

Enclosure

cc: Marcelin R. Pate, Field Investigator
Tim Harper, Region V Director



SAC AND FOX NATION

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**RESOLUTION SF-04-86
SAC AND FOX NATION
SPECIAL BUSINESS COMMITTEE MEETING
SAC AND FOX RESERVATION
STROUD, OKLAHOMA**

FILED

DATE 8/06/04

SECRETARY
SAC & FOX NATION

MAY 10, 2004

A RESOLUTION AMENDING THE CLASS II GAMING ORDINANCE OF 1993 BY INCLUDING SECTION X, DISPUTES BETWEEN THE GAMING PUBLIC AND GAMING OPERATIONS.

WHEREAS, the Business Committee of the Sac and Fox Nation met in a Special Business Committee meeting held the 10th day of May, 2004 there being a quorum present, and

WHEREAS, the Business Committee is authorized to transact business and act on behalf of the Nation pursuant to the Constitution and Laws of the Sac and Fox Nation, and

WHEREAS, it is in the best interest of the Sac and Fox Nation to amend the Class II Gaming Ordinance to include Section X, Disputes Between the Gaming Public and Gaming Operations as the National Indian Gaming Commission requires all approved gaming ordinances to have a provision for resolving patron disputes.

NOW, THEREFORE, BE IT RESOLVED THAT the Business Committee of the Sac and Fox Nation hereby amends the Class II Gaming Ordinance of 1993 to add and include a new Section X, Dispute Between the Gaming Public and Gaming Operations.

FURTHER, THEREFORE BE IT RESOLVED THAT the Sac and Fox Nation Secretary is hereby authorized to forward this resolution to the National Indian Gaming Commission for approval.

CERTIFICATION

WE, Kay Rhoads, Principal Chief and George Thurman, Secretary of the Sac and Fox Nation, do hereby certify Resolution SF-04-86 to be a true and exact resolution as approved by the Business Committee in a Special meeting held at the Sac and Fox Reservation, Stroud, Oklahoma on the 10th day of May, 2004 by a vote of Kay Rhoads-Yes, Darrell Gray-Yes, George Thurman-Yes, Truman Carter-Yes, and Austin Grant, Jr.-Yes.

**Kay Rhoads, Principal Chief
Sac and Fox Nation**

**George Thurman, Secretary
Sac and Fox Nation**

Section X. Disputes Between the Gaming Public and Gaming Operations

- A. All disputes between members of the gaming public and operators or employees of licensed gaming facilities shall be promptly and amicably reconciled by the managing official or his authorized representative.
- B. In cases where such disputes cannot be promptly and amicably settled, such cases shall be referred to an investigator/arbitrator by the managing official of the gaming operation, or the intervention of such an investigator/arbitrator by the managing official of the gaming operation, or the intervention of such an investigator/arbitrator may be requested by the aggrieved member of the gaming public. The investigator/arbitrator shall be an employee of the Commission who has been properly trained and assigned such duties on a regular basis. The investigator/arbitrator shall make all reasonable efforts to amicably settle the dispute. Should such a settlement not be effected, the investigator/arbitrator shall promptly make a written report on the controversy and advise the Chairman who shall, in turn, promptly schedule a hearing by the Commission on the matter, giving all involved parties reasonable notice of the time, place, and date of the hearing. The Commission shall either dismiss the grievance or enter an order against the operator of the facility to effect fairness, justice, and equity. In property cases the Commission may also impose a civil fine or a civil penalty upon the facility, its operator or any of its employees found to have committed a material wrong against a member of the gaming public. All decisions of the Commission shall be final and unappealable, except as may otherwise be provided by applicable federal or tribal law. In such a case, appeals may be taken only to the Sac and Fox Court having jurisdiction. The Sac and Fox Nation expressly does not waive any aspect of its sovereign immunity against lawsuits in any such circumstance or case.
- C. No liability of any kind or nature shall ever attach to the Sac and Fox Nation as a result of any dispute or the final decision of the Commission. The sovereign immunity of the Sac and Fox Nation against lawsuit of its officials, acting in their official capacities, is expressly reserved in any instance.
- D. A copy of the provisions of this section shall be appropriately posted in plain view of the gaming public at all gaming facilities within the jurisdiction of the Nation.