NATIONAL INDIAN GAMING COMMISSION

FEB 2 2 2010

Via facsimile and First Class Mail
616-681-8836

D.K. Sprague, Chairman
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
1743 142nd Ave.
Dorr, MI 49323

RE: Gaming Ordinance Amendment of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)

Dear Chairman Sprague:

This letter responds to your request on behalf of the Gun Lake Tribe for the Chairman of the National Indian Gaming Commission (NIGC) to review and approve the Tribe's amendment to its gaming ordinance. The amendment was adopted by the Tribal Council on December 3, 2009, via Resolution No. 09-551. The resolution amends the definition of "Gaming Services" in Section 2.23 and adds language to Section 7.15.3 that guarantees a management contractor due process in disputes concerning licensure of the contractor or an affiliate.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§ 2701 *et seq*. Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,

George T. Skibine
Acting Chairman

Match-E-Be-Nash-She-Wish
Band of Pottawatomi Indians
GUN LAKE TRIBE

David K. Sprague
Tribal Chairman

Federally Acknowledged
August 23. 1999

DEC 18 2009

Service Area: Allegan. Barry
Kalamazoo. Kent. and
Ottawa Counties

RESOLUTION 09-551
OF THE MATCH-E-BE-NASH-SHE-WISH BAND
OF POTTAWATOMI INDIANS OF MICHIGAN,
A/K/A GUN LAKE TRIBE

A RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE GUN LAKE TRIBAL GAMING ORDINANCE AND AUTHORIZING SUBMISSION OF THE AMENDMENTS TO THE NATIONAL INDIAN GAMING COMMISSION

WHEREAS, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan is a federally recognized Indian Tribe organized pursuant to a Constitution approved by the Tribal Membership on June 19, 2000; and

WHEREAS, The Governing Body of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan is the Tribal Council; and

WHEREAS, The Tribal Council of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan is authorized pursuant to Article VII, Section 1(l) of the Tribal Constitution to enact resolutions or ordinances; and,

WHEREAS, The Tribal Council is authorized pursuant to Article VII, Section 1(m) of the Tribal Constitution to govern the conduct of Indians and others as it relates to gaming conducted on the Tribe's reservation pursuant to the Indian Gaming Regulatory Act, Public Law 100-497, as codified in 25 U.S.C. § 2701 *et seq*., and its implementing regulations promulgated by the National Indian Gaming Commission ("NIGC"); and

WHEREAS, The Tribal Council adopted the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Gaming Ordinance on July 17, 2003, which was duly approved by the NIGC on August 6, 2003; and

WHEREAS, The Tribal Council finds it necessary to amend said Gaming Ordinance to resolve inconsistencies and to provide for more efficient regulation of its gaming operations.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians hereby approves and adopts the amended Gaming Ordinance as follows (the changes are underlined):

Section 2. **DEFINITIONS.** For purpose of this Ordinance:

2.23 "**Gaming Services**" means:

2.23.3 The extension of or guarantee of any financing for the Enterprise or a gaming facility by any person or entity other than MBPI, another federally-recognized Indian tribe (provided the tribe has been subject to NIGC regulation for a minimum of five (5) years, and has no record of NIGC violations), or a chartered institutional investor;

Section 7. TRIBAL GAMING COMMISSION.

7.15 **Hearings; Appeals**. Pursuant to Commission regulations, the Commission may hold any hearing, and shall provide for any appeal deemed necessary in the administration of its powers and duties under this Ordinance. Whenever it shall appear to the satisfaction of the Commission that all of the interested parties involved in any proposed hearing or appeal have agreed concerning the matter at hand, the Commission may issue its order without convening a hearing.

7.15.3 Hearings Involving the Management Contractor and its affiliates. The Management Contractor and its affiliates shall be provided with appropriate due process procedures, which procedures shall be determined by the Commission, with respect to the resolution of disputes concerning the issuance, non-issuance, renewal, non-renewal, condition, suspension, denial or revocation of any licenses to the Management Contractor or any affiliate.

FURTHER BE IT RESOLVED, that the Tribal Council authorizes the Tribal Chairman to submit the amendments to the NIGC consistent with 25 C.F.R. § 523.4.

FURTHER BE IT RESOLVED, that the amended sections of the Gaming Ordinance shall be effective immediately upon adoption of this resolution.

CERTIFICATION

We, the undersigned duly elected officials of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, do hereby certify that on December 3, 2009, the foregoing Resolution was adopted at a regular meeting of the Tribal Council with a quorum present by a vote of 6 for; 0 against; 1 abstaining; and 0 absent.

DK Sprague
Chairman

December 3, 2009
Dated

Ardis Bodjorquez
Secretary

December 3, 2009
Dated