



July 10, 2009

Via U.S. Mail and Facsimile

Miko Beasley Denson
Mississippi Band of Choctaw Indians
P.O. Box 6010
Choctaw, MS 39350
Fax: 601-656-1992

Donald Kilgore
Mississippi Band of Choctaw Indians
Office of the Attorney General
P.O. Box 6258
Choctaw, MS 39350
Fax: 601-656-1357

Re: Amendment to Title XV of the Tribal Code of the Mississippi Band
of Choctaw Indians

Dear Miko Denson and Mr. Kilgore:

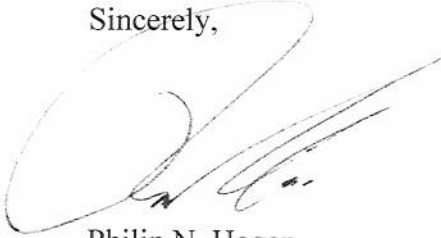
On June 15, 2009, Mr. Kilgore, on behalf of the Mississippi Band of Choctaw Indians (Band), requested that the Office of General Counsel for the National Indian Gaming Commission (NIGC or Commission) review and approve an amendment to Title XV of the Tribal Code of the Mississippi Band of Choctaw Indians (gaming ordinance). The Band amended the gaming ordinance on June 5, 2009, via Ordinance No. 16-000. In this amendment, the Band revised the conflict of interest section in the gaming ordinance:

1. Former commission employees are now able to accept work from a competitor before a year has passed provided that they receive Tribal Council approval,
2. Commission spouses may work for a gaming enterprise or contractor,
3. Commission workers may give gifts of a certain value on appropriate days and only to immediate family members, and
4. Commissioners must recuse themselves from matters that involve family members.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) and the Commission's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen", with a large, sweeping initial "P" and a stylized "H".

Philip N. Hogen
Chairman

MISSISSIPPI BAND OF CHOCTAW INDIANS

ORDINANCE No. 16-0000

AN ORDINANCE AMENDING TITLE XV OF THE TRIBAL CODE

WHEREAS, the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians, Article VIII, Sections 1(c) and (o), empowers the Tribal Council to “establish procedures for the conduct of all tribal government and business operations” and “establish policies relating to tribal economic affairs;” and

WHEREAS, by Ordinance No. 40, this Tribal Council has authorized Class III gaming with appropriate regulation, and

WHEREAS, by Ordinance Nos. 16-O, 16-R and 16-V, this Tribal Council amended the Tribal Code by adding and amending Title XV, Chapter 1, which created the Choctaw Gaming Commission, Chapter 2, which authorized the Choctaw Gaming Commission to regulate Class II gaming (bingo and related games and certain card games), and Chapter 3, which described regulation of casino-type games on the reservation, in full accord with the IGRA; and

WHEREAS, this Tribal Council does now desire to amend Title XV to amend Choctaw Tribal Code Section 15-1-4, Conflict of Interest, and now therefore be it

RESOLVED, that the Tribal Council does hereby replace Section 15-1-4 of Title XV, Conflict of Interest with an amended Section 15-1-4 Title XV, to the Tribal Code in the form attached hereto; and be it further

RESOLVED, that Section 15-1-4, Title XV, in the form attached hereto, shall become effective upon approval of this Ordinance.

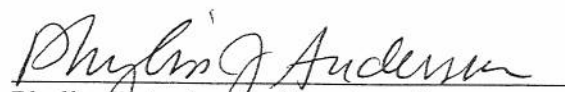
CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, of whom 15, constituting a quorum, were present at a Special Call Meeting thereof, duly called, noticed, convened, and held this the 5th day of June, 2009; and that the foregoing Ordinance was duly Enacted by a vote of 10 members in favor, 3 opposed, and 2 abstaining.

Dated this the 5th day of June, 2009.

ATTEST:


Beasley Denson, Tribal Miko


Phyliss J. Anderson, Secretary-Treasurer

Ordinance 16-0000,
Page 2,

RECOMMENDED:

Superintendent, Choctaw Agency

Date

§ 15-1-4 Conflict of Interest

(1) Except as otherwise specifically provided in this section, no member or employee of the Commission shall solicit, accept or receive any gift, gratuity, emolument, or employment from any person, officer, agent, or employee of a gaming entity, supplier or contractor, or an applicant for a work permit or license subject to the provisions of this Title.

No such Commission member or employee shall solicit, request from, or recommend, directly or indirectly, to any gaming entity, supplier, contractor or applicant subject to this Title, or to any officer, agent, or employee thereof, the appointment of any person to any place or position of employment.

Except as otherwise specifically provided in this section, every such person subject to regulation under this Title, and every officer, agent, or employee thereof, is hereby forbidden to offer to any member of the Commission, or to any person appointed or employed by the Commission any gift, gratuity, emolument, or employment.

(2) No member of the Commission or its employees, if any, may work for any tribal gaming entity, contractor, or supplier during such appointment or employment for a period of one year after termination of their appointment to or employment with the Commission, without (in the case of Commissioners) approval by the Tribal Council, or (in the case of employees) approval by the Commission.

(3) No Commission official or member of their immediate household shall receive any payment for the purpose of obtaining or maintaining a gaming management contract, or any license or work permit.

(4) No Commission member and no member of the Tribal Council shall be an owner, partner, beneficiary, shareholder, director, officer or employee of the entity holding the management contract for any Mississippi Band of Choctaw Indians tribal gaming operations.

(5) No tribal member or non-member may be appointed as a Commissioner or hired as an employee of the Commission while holding any position of employment or accepting a position of employment with any gaming enterprise or gaming supplier or contractor.

(6) Commissioners and Commission employees or members of their immediate household are prohibited from participating in any games of chance offered by any gaming entity on the reservation for the duration of their term or period of employment with the Commission.

(7) For purposes of this section "immediate household" is defined as son(s), daughters(s), step-son(s) or step-daughter(s), spouse, or spouse recognized by common law, and members living in the same household.

(8) Persons subject to regulation under this Title may give to Commission members or employees personal gifts of the type normal for special occasions such as birthdays, weddings, holidays and anniversaries of \$200 or less if that person is a member of the immediate household *of the* Commission member or employee. Likewise, Commission members and employees may accept or receive a personal gift, as just described, of \$200 or less from persons who are members of their immediate household.

(9) Commission member and employees shall recuse themselves from participation in any action, investigation, or proceeding in which their impartiality might be questioned by a reasonable person knowing all the circumstances including, but not limited to instances where:

- (a) the Commission member or employee has a personal bias or prejudice concerning a party or issue involved in the action, investigation or proceeding;
- (b) the action, investigation or proceeding involves a member of the immediate household of the Commission member or employee or involves an individual or party with which the Commission member or employee has a fiduciary relationship; or
- (c) the action, investigation or proceeding involves an individual or party with which the Commission member or employee has a financial relationship or involves an interest in which the Commission member or employee has a financial interest.