



APR 19 2005

Elizabeth L. Homer, Esq.  
Homer Law  
1730 Rhode Island Ave., NW  
Suite 501  
Washington, D.C. 20036

Re: Approval of the Amendments to the Gaming Ordinance of the  
Quapaw Tribe of Oklahoma

Dear Ms. Homer:

Amendments to the Quapaw Tribe's gaming ordinance were submitted to the National Indian Gaming Commission (NIGC) for our review and approval. These amendments were approved by the Tribe's Business Committee in Resolution 021405-A on February 14, 2005. The amendments and the Business Committee resolution were received by the NIGC on March 3, 2005.

The amendments clarify the roles of the Tribal Gaming Agency and the Tribal Gaming Commission. Additionally, they also clarify certain issues now that the Tribe has a Tribal-State compact with the State of Oklahoma, which was approved by the Secretary of the U.S. Department of the Interior.

I approved a gaming ordinance of the Quapaw Tribe on February 3, 2005. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed amendments to that ordinance. The amendments are 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 amendments for review and approval. The NIGC staff and I look forward to continuing to work with 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: John L. Berrey, Chairman, Quapaw Tribal Business Committee  
Tim Harper, Region V Director

**Revised**  
**GAMING ORDINANCE**  
**OF THE**  
**QUAPAW TRIBE OF OKLAHOMA**

**Adopted by Resolution No. 021405-A**

**February 14, 2005**

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**GAMING ORDINANCE**  
**OF THE**

**QUAPAW TRIBE OF OKLAHOMA**

**Adopted by Resolution No. 021405-A February 14, 2005**

**I. Authority and Purpose**

- A. **Authority.** Pursuant to the authority vested in the Quapaw Tribal Business Committee by the Quapaw Tribe in the Quapaw Governing Resolution duly adopted on August 19, 1956 and approved by the Commissioner of Indian Affairs on September 20, 1957, as amended, the Quapaw Tribe hereby amends, in whole part, the Quapaw Tribal Gaming Ordinance of October 24, 1994 as approved by the Chairman of the National Indian Gaming Commission (“NIGC”) under the Indian Gaming Regulatory Act (“IGRA”), Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq. and 18 U.S.C. §§ 1166-68. The Quapaw Tribe shall commence implementation of this Ordinance immediately upon enactment by the Business Committee, provided that the provisions of the Quapaw Tribal Gaming Ordinance of October 24, 1996 required by IGRA and its implementing regulations shall remain effective until this Ordinance is approved by the Chairman of the NIGC at which time this Ordinance shall govern the operation and regulation of Quapaw Tribal gaming facilities and activities on Tribal lands at which time the Ordinance of October 24, 1996 shall be revoked in whole and superseded in full by this Ordinance.
- B. **Purposes.** The purposes of this Ordinance are to:
1. Establish the legal and regulatory framework for the regulation, control, and licensing for the operation of all gaming activities within the jurisdiction of the Tribe;
  2. Make clear and explicit that a Tribal license to operate a gaming activity is a revocable privilege, not a right or property interest;
  3. Ensure that the operation of Tribally-regulated gaming will continue as a means of generating Tribal revenue;
  4. Ensure that Tribally-regulated gaming is conducted fairly and honestly by both gaming operators and players, and that it remain free from corrupt, incompetent, unconscionable and dishonest persons and practices; and
  5. Ensure that Tribal gaming laws are fairly enforced against all persons involved in gaming activities within the jurisdiction of the Tribe.

II. Gaming Authorized

Classes I, II, and III gaming as authorized by the IGRA are hereby authorized by the Quapaw Tribe, provided that Class III gaming is authorized only to the extent authorized by the Tribal-State gaming compact(s) between the Tribe and the State of Oklahoma approved by the Secretary of the Interior or as may be later authorized pursuant to an amendment to existing compact(s) or any new Tribal-State gaming compact(s) upon approval of the Secretary of the Interior.

III. Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

IV. Definitions

For the purpose of this subtitle certain words shall have the meanings specified in this section. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine. The following definitions shall apply to gaming and other activities conducted under this Ordinance:

- A. "Class I gaming" means social games solely for prizes of minimal value or traditional forms of gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
- B. "Class II gaming" means:
  - 1. Lotto or the game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith):
    - a) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
    - b) in which the holder of the card covers such numbers or designations with objects, similarly numbered or designated, which are drawn or electronically determined; and
    - c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including, (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and

2. Non-banking card games that:
    - a) are explicitly authorized by the laws of the State of Oklahoma, or
    - b) are not explicitly prohibited by the laws of the State of Oklahoma and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games or as otherwise authorized through a tribal-state compact between the Tribe and the State; and
  3. If played in the same location as bingo: lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo.
- C. Class III gaming includes all other forms of gaming not coming within the definition of Class I or II gaming, including slot machines and electromechanical facsimiles of any game or chance.
- D. “Commission” means the Tribal Gaming Commission, established to secure, oversee, and protect the honesty, integrity, fairness, and security of Quapaw Tribal gaming by adjudicating matters that come before it and perform such other functions as are authorized by this Ordinance.
- E. “Tribal Gaming Agency Director” means the head of the Tribal Gaming Agency charged with overall supervisory and administrative responsibility for directing the Tribe’s gaming licensing program; monitoring the Facility’s compliance with the Indian Gaming Regulatory Act; and general enforcement of this gaming ordinance and all regulations issued in relation hereto.
- F. “Gaming Operation” means each economic entity licensed by the Tribe that operates games, receives gaming revenues, issues gaming prizes and pays the expense of operation. Said Gaming Operation may be operated by the Tribe or by a management contractor.
- G. “Gaming Related Vendor” means any person or business entity that supplies any goods or services directly related to the gaming operation. This includes:
1. Suppliers/Manufacturers of gaming equipment and devices including electronic, computer, or technological aids to games;
  2. Providers of accounting services; and
  3. Any provider of financing to the Gaming Operation.

- H. “Non-Gaming Vendor” means any person or business entity that provides nonessential goods or services that are not directly related to gaming. This includes but is not limited to:
1. Providers or subcontractors of food and beverage services and goods;
  2. Providers or subcontractors of entertainment or entertainment services;
  3. Providers or subcontractors of non-gaming products, like gifts, tobacco, or other non-gaming products;
  4. Providers or subcontractors of cash counting machines; and
  5. Providers or subcontractors of any other non-gaming machine, equipment, or device;
- I. “Gross Gaming Revenue” means the annual total amount of cash wagered on class II and class III games and admission fees (including table or card fees, if any, less any amounts paid out as prizes or paid for prizes awarded.
- J. “Tribe” means the Quapaw Tribe of Oklahoma.
- K. “Key Employee” means the four most highly compensated persons in the gaming operation and persons who perform one or more of the following functions:
1. Bingo Caller
  2. Counting room supervisor;
  3. Chief of security;
  4. Custodian of gaming supplies or cash;
  5. Floor manager;
  6. Dealer;
  7. Custodian of gambling devices including persons with access to cash and accounting records within such devices;
  8. Pit bosses;
  9. Croupier;

10. Approver of credit; and

11. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;

- L. “Licensee” means any person or entity holding a valid and current license pursuant to the provisions of this Gaming Ordinance.
- M. “Tribal Gaming Agency” means the administrative department within the Tribal government responsible for day-to-day regulation of the Tribe’s gaming operation(s), including the issuance of all gaming licenses and the authority to enforce compliance with this ordinance and all applicable federal laws related to tribal gaming.
- N. “Management Contract” means any contract, subcontract, or collateral agreement between Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.
- O. “Net Revenue” means the gross gaming revenue of Indian gaming activity less amounts paid out as, or paid for, prizes and total gaming-related operating expenses, excluding management fees.
- P. “NIGC” means the National Indian Gaming Commission.
- Q. “Tribal Lands” means any land over which the Tribe exercises governmental power and that are held in trust for the benefit of the Tribe or lands held by the Tribe or a tribal member of the Tribe subject to restrictions on alienation.
- R. “Primary Management Official” or “PMO” means
  - 1. The person having management responsibility for a management contract;
  - 2. Any person who has authority:
    - a) To hire and fire employees;
    - b) To set up working policy for the gaming operation; or
  - 3. The chief financial officer or other person who has financial management responsibility.
- S. “Secretary” means the Secretary of the Interior.
- T. “Business Committee” means the elected governing body of the Tribe.

V. Use of Gaming Revenue

Net revenues from Class II gaming shall be used only for the following purposes:

1. to fund tribal government operations and programs;
2. to provide for the general welfare of the Tribe and its members;
3. to promote Tribal economic development;
4. to donate to charitable organizations; or
5. to help fund operations of local government agencies.

VI. Audit

- A. The Tribe shall ensure that the facility is subjected to an independent audit of its gaming operations annually and the Director of the Tribal Gaming Agency acting on behalf of the Tribe shall submit the resulting audit reports to the National Indian Gaming Commission.
- B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and accounting services, shall be specifically included in the audit.

VII. Protection of the Environment and Public Health and Safety

All Tribal gaming facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment, public health and safety of the community.

VIII. License Location

The Tribe shall issue a separate license to each place, facility, or location where gaming is conducted under this Ordinance. Every gaming facility shall display in a prominent place a current and valid license for that location.

IX. Gaming Commission

A. Establishment and Purpose

In order to regulate gaming on Tribal lands, the Tribal Gaming Commission is hereby established. The Commission is vested with all necessary powers to:

1. Hear and adjudicate:
  - a. patron disputes;
  - b. licensing disputes arising under this Ordinance;

- c. appeals of enforcement actions; and
  - d. appeals of disciplinary actions related to Tribal Gaming Agency staff;
2. Classify games or review game classification decisions of the Tribal Gaming Agency;
  3. Resolve questions of interpretation in relation to this ordinance and such regulations as may be promulgated hereunder;
  4. Develop and apply standards, rules, and procedures governing the conduct of hearings before the Commission;
  5. Issue advisory opinions interpreting the Tribal-State Gaming Compact this Ordinance and any rules or regulations adopted pursuant hereto on request of the TGA or the Business Committee;
  6. Issue subpoenas, take testimony, and conduct hearings; and
  7. Handle such other matters and conduct such other activities as are consistent with the power and authority delegated the Commission under this Ordinance.

B. Qualifications

The Commission shall be comprised of a Commissioner, who shall be appointed by the Business Committee by a majority vote, and such staff as may be needed to carry out the responsibilities of the Commission. The Business Committee may also appoint an alternate(s) who may act for the Commissioner in the event that the Commissioner is unavailable for any reason or in the event of a recusal by the Commissioner. Only persons who have reached the age of twenty five (25) years shall be eligible for appointment as Commissioner or to serve as an alternate. No person who has been convicted of any gambling or bribery offense or any felony is eligible for appointment to the Tribal Gaming Commission. Neither shall the Gaming Commissioner or any alternate have any financial interest in, or management responsibility for, any gaming activity governed by this Ordinance, including a Management Contract or an entity licensed under this Ordinance.

C. Commission Clerk and Staff

Other than specific employees designated in this Ordinance, the Tribe may employ and compensate a Commission Clerk and any other support staff it deems necessary to carry out the duties of the Commission. The Commission Clerk and any support staff will be compensated for their services. No person who has been convicted of any gambling or bribery offense or any felony is eligible to serve as staff to the Tribal Gaming Commission.

D. Terms

The Gaming Commissioner shall be appointed to a term of four years and may be reappointed at the discretion of the Business Committee.

E. Powers

The Tribal Business Committee delegates the following powers to the Commission, not to be removed, except by amendment of this Ordinance:

1. To secure, oversee, and protect the honesty, integrity, fairness, and security of Quapaw Tribal gaming by adjudicating matters that come before it;
2. To adopt and submit to the Tribal Business Committee an annual operating budget as appropriate;
3. To adopt rules and procedures consistent with its delegated powers;
4. To develop procedures for resolving patron disputes;
5. To issue subpoenas, take testimony, and conduct hearings;
- 6.. To resolve patron disputes not resolved by the gaming operation;
7. To conduct hearings to review actions and decisions of the Tribal Gaming Agency in accordance with the Section XIX. of this Ordinance pertaining to hearings and appeals;
8. To preside over appeals of actions or decisions of the Tribal Gaming Agency and reverse or make final a determination of suspension or revocation for cause issued by the Tribal Gaming Agency following a fair and impartial adjudication.
9. To develop and recommend to the Tribal Business Committee for adoption such regulations as may be needed to fully implement this ordinance; and
10. To classify games.

F. Rules and Procedures

The Commission shall adopt rules for the conduct of hearings, which shall include the following provisions:

1. The Commissioner will conduct hearings and ensure that such hearings are conducted efficiently and in accordance with principles of due process of law;
2. Commission hearings shall be open to the public and minutes or other records shall be kept;
3. The Commission may take such steps as necessary to protect the confidentiality of the Tribe's proprietary information and to conduct deliberations related to adjudications, including in-camera inspections of books, records, and any evidence before it;
4. All decisions of the Commission shall be issued in writing and shall be final and such other requirements as set forth in Section XIX shall be met; and
5. The Commission shall establish and make public written standards and procedures for the handling of all adjudications, including notice requirements, evidence, and time frames.

G. Compensation

The Business Committee shall establish the Commissioner's rate of compensation, which shall not be diminished during his or her term in office. The Commissioner and any Commission staff shall be reimbursed for all actual expenses incurred on Commission business, including necessary travel expenses, subject to the approval of the Business Committee.

H. Vacancy and Removal

1. Vacancy. The Commissioner's seat shall be deemed immediately vacant upon any gambling offense or bribery or of any felony conviction. The Commissioner shall advise the Business Committee of any need for recusal in any matter or of any anticipated absence or unavailability for any period of time in excess of two weeks in which case the Business Committee shall notify or appoint an alternate to fulfill the duties of the Commissioner as soon as possible, but no later than thirty (30) days from the date of absence, unavailability or vacancy.

2. Removal. The Commissioner may only be removed for cause, which shall include: excessive use of intoxicants or controlled substances; use of office for personal gain; failure to perform Commission duties; violation of this Ordinance or other law or regulation of the Tribe or the Indian Gaming Regulatory Act; or bringing discredit or disgrace to the Commission or the Tribe. Removal shall be effected by a majority vote of the Business Committee at a meeting duly called by the Business Committee to consider said removal.
3. Suspension. The Business Committee may suspend the Commissioner if he or she is charged with any felony or any gambling or bribery offense until such charges are dismissed or the Commissioner is convicted or acquitted. An alternate will fill such vacancy until the matter is resolved.
4. Due Process. In any proceeding pursuant to this subsection a Notice of Proposed Suspension and/or Removal shall be provided at least fourteen (14) days in advance of the date set for such meeting of the Business Committee and shall set forth in particular the basis for such proposed action with sufficient specificity as to permit the preparation of an answer to such allegations. The decision of the Business Committee shall be final and non-appealable.

I. Prohibitions

The Commissioner shall refrain at all times during his or her term of office from participating in any gaming activities at the Quapaw Casino or any other gaming establishment under the Commission's jurisdiction and shall not adjudicate any matter in which a party to the dispute is a member of the Commissioner's immediate family or is an entity in which the Commissioner has a pecuniary interest. Should the need for recusal arise, the Commissioner shall so notify the Chairman of the Business Committee in order that an alternate may be selected to carry out the duties of the Commissioner in relation to the matter. For purposes of this provision immediate family shall include: spouse, child, sibling, parent, grandparent, and grandchildren, and such other person or persons with whom the Commissioner may have a close personal relationship.

X. Tribal Gaming Agency

A. Establishment and Purpose

In order to issue licenses to gaming related vendors, key employees, PMOs, and register all other vendors in compliance with the law and to ensure that gaming is conducted in accordance with this Ordinance and any related Tribal ordinances, rules and/or regulations, the Indian Gaming Regulatory Act, and all applicable rules and regulations, the Tribal Department of Gaming Licensing and

Enforcement (hereinafter referred to as the Tribal Gaming Agency) is hereby established.

B. Disclaimer of Liability

Issuance of any license pursuant to this subtitle does not constitute the creation of a duty by the Tribe to indemnify a licensee for any wrongful acts against the public, or to guarantee the quality of goods, services, or expertise of a licensee, or to otherwise shift responsibility from the licensee to the Tribe for proper training, conduct, or equipment of self or agents, even if specific regulations require standards of training, conduct, or inspection. Nor does it constitute a waiver of any Tribal sovereign immunity from suit.

C. Tribal Gaming Agency Director

To implement this Ordinance with honesty and integrity, the Business Committee will appoint a Director of the Tribal Gaming Agency to direct its day-to-day activities. The Director shall report directly to the Tribal Administrator. The Director shall receive compensation for his or her services, which shall not be diminished during his or her term in office. The Director shall serve a term of three (3) years. The Director may be removed from office for cause by a majority vote of the Business Committee. No person who has been convicted of any gambling or bribery offense or any felony is eligible to serve as the Director of Tribal Gaming Agency. The Director of the Tribal Gaming Agency will make every effort to work closely and cooperatively with the staff, Business Committee, the Tribal Administration, the Tribal Gaming Commission, licensees, registrants, and applicants.

D. Tribal Gaming Agency Staff

Other than any specific employees designated in this Ordinance, the Tribal Gaming Agency, subject to the authorization of the Business Committee, will employ such staff as may be necessary to carry out its duties, but which at a minimum will include a compliance officer(s) and licensing official. No person who has been convicted of any gambling or bribery offense or any felony is eligible to serve as the Director of Tribal Gaming Agency or in any staff position. The Director of the Tribal Gaming Agency and staff will make every effort to work closely and cooperatively with the Tribal Business Committee, Tribal Administration, Tribal Gaming Commission, licensees, registrants, and applicants.

E. Duties

The Tribal Business Committee delegates the following powers to the Tribal Gaming Agency, not to be removed except by formal amendment of this Ordinance:

1. To secure, monitor, and safeguard the honesty, integrity, fairness, and security of the Tribal gaming operation.
2. To adopt and submit to the Tribal Business Committee an annual proposed operating budget.
3. To submit to the Business Committee a quarterly report of the status of all its activities and gaming matters.
4. To develop licensing and background procedures applicable to the gaming operation, its employees, gaming vendors, and gaming equipment;
5. To classify and license electronically aided Class II games, provided that the TGA may, seek game classification advisory opinions from the Commission;
6. To maintain vendor licensing and registration systems;
7. To develop and recommend to the Business Committee for adoption such regulations as may be needed to fully implement this ordinance, including recommendations for amendment;
8. To issue, renew, suspend, and revoke licenses of PMOs and key employees upon completion of background investigations in accordance with Agency procedures for same;
9. To conduct background investigations on PMOs and key employees according to requirements at least as stringent as those in 25 CFR Parts 556 and 558;
10. To forward complete employment applications and the results of background investigations for PMOs and key employees to the NIGC. Said applications must include the notices in Section XI, Subsection B below;
11. To forward completed investigative reports on each background investigation for each PMO and key employee to the NIGC prior to issuing a permanent license;
12. To review PMO and key employee applicant activities, criminal record, if any, and reputation, habits, and associations to make a finding of their eligibility for employment in and/or contracting with the gaming operation;

13. To ensure that the Tribal gaming facilities are constructed, maintained, and operated in a manner that adequately protects the environment, public health and safety by reporting suspected violations to the Business Committee and other appropriate divisions of Tribal government for appropriate action;
14. To ensure that the annual outside audit is conducted and to transmit the report to the NIGC;
15. To monitor gaming activities to ensure compliance with this Ordinance, and the Indian Gaming Regulatory Act, including rules and regulations issued thereunder;
16. To work with law enforcement and regulatory agencies as needed to carry out the Agency's duties and responsibilities;
17. To investigate possible violations of this Ordinance and the Indian Gaming Regulatory Act, including rules and regulations issued thereunder and take appropriate enforcement action, which may include the impoundment of evidence and winnings until the matter is resolved;
18. To ensure compliance with the Tribe's internal control standards through oversight and enforcement;
19. To establish standards and procedures for the licensing of gaming related vendors;
20. To develop registration processes and procedures for all non-gaming related vendors; and
21. Represent the Tribal Gaming Agency before the Commission.

F. Suspension; Removal for Cause

The Director of the Tribal Gaming Agency may be suspended or removed by the Business Committee, but in the case of removal, he or she shall only be removed for cause, which shall include: excessive use of intoxicants or controlled substances; use of office for personal gain; failure to perform assigned duties; failure to maintain the confidentiality of licensing information entrusted to it; violation of this Ordinance or other law or regulation of the Tribe or the Indian Gaming Regulatory Act; or bringing discredit or disgrace to the Commission or the Tribe. Removal shall be effected by a majority vote of the Business Committee at a duly called meeting of the Business Committee to consider said removal. Notice of Proposed Suspension and/or Removal shall be provided at least fourteen (14) days in advance of the date set for such meeting of the Business Committee and shall set forth in particular the basis for such proposed action with sufficient specificity as to permit the preparation of an answer to such allegations. The decision of the Business Committee shall be final and non-appealable. The Director shall have hiring, firing, and disciplinary authority over staff, subject to the adjudicatory oversight of the Tribal Gaming Commission.

G. Prohibitions

The Director of the Tribal Gaming Agency and staff shall refrain at all times from participating in any gaming activities at the Quapaw Casino or any other gaming establishment under the Agency's authority and neither the Director nor staff shall handle any matter in which an applicant or subject is a member of his or her immediate family or is an entity in which he or she has a pecuniary interest. Should the need for recusal arise, the Director and/or staff member shall so notify the Tribal Administrator and another member of the staff shall handle such matter. For purposes of this provision immediate family shall include: spouse, child, sibling, parent, grandparent, and grandchildren, and such other person or persons with whom the Director and/or staff member may have a close personal relationship.

XI. Licensing for Key Employees and PMOs

A. Application Forms

1. Each person or entity having a management contract, each primary management official and each key employee shall complete an application for an initial license or renewal of an existing gaming license for each gaming establishment on an application form prescribed by the Tribal Gaming Agency. The application shall set forth:

- (a) the name under which the applicant transacts or intends to transact business on Tribal Lands;

- (b) the location of the gaming establishment for which the gaming license is sought; and
- (c) the application shall be signed by the applicant if a natural person, or, in the case of an association or partnership, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof, or by some other person specifically authorized by the corporation to sign the application, in which case written evidence of the signatory's authority shall be attached. The applicant shall provide evidence of authority of the signatory or any other representative to act for and bind the applicant. If any change is made in that authority, the Tribal Gaming Agency shall be immediately informed in writing and, until that information is filed with the Tribal Gaming Agency, any action of the representative shall be presumed to be that of the applicant.

B. Notice.

1. The following notice shall be placed on the application form of a key employee or a PMO before that form is filled out by the applicant:

*In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701, et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a Tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a Tribe's being unable to hire you in a primary management official or Key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply SSN may result in errors in processing your application.*

2. Existing key employees and PMOs, if any, shall be notified in writing that they shall either:
  - (a) Complete a new application form that contains a Privacy Act Notice;
  - or

(b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application for a key employee or PMO before that form is filled out by an applicant:

*A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001).*

4. The Tribal Gaming Agency shall notify in writing existing key employees and primary management officials, if any, that they shall either:

(a) Complete a new application form that contains a notice regarding false statements; or

(b) Sign a statement that contains the notice regarding false statements.

5. Notwithstanding their designation as key employees, croupiers and pit bosses shall not be hired by any gaming facility nor given a gaming license by the Tribal Gaming Commission in the absence of a duly approved and executed Tribal-State Gaming Compact.

C. Payment of Application Fee.

Each application shall be accompanied by payment of an application fee established by the Tribal Gaming Agency to which shall include the cost of the background investigation conducted pursuant to Section XII below.

D. Organizational Chart

A management contractor shall file, along with the application, an organizational chart of its management organization and job descriptions for employees of the gaming operation. The chart shall identify which employees are or will be the primary management officials and the key employees of the gaming operation.

E. Description on Application

An application for a gaming license shall include a description of the place, facility, or location on Tribal Lands where the applicant will operate a gaming operation or where the applicant will be employed.

F. Other Gaming License

Any applicant for a gaming license shall disclose whether he/she has ever had a management contract in another gaming jurisdiction, whether another gaming

jurisdiction has ever revoked, suspended, or denied the applicant a gaming license, or is presently providing management or management services in another gaming jurisdiction, and a description of the location of each such operation.

G. Management Contractor's Application

A management contractor's application shall include information required by 25 U.S.C. § 2711 and 25 C.F.R. § 537.1.

XII. Background Investigations

The Tribal Gaming Agency shall conduct, or cause to be conducted, a background investigation of the management contractor, gaming related vendor executive officers, and each applicant for a position who is designated as a key employee or PMO sufficient to make a qualification determination under Section XII, Subsection C below. In conducting the investigation, the Tribal Gaming Agency shall keep confidential the identity of each person interviewed in the course of the investigation.

- A. The Tribal Gaming Agency shall request from each primary management official and from each key employee all of the following information:
1. full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
  2. currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business addresses, residence addresses since age 18, and drivers license number(s);
  3. the names and current addresses of at least five (5) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (A)(2) of this Section;
  4. current business and residence telephone numbers;
  5. a description of any existing and previous business relationships with Indian Tribes or Alaskan Natives, including ownership interests in those businesses;
  6. a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  7. the name and address of any licensing or regulatory agency with which the person has filed an application for license or permit related to gaming, whether or not such license or permit was granted;

8. for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
  9. for each misdemeanor conviction or misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
  10. for each criminal charge (excluding minor traffic charges) whether or not there is a conviction if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph 9 or 10 of this Section, the criminal charge, the name and address of the court involved, and the date and disposition;
  11. the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted and a description and explanation of any disciplinary charges filed, whether or not discipline was imposed, by any state or tribal regulatory authority;
  12. a current photograph;
  13. fingerprints of the applicant shall be taken by the Quapaw Tribal Gaming Agency and transmitted to the NIGC in order that a criminal history check through the Federal Bureau of Investigation National Crime Information Center may be obtained;
  15. any other information the Tribal Gaming Agency deems relevant.
- B. The Tribal Gaming Agency shall conduct an investigation sufficient to make a determination of employee eligibility under Subsection C.
- C. Eligibility Determination
1. The Tribal Gaming Agency shall ensure that any person involved with the conduct of gaming activities is a person of good character, honesty, and integrity.
  2. The Tribal Gaming Agency shall review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of such person for employment in the gaming operation. If the Tribal Gaming Agency determines that employment of the person poses a threat to the public interest of the Tribe or to the effective regulation and control of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct

of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming, the gaming operation shall not employ that person.

3. Only persons who have achieved the age of eighteen (18) shall be eligible for a tribal gaming license.

D. Procedures for Forwarding Applications and Reports for Key Employees and PMOs to the NIGC.

1. When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Tribal Gaming Agency shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Subsection C above.
2. The Tribal Gaming Agency shall forward the report referred to in Subsection E below to the NIGC within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Ordinance by the NIGC Chair.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

E. Report to the NIGC

1. Pursuant to the procedures set out in Subsection D of this Ordinance above, the Tribal Gaming Agency shall prepare and forward to the NIGC an investigative report on each background investigation. An investigative report shall include all of the following:
  - (a) the steps taken in conducting the background investigation;
  - (b) the results obtained;
  - (c) the conclusions reached; and
  - (d) the basis for those conclusions.
2. The Tribal Gaming Agency shall submit, with the report, a copy of the eligibility determination made under Subsection C.
3. If a license is not issued to an applicant, the Tribal Gaming Agency:
  - (a) shall notify the NIGC; and
  - (b) may forward copies of its eligibility determination and Investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and PMOs, the Tribe shall retain applications for employment and reports, if any, of background investigations for inspection by the NIGC Chair or his or her designee for no less than three (3) years from the date of termination of employment.

XIII. Issuance Of Licenses; Renewal; Suspension

- A. If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Tribal Gaming Agency that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a PMO for whom the Tribal Gaming Agency has provided an application and investigative report to the NIGC, the Tribal Gaming Agency may issue a license to such applicant.
- B. The Tribal Gaming Agency shall respond to a request for additional information from the NIGC Chair concerning a key employee or a PMO who is the subject of a report. Such a request shall suspend the thirty (30) day period described above until the NIGC Chair receives the additional information.
- C. If, within the thirty (30) day period described above, the NIGC provides the Tribal Gaming Agency with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Agency has provided an application and investigative report to the NIGC, the Tribal Gaming Agency shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribal Gaming Agency shall make the final decision whether to issue a license to such applicant.
- D. The Tribal Gaming Agency may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate annual fee, provided that no license shall be issued to or renewed for an applicant who:
  1. is not a person of good character, honesty, and integrity;
  2. is not found by the Tribal Gaming Agency to be eligible for employment under the criteria of Section XII, Subsection C;
  3. has had, or who is in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction;
  4. is delinquent in the payment of any obligation owed to the Tribe or Tribal Gaming Agency pursuant to this Ordinance or a management contract; and
  5. has failed to comply with the Act, regulations of the NIGC, this Ordinance or regulation that the Tribe or Tribal Gaming Agency has or may adopt.

E. Validity

Each gaming license shall be valid for a two year period commencing January 1 and ending December 31 of a respective year.

F. Assignment/Transfer/Display

A gaming license may not be assigned or transferred and is valid only for use by the person in whose name it is issued and at the gaming establishment for which it is issued. A gaming license shall be conspicuously displayed at all times at the gaming establishment for which it is issued.

G. No Class III Gaming License

Except as authorized by the Tribal-State Compact, no gaming license shall be issued for any Class III gaming.

H. Licensing of Games

All electronically aided Class II games shall be licensed by the Tribal Gaming Agency. In cases where there is uncertainty with regard to the proper classification of a particular game, the Director may conduct a game classification analysis or seek a Game Classification opinion from the Commission, which shall occur prior to the issuance of such license, provided that no such analysis or opinion shall be required in the event that such game or equipment has been determined to be a Class II game by the NIGC, any court of competent jurisdiction or any gaming jurisdiction with authority recognized by the Quapaw Tribal Gaming Agency. The Tribal Gaming Agency shall maintain at all time an inventory of all electronically aided game units, including individual serial numbers.

I. License Suspension

1. If, after the issuance of a gaming license, the Tribal Gaming Agency receives from the NIGC, or any other gaming jurisdiction, reliable information indicating that a key employee or a primary management official is not eligible for employment, the Tribal Gaming Agency shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. Upon suspension, the Tribal Gaming Agency shall within 5 calendar days forward a copy the notification of the suspension and any other relevant documentation to the Gaming Commission.

XIV. Gaming License and Fees

A. License Required

1. All employees of a Quapaw Tribal gaming facility and all gaming related vendors, suppliers, and/or distributors must apply for a license prior to the initiation of the licensees' activities.
2. The applicant shall provide the Tribal Gaming Agency all necessary information to obtain a background investigation.
3. All licensees have a continuing obligation to notify the Tribal Gaming Agency in the event he or she is arrested for or charged with any criminal wrongdoing, excluding minor traffic violations, files for bankruptcy, or receive a federal or state tax lien

B. Annual License Fees

The following annual fee schedule shall apply to each class of gaming licenses:

1. Class "A" License. A class "A" license may be issued to any employee of a gaming facility at an annual rate of \$15.00 (Fifteen). At the discretion of the Tribal Gaming Agency, a Class "A" license may be issued on a provisional basis.
2. Class "B" License A class "B" license may be issued to any manager of a tribal gaming operation owned by the Quapaw Tribe, at an annual rate of \$1,000.00 (One Thousand Dollars) for the revocable privilege of conducting in a specific location within the reservation of the Quapaw Tribe for each calendar year.
3. Class "C" License. A class "C" license may be issued to any distributor, manufacturer or vendor of gambling equipment and/or video games of chance to be used in a Tribal gaming enterprise: the license shall be valid for a period of one year and shall have an annual license fee of \$500.00 (Five Hundred Dollars).
4. Class "D" License. A class "D" license may be issued for each electronically enhanced Class II game unit, terminal, or dispenser to be used in a Tribal gaming enterprise: the license shall be valid for a period of one year and shall have an annual fee of \$50.00 (Fifty Dollars) per game unit, terminal, or dispenser and shall be paid by the distributor, supplier, or vendor in addition to the Class C license fee provided for in Subsection (c).

C. Adjustment of Annual Fee

The Tribal Business Committee may adjust the amount of the annual fee, upon recommendation by the Tribal Gaming Agency, provided that any increase shall take effect only on the ensuing January 1.

D. Payment in Advance

Annual license fees shall be paid in advance of the initial issuance or renewal of a license.

E. Prorated Annual Fee

The annual license fee shall be prorated in the case of each initially issued license.

XV. Registration for Non-Gaming Related Vendors

A. All non-gaming related vendors, suppliers, and distributors will be subject to "registration." No vendor may transact any business with the Gaming Operation unless and until such vendor has completed the non-gaming related vendor registration process with Tribal Gaming Agency.

B. All non-gaming related vendors will register with the Tribal Gaming Agency. Registration shall include:

1. For persons:

- a) full name;
- b) social security number(s);
- c) address;
- d) date and place of birth;
- e) citizenship;
- f) gender; and
- g) employer.

2. For business entities:

- a) the name of the business,
- b) the purpose of business;
- c) the goods or services to be provided to the gaming operation;
- d) current business address and telephone numbers;
- e) the location of the gaming establishment for which the gaming license is sought;
- f) the name under which the applicant transacts or intends to transact business on Tribal Lands; and

- g) such other information as the Director of Licensing and Enforcement may require.
- C. The Tribal Gaming Agency shall keep all non-gaming related registration materials on file and provide these materials to the Tribal Business Committee, any independent auditors, the NIGC, or the Gaming Commission.
- D. The TGA shall ensure that any additional or different requirements in relation to vendors set forth in any gaming compact between the Tribe and the State shall be followed pursuant to the terms of such compact.

XVI. Records and Reports

A. Keep and Maintain

Each gaming operation shall keep and maintain sufficient books and records to substantiate the receipts, expenses, and uses of revenues relating to the conduct of gaming activities authorized under a license. Included in the records of the activity shall be session summary sheets, operational budgets and projections, and tour/bus attendance and compensation.

B. Statement of Gross Revenues and Net Revenues

By the third Saturday of the month, each gaming operation shall provide the Tribal Gaming Agency, in a report form prescribed by the Tribal Gaming Agency, a statement of gross revenues and net revenues received or collected at each gaming establishment during the immediately preceding period.

C. Falsification

No licensee shall falsify any books or records relating to any transaction connected with the conduct of gaming activities authorized under this Ordinance.

E. Inspection by Tribal Gaming Agency

All books and records of each gaming operation relating to licensed gaming activities shall be subject to inspection, examination, photocopy and auditing by the Tribal Gaming Agency or a person designated by the Tribal Gaming Agency at anytime during reasonable hours.

E. Audit

The Tribal Gaming Agency shall ensure that an annual audit of the operations compliance with the Tribe's Minimum Control Standards

(MICS) is conducted and for submitting to the NIGC the report(s) of the Tribe's annual independent financial audit of the gaming operation(s) and MICS audit.

F. Insurance Policies

A copy of all insurance policies covering each gaming enterprise or any part thereof shall be filed with the Tribal Gaming Agency.

XVII. Violations

A. Gaming License

No person shall operate or conduct any gaming activity in a gaming operation within the exterior boundaries of Tribal Lands without a gaming license issued by the Tribal Gaming Agency, as required by this Ordinance.

B. Falsifying or Omitting Information

No licensee or license applicant shall intentionally omit or provide false information in connection with any document or proceeding under this Ordinance.

C. Accounting and Inspection

1. No management contractor shall fail to account fully for all moneys received or collected in connection with gaming activities.
2. In compliance with 25 C.F.R. § 571.5 or § 571.6, or a Tribal Ordinance or resolution approved by the NIGC Chair under parts 522 or 523 in Title 25 C.F.R., a gaming operation shall not refuse to allow an authorized representative of the NIGC or an authorized Tribal Gaming Agency or Tribal Gaming Commission official to enter or inspect a gaming operation.

D. Age Limit

No person under the age of eighteen (18) years shall be permitted to participate in any gaming activity.

E. Cheating

No person shall engage in cheating in any gaming activity.

F. Possession of a Firearm.

No person, other than a law enforcement officer duly authorized by the Tribe or invited by the Tribe to be on the premises may enter or remain in a gaming establishment under this Ordinance while in the possession of a firearm or other weapon.

G. Violation of Any Provision, Rule, Regulation or Order

No person shall violate any provision of this Ordinance or any order of the Tribal Gaming Commission.

H. Facility Compliance with Ordinance

The management of each gaming facility is responsible for ensuring that all PMOs and key employees assisting in the operation of any gaming activity on the licensee's behalf comply with this Ordinance. Management is also responsible to ensure that all electronically aided games are properly classified and licensed in accordance with this Ordinance. A violation by any such officials or employees shall be deemed a violation by management and may subject management to sanctions.

I. Fraudulent Scheme or Technique

No person, playing in or conducting any gaming activity authorized under this Ordinance, shall:

1. Use bogus or counterfeit cards, or substitutes or use any game cards that have been tampered with;
2. Employ or have on one's person any cheating device to facilitate cheating in any gaming activity;
3. Use any fraudulent scheme or technique, including when an operator or player of games of charitable gaming tickets directly or indirectly solicits, provides, or receives inside information of the status of game for the benefit of either person; or
4. Knowingly cause, aid, abet, or conspire with another person or any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.

J. Discretion of Tribal Gaming Agency

Any person found to be in violation of any of the foregoing by the Tribal Gaming Agency may be permanently excluded from the facility or subject to such lesser sanction as may be imposed by the Tribal Gaming Agency.

The Tribal Gaming Agency shall have the discretion to bring an enforcement action against any person or entity whose actions or inactions present an actual and imminent threat or danger to the public health and safety of the facility or its patrons or to the integrity of gaming. Actions taken by the Tribal Gaming Agency under this provision shall at all times be reasonable and prudent and the specific grounds for such action must be documented. The Tribal Gaming Commission shall have jurisdictions over any appeals of the actions or decisions of the Tribal Gaming Agency.

XVIII. Civil Enforcement

A. Civil Action

The Tribal Gaming Agency may take any or a combination of the following actions with respect to any person or entity who violates any provision of this Ordinance:

1. Impose a civil fine not to exceed five thousand dollars (\$5000.00) for each violation, and if such violation is a continuing one, for each day of such violation.
2. Suspend, deny, or revoke any gaming or gaming-related license, including machine and vendor licenses;
3. Temporarily or permanently exclude, bar, or deny admission from or to the gaming facility provided that the sanction shall be commensurate with the seriousness of the violation.
4. Permanently remove a non-gaming related vendor from the registry, provided that such sanction shall be commensurate with the seriousness of the violation.

B. Jurisdiction

The Tribal Gaming Commission shall have exclusive jurisdiction over any and all decisions and actions of the Tribal Gaming Agency under this Ordinance, and shall have the authority to reverse, affirm, or modify any and all decisions and sanctions imposed by the Tribal Gaming Agency pursuant to this Ordinance. The decision of the Tribal Gaming Commission shall be final and not subject to further judicial review.

C. Notification

The Tribal Gaming Agency shall provide notice to the affected person or entity, explaining the alleged violation, the proposed action or sanction, and the steps needed for cure, if any. Such notice may be delivered in person or by letter to his/her last known address and shall describe the procedures to be followed for appeal to the Tribal Gaming Commission.

D. Acknowledgment

Every person or entity that applies for a gaming license and accepts such license thereby acknowledges the civil enforcement jurisdiction and authority of the Tribal Gaming Agency, Tribal Gaming Commission, and the Business Committee under this Ordinance.

XIX. Hearings and Appeals

A. Request for Reconsideration to the Head of the Tribal Gaming Agency

Any person or entity aggrieved by a decision made or action taken by the Tribal Gaming Agency may request reconsideration by the Director of the Tribal Gaming Agency.

B. Petition for Appeal to the Tribal Gaming Commission

Any person or entity aggrieved by a final decision by the Director of the Tribal Gaming Agency may appeal to the Tribal Gaming Commission for a hearing. The petition shall be filed within fourteen (14) calendar days from the date the notice of final decision is delivered. Such petition shall specifically set forth the reasons for the grievance and must be filed with the Commission no later than thirty (30) days after the Tribal Gaming Agency's decision or action. The Gaming Commission shall set the matter for hearing no later than thirty (30) days after receipt of the petition, and may, upon finding good cause, affirm, modify, reverse and/or vacate the Tribal Gaming Agency's decision.

C. Filing Fee

A refundable filing fee of one hundred dollars (\$100.00) made payable to the Tribal Gaming Commission shall be accompany all requests for appeals, provided that such fee may be waived by the Gaming Commission upon a showing of hardship.

D. Notice of Hearing on Appeal

The Gaming Commission shall notify the parties of the time and place for the hearing on appeal.

E. Notice of Revocation to NIGC

Upon a final decision of revocation of a gaming license or a decision to reinstate a gaming license the decision maker shall notify the NIGC of its decision.

XX. Applicable Law

A. Controversies Involving Contract

All controversies involving contracts related to gaming entered into under the authority of the Tribe on Tribal Lands shall be resolved, as appropriate, in accordance with:

- (a) the Indian Gaming Regulatory Act and implementing regulations; and
- (b) the laws, ordinances and regulations of the Tribe.

XXI. Designated Agent for Service of Process

The designated agent for service of process shall be:

Director  
Quapaw Tribal Gaming Agency  
58100 E. 66<sup>th</sup> Road  
Miami, Oklahoma 74353

XXII. Savings Provision

If any provision of this Ordinance or the application thereof to any entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect. Any invalid provisions shall be severed without effect on the remaining provisions of this Ordinance.

XXIII. Policies And Procedures For Resolution Of Disputes Between Manager And Customers

A. Improper Conduct by Customers

1. Notice of warning regarding the improper conduct set forth in paragraph two (2) of this section or other gaming rules established and enforced by the gaming operation shall be posted by Manager at the entrance of the gaming operation and/or given to patrons upon entering the premises.

2. The following improper conduct shall result in ejection of a patron from any gaming operation:
  - (a) Cheating;
  - (b) Possession of weapons in the gaming operation;
  - (c) Possession of alcohol that has been brought by a patron into the gaming operation;
  - (d) Possession of a controlled substance in the gaming operation;
  - (e) Disorderly conduct, including the willful disregard for the rights of others, and any other act disruptive to the gaming operation and its patrons.
3. Failure by a patron to provide proof of age when requested by gaming operation personnel shall result in ejection of the patron from the gaming operation premises. Admission fees, if any, shall be refunded in such instance.
4. Ejection of a patron shall be accomplished by security personnel, upon request of the Manager.

B. Complaints by Customers

1. Either the Manager or an alternate shall be present at all times to resolve complaints by patrons involving the gaming operation.
2. If the Manager or an alternate are unable to resolve any dispute, the matter may, upon request of the patron, be referred to the Tribal Gaming Agency for resolution and, upon appeal, the Tribal Gaming Commission. The decision of the Gaming Commission on any dispute so referred to it for resolution shall be final.

XXIV. Amendment Of Ordinance

A. Amendment by Majority Vote

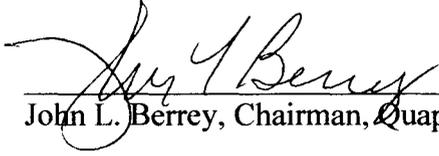
This Ordinance may be amended by Majority vote of the Tribal Business Committee. Within 15 days after adoption, the Tribal Business Committee shall submit such amendment to the NIGC Chairperson for approval.

XXV. Title and Effect of Repeal

- A. This Ordinance may be cited as the Quapaw Tribal Gaming Ordinance of 2004.
- B. Subsequent repeal of this Ordinance or any portion thereof shall not have the effect of reviving any prior Tribal law theretofore repealed or suspended

CERTIFICATION

The above and foregoing is a full, true, and correct copy of the revised ordinance adopted by a duly-enacted resolution of the Quapaw Tribal Business Committee on February 14, 2005.



\_\_\_\_\_  
John L. Berrey, Chairman, Quapaw Tribe Business Committee

APPROVED BY THE NATIONAL INDIAN GAMING COMMISSION

By: \_\_\_\_\_ Date: \_\_\_\_\_

# QUAPAW TRIBE OF OKLAHOMA

P.O. Box 765  
Quapaw, OK 74363-0765

(918) 542-1  
FAX (918) 542-4

## RESOLUTION NO. 021405-A

### A RESOLUTION APPROVING TECHNICAL AMENDMENTS TO THE GAMING ORDINANCE OF THE QUAPAW TRIBE OF OKLAHOMA

**WHEREAS**, the Quapaw Tribe of Oklahoma is a federally recognized Indian Tribe and is governed by a Governing Resolution adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957; and

**WHEREAS**, the Governing Resolution delegates authority to the Quapaw Tribal Business Committee to speak and act on the behalf of the Quapaw Tribe; and

**WHEREAS**, the Quapaw Tribal Business Committee is thus empowered and obligated to transact Tribal business, including adopting and implementing ordinances for the Tribe and regulating gaming operations of the Tribe; and

**WHEREAS**, the Quapaw Tribal Business Committee on October 16, 2004, by Resolution No. 101604-C, enacted a new gaming ordinance for the Tribe, entitled "Gaming Ordinance of the Quapaw Tribe of Oklahoma" (hereinafter the "Ordinance"), which was amended on January 31, 2005, by Resolution No. 013105-A, and which subsequently was approved by Philip N. Hogen, Chairman of the National Indian Gaming Commission, by letter dated February 3, 2005; and

**WHEREAS**, upon the recommendation of the Director of the Tribal Gaming Agency and upon the motion of the Quapaw Tribal Business Committee, various technical and clarifying amendments to the Ordinance, a copy of which are attached to this Resolution, are now deemed necessary to clarify technical aspects of the Ordinance and to ensure the orderly and effective implementation of the Ordinance; and

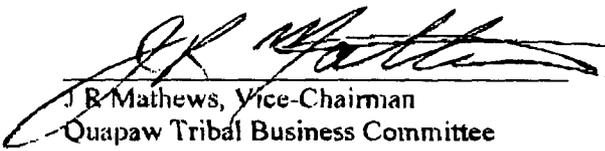
**WHEREAS**, the Quapaw Tribal Business Committee desires to enact the proposed technical amendments to the Ordinance and to make said amendments effective immediately.

**NOW, THEREFORE BE IT RESOLVED** by the Business Committee of the Quapaw Tribe of Oklahoma that the attached technical and clarifying amendments to the Gaming Ordinance of the Quapaw Tribe of Oklahoma are hereby adopted, and that said amendments shall become effective immediately upon enactment of this Resolution.

### CERTIFICATION

The foregoing resolution of the Quapaw Tribe of Oklahoma was presented and duly adopted at a reconvened meeting of the Quapaw Tribal Business Committee on February 14, 2005, with a vote reflecting 5 yes, 0 no, 0 abstaining, and 2 absent.

  
John L. Berrey, Chairman  
Quapaw Tribal Business Committee

  
J. B. Mathews, Vice-Chairman  
Quapaw Tribal Business Committee