



June 19, 2009

Leaford Bearskin, Chief
Wyandotte Nation
64700 E. Highway 60
Wyandotte, OK 74370

Re: Request for Approval of Amendment to the Wyandotte Nation Gaming Ordinance

Dear Chief Bearskin:

This letter responds to your request to the National Indian Gaming Commission ("NIGC") to review and approve the amendment to the gaming ordinance of the Wyandotte Nation ("Nation"). The Nation forwarded the amendment to the ordinance by Resolution No. 2009-06-02 on June 2, 2009, and the NIGC received the amendment on June 8, 2009.

The amended ordinance is consistent with the requirements of the Indian Gaming Regulatory Act ("IGRA") and the NIGC's regulations, and it is therefore approved.

I will take this opportunity to comment on the language in Section 5(a) of the ordinance. I note that nothing in IGRA's definition of the term *sole proprietary interest* prohibits a creditor from exercising its security interests against a gaming operation's gross revenues. Therefore, in that sense, this provision appears to be superfluous. However, to the extent that any of the agreements to which this section may refer provide for management of the Nation's gaming operation, said agreements are subject to IGRA. All management agreements must be reviewed and approved by me, otherwise they are void. Nothing in this approval letter changes that. Thus, the NIGC approves the amended ordinance with the understanding that regardless of any actions that a secured party may take under any agreement with the Nation, the Nation must retain, at all times, sole proprietary interest and responsibility for the conduct of any gaming activities on Indian lands.

Thank you for your submission. If you have any questions or require further assistance, please contact Armando Acosta in the Office of the General Counsel at 202-632-7003.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip N. Hogen", is written over a large, light-colored circular stamp or watermark.

Philip N. Hogen
Chairman

cc: David McCullough, Esq.

Leaford Bearskin
Chief
64700 E. Hwy 60
Wyandotte, OK 74370



Billy Friend
2nd Chief
Phone: 918-678-2297
Fax: 918-678-2944

RESOLUTION NO. 2009-06-02

**A RESOLUTION OF THE WYANDOTTE NATION AMENDING THE
WYANDOTTE NATION GAMING CODE**

- WHEREAS,** the Wyandotte Nation is a federally recognized tribe of American Indians organized consistent with the Oklahoma Indian Welfare Act (Act of June 26, 1936, 49 Stat. 1967); and
- WHEREAS,** the Wyandotte Nation has an organized self government, sovereign powers inherent in tribal tradition and recognized by treaties with the United States and in the United States Constitution; and
- WHEREAS,** the Wyandotte Nation Constitution provides that the Board of Directors is empowered to enact legislation, transact business, and otherwise speak on behalf of the Wyandotte Nation in all matters on which the Tribe is empowered to act now or in the future; and
- WHEREAS:** The Board of Directors originally approved its gaming ordinance on March 15, 1994 and amended the gaming ordinance on June 14, 1994; and
- WHEREAS:** The Board of Directors submitted its gaming ordinance to the National Indian Gaming Commission and said Gaming Ordinance was approved by the National Indian Gaming Commission on July 28, 1994; and
- WHEREAS:** The NIGC subsequently approved an amendment to the Gaming Ordinance on September 28, 2007; and
- WHEREAS:** On or about December 4, 2008, the Board of Directors submitted an amended Gaming Ordinance to the NIGC for review and approval; and
- WHEREAS:** The Board of Directors subsequently withdrew the proposed amended Gaming Ordinance, after discussions with NIGC staff, so that some corrections and changes could be made to the Gaming Ordinance; and

WHEREAS: The Board of Directors subsequently resubmitted the proposed Gaming Ordinance and the NIGC, in reviewing the Gaming Ordinance, requested changes be made to the Gaming Ordinance; and

WHEREAS: The Board of Directors has approved said changes and desires the NIGC to complete the review and approval process for the Gaming Ordinance; and

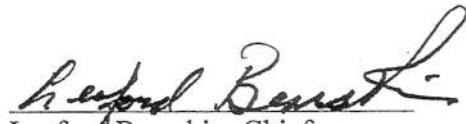
WHEREAS: The Wyandotte Nation Gaming Code must be reviewed and amended from time to time to address deficiencies or needed changes so that the Nation's gaming operation may operate efficiently and lawfully under the Indian Gaming Regulatory Act.

NOW, THEREFORE, BE IT RESOLVED That the Board of Directors of the Wyandotte Nation hereby amends the Nation's Gaming Code as attached hereto and said amendment to the Gaming Code is made a part of this resolution; and

BE IT FURTHER RESOLVED That this Resolution and attached Gaming Ordinance shall be submitted to the National Indian Gaming Commission for its review and approval.

CERTIFICATION

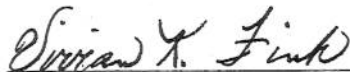
The foregoing resolution was duly adopted on June 2, 2009 in a regular telephone session of the Wyandotte Nation Board of Directors, at which a quorum was declared, by a vote of 5 for; 0 against; and 0 abstaining.


Leaford Bearskin, Chief
Wyandotte Nation

ATTEST:

June 2, 2009

Date



WYANDOTTE NATION GAMING ORDINANCE

SECTION 1. STATEMENT OF POLICY. It is the purpose of this ordinance to provide for the sound regulation of all gaming activities on lands within the jurisdiction of the Wyandotte Nation, in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, to strengthen Tribal self-government and to promote economic self-sufficiency of the Wyandotte Nation.

SECTION 2. DEFINITIONS. For purposes of this Ordinance:

- (a) “Act” means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. § 2701 *et seq.*
- (b) “Board of Directors” means the Wyandotte Nation Board of Directors.
- (c) “Chairman” means the Chairman of the Wyandotte Nation Gaming Commission established by this ordinance.
- (d) “Class II Gaming” means Class II Gaming as defined in accordance with the Act, 25 U.S.C. § 2703 (7)(A).
- (e) “Class III Gaming” means Class III Gaming as defined in accordance with the Act, 25 U.S.C. § 2703 (8).
- (f) “Commission” means the Wyandotte Nation Gaming Commission established by this ordinance.
- (g) “Compact” means a compact entered into by the Wyandotte Nation and any state which regulates Class III Gaming.
- (h) “Enterprise” means the Wyandotte Gaming Enterprise established by the Nation to conduct all gaming operations of the Nation.

- (i) “Executive Director” means the Executive Director of the Wyandotte Nation Gaming Commission established pursuant to this Ordinance.
- (j) “Gaming employee” means “gaming employee(s)” of the Enterprise and shall include primary management officials and key employees of the gaming corporation as defined in the Act.
- (k) “Gaming facilities” means any room or rooms in which Class II Gaming or Class III Gaming is conducted on Wyandotte Nation Indian Lands.
- (l) “Indian Lands” means (1) all lands within the limits of the Nation’s reservation; (2) any lands title to which is either held in trust by the United States for the benefit of the Nation or individual or held by the Nation or individual subject to restriction by the United States against alienation and over which the Nation exercises governmental power; and (3) for all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719, including, but not limited to, the following:

A tract of land in the Northwest Quarter of Section 10, Township 11, Range 25 in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Southwest corner of Huron Place, as shown on the recorded Plat of Wyandotte City, in Kansas City, Kansas, thence North 150 feet; thence East 150 feet; thence South 150 feet; thence West 150 feet to the point of beginning, meaning and intending to describe a tract of land 150 feet square in Southwest corner of Huron Place as shown on the recorded Plat of Wyandotte City, which is marked “Church Lot” thereon, commonly referred to as the Shriner’s Property

- (m) “National Indian Gaming Commission” means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

- (n) “Net revenues” means gross revenues of a Class II Gaming or of a Class III Gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711 (C).
- (o) “Ordinance” means this Wyandotte Nation Gaming Ordinance.
- (p) “State” means any State wherein the Wyandotte Nation conducts Class II or Class III Gaming.
- (q) “State gaming agency” means any such agency as the State may establish to carry out any regulatory responsibilities under a compact with the Wyandotte Nation.
- (r) “Tribal Compliance Agency” means the Tribal government agency that has the authority to carry out the Nation’s regulatory and oversight responsibilities under the Compact. For purposes of this Ordinance, the Tribal Compliance Agency shall be the Wyandotte Nation Gaming Commission.
- (s) Vendor means a sole proprietor or individual, a partnership, an association, or corporation who supplies goods and/or services to Wyandotte Gaming Enterprise.
- (t) “Nation” means the Wyandotte Nation.

SECTION 3. ADOPTION OF COMPACT. Any Compact entered into between the Nation and a State which is subsequently approved by the Secretary of the Interior and published in the Federal Register is hereby incorporated within and enacted as an integral part of this ordinance with respect to all forms of Class III Gaming; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation of the Nation of any Class II Gaming, whether conducted within or without the gaming facilities, or to confer upon the State any jurisdiction over such Class II Gaming conducted by the Nation within its Indian County.

SECTION 4. AUTHORIZATION FOR GAMING ACTIVITIES.

- (a) Forms of Class III Gaming authorized. The Nation may conduct or operate all forms of Class III Gaming authorized under any Compact.
- (b) Authority for Class II Gaming. In addition to the forms of Class III Gaming authorized under any compact, the Nation shall be authorized to conduct all forms of Class II Gaming within Tribal Indian Lands, including without limitation any form of bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo so long as played at the same locations as bingo.

SECTION 5. COMPLIANCE WITH THE ACT. This Ordinance shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner the provisions of the Act shall govern.

- (a) Limitation on gaming operations. In compliance with 25 U.S.C. § 2710(b)(2) (A), the Nation shall have the sole proprietary interest and responsibility for the conduct of any gaming activity on Indian Lands; provided, however, that nothing herein shall interfere with the proper exercise by any secured party of its rights under any collateral lease, leasehold mortgage or other financing agreement with the Nation to enforce its security interests in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenue of the Nation from its gaming activities for the purpose of repayment of the debt obligations of the Nation to such secured party in accordance with the provisions of such agreements.

- (b) Application of net revenues. In compliance with 25 U.S.C. § 2710(b) (2) (B), net revenues from any gaming activity are not to be used for the purposes other than:
- (i) to fund Tribal government operations or programs;
 - (ii) to provide for the general welfare of the Nation and its members;
 - (iii) to promote Tribal economic development;
 - (iv) to donate to charitable organizations;
 - (v) to help fund operations of local Government Agencies, or
 - (vi) any other purpose permitted under the Act, including the establishment of a per capita payment.
- (c) Annual Audit. In compliance with a U.S.C. § 2710 (b)(2)(c) and (d), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits and shall be licensed by the Commission.
- (d) Public Safety Standards. In compliance with 25 U.S.C. § 2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of the Compact and all other applicable health, safety and environmental standards enacted by the Nation.

SECTION 6. LICENSES. The Nation shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II and/or Class III Gaming enterprise operated on Indian Lands:

(a) Definitions. For the purposes of this section, the following definitions apply:

(i) *Key employee* means those key employees as defined in any statute or regulations and at a minimum include:

1. A person who performs 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) Pit boss; (7) Dealer; (8) Croupier; (9) Approver of credit; or (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices.
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
3. If not otherwise included, the four most highly-compensated persons in the gaming operation.

(ii) *Primary management official* means:

1. The person having management responsibility for a management contract;
2. Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or
3. The Chief financial officer or other person who has financial management responsibility.

(iii) Vendor means a sole proprietor or individual, a partnership, an association, or corporation who supplies goods and/or services to Wyandotte Gaming Enterprise. Provided, however, that financing provided by a federally regulated or state-regulated bank, savings and loan, or trust, or other federally or state-regulated lending institution; any agency of the federal, state, tribal or local government; or any person or entity, including, but not limited to, an institutional investor who, alone or in conjunction with others, lends money through publicly or commercially traded bonds or other commercially traded instruments, including but not limited to the holders of such bonds or instruments or their assignees or transferees, or which bonds or commercially traded instruments are underwritten by any entity whose shares are publicly traded or which underwriter at the time of the underwriting, has assets in excess of One Hundred Million Dollars (\$100,000,000.00), shall be exempt from the licensing requirements of this section.

(b) Application Forms

(i) The following notice shall be placed on the application form for a key employee, or a primary management official or a vendor before that form is filled out by an 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.A. § 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, State, local or foreign law enforcement and regulatory

agencies when relevant to civil, criminal or 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 or as a vendor.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(ii) Existing key employees and primary management officials, and vendors shall be notified in writing that they shall either:

1. Complete a new application form that contains a Privacy Act notice; or
2. Sign a statement that contains the Privacy Act notice and consents to the routine uses described in that notice.

(iii) The following notice shall be placed on the application form for a key employee or a primary official, or a vendor 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).

(iv) The Commission shall notify in writing existing key employees and primary management officials, and/or vendors that they shall either:

1. Complete a new application for that contains a notice regarding false statements; or
2. Sign a statement that contains the notice regarding false statements

(c) Background Investigations

(i) The Commission shall request from each primary management official, each key employee and each vendor all of the following information:

1. Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
3. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Paragraph (i) (2) of this section;
4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationships with Indian tribes, 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 a 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 ongoing misdemeanor prosecution (excluding minor traffic violations), within ten 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 years of the date of the application and is not otherwise listed pursuant to Paragraph (i) (8) or (i) (9) 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 person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A current photograph;
13. Military history, if any;
14. Any other information the Commission deems relevant; and

15. Fingerprints consistent with procedures adopted by the Nation according to 25 C.F.R. §522.2(h); by engaging either a city, county or a State or Tribal law enforcement agency or a private individual with experience in taking fingerprints to obtain and process fingerprints.

(d) Procedures for Conducting Background Check

- (i) As part of its review procedure, the Commission or its agent may employ or engage a Background Inspector to conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination under Section (e). The Background Inspector shall:
 1. Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;
 2. Contact each personal and business reference provided in the application;
 3. Conduct a civil history check;
 4. Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten years;

5. Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
 6. Verify the applicant's history and status with any licensing agency by contacting the agency; and
 7. Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.
- (ii) The Background Inspector shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information;
- (iii) The Gaming Commission and its Background Inspector shall promise to keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or State law.
- (e) Eligibility Determination. The Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation or management contractor shall not employ that person.

(f) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

- (i) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment in accordance with Subsection (b) and (c) of this section and conduct the background investigation and make the determination referred to in Subsection (d) and (e) of this section.
- (ii) The Commission shall forward the report referred to in Subsection (g) of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- (iii) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

(g) Report to the National Indian Gaming Commission

- (i) Pursuant to the procedures set out in Subsection (f) of this section, the Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - 1. Steps taken in conducting a background investigation;
 - 2. Results obtained;
 - 3. Conclusions reached; and
 - 4. The basis for those conclusions.

(ii) The Commission shall submit, with the report, a copy of the eligibility determination made under Subsection (e) of this section.

(iii) If a license is not issued to an applicant, the Commission:

1. Shall notify the National Indian Gaming Commission; and
2. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for the inclusion in the Indian Gaming Individuals Records System.

(iv) With respect to key employees and primary management officials, the Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

(h) Granting a Gaming License.

(i) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a license to such applicant.

- (ii) The Commission and/or Gaming Enterprise shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30 - day period under Paragraph (h)(i) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (iii) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

(j) License Suspension

- (i) If, after the issuance of a gaming license, the Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under Subsection (e) above, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

- (ii) The Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (iii) After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

SECTION 7. LICENSE LOCATIONS. The Nation shall issue a separate license to each place, facility or location on Indian lands where Class II and/or Class III Gaming is conducted under this ordinance.

SECTION 8. PENALTIES. Any individual who violates any provision of this Ordinance, including the provisions of any Compact incorporated herein, shall be subject to civil penalties including exclusion from employment by any Tribal gaming enterprise or from employment by any management contractor, exclusion from attendance at any Tribal gaming facility, exclusion from Wyandotte Nation Indian Lands if a non-Indian or, with respect to any person subject to the jurisdiction of the Nation to impose such fines, a fine of not more than Five Hundred Dollars (\$500.00) for each such violation. The Commission established pursuant to this Ordinance shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Nation.

SECTION 9. WYANDOTTE NATION GAMING COMMISSION.

- (a) Establishment of Commission. There shall be established a three member Wyandotte Nation Gaming Commission who shall be appointed by the Board of Directors, at least two of whom shall be members of the Nation, but none of whom shall be employees of the Enterprise. There shall be a Chairman and two commission members. Compensation of members of the Commission shall be

established by the Board of Directors. Members of the Commission may be removed for cause by a majority vote of the members of the Board of Directors. Any member so removed may appeal the decision of the Board to the Grievance Committee. Vacancies in the Commission must be filled by appointment by the Board of Directors. No member or employee of the Commission shall participate as a player in any gaming activity conducted by the Nation.

(b) Powers and duties of the Commission. The Commission shall have the following powers and duties:

(i) The Commission shall have primary responsibility for oversight of Tribal gaming operations to assure the integrity of such operations and shall, for that purpose, employ non—uniformed inspectors who may be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Commission and not under the supervision of any management employees of the Tribal gaming operations. The Commission shall have unfettered access to all areas of the gaming facilities at all times, and personnel employed by the Enterprise or management company shall for such purposes provide such inspectors access to locked and secure areas of the gaming facilities, in accordance with the standards of operation and management promulgated pursuant to any Compact. Such inspectors shall report to the Commission regarding any failure by the Enterprise to comply with any of the provisions of any Compact or this Ordinance and any other applicable laws and ordinances. Inspectors assigned by the Commission may also receive consumer

complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Commission shall be licensed as gaming employees in accordance with this Ordinance and any Compact.

- (ii) The Commission may, on 'its own initiative, investigate any aspect of the operations of the Enterprise in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Enterprise to comply with the provisions of any Compact or this Ordinance and may require the Enterprise to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the Enterprise or management company to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.
- (iii) The Commission shall carry out each of the responsibilities and duties set forth for the Tribal Compliance Agency in any Compact.
- (iv) The Commission shall review and approve a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, setting forth the respective responsibilities of the Commission, the security department of the Enterprise, any Nation police agency, and if appropriate and State or local police agency.

- (v) The Commission shall review and approve floor plans and surveillance systems for each gaming facility and may confer with the State Gaming Agency or other organizations regarding the adequacy of such plans and systems.
- (vi) The Commission shall promulgate, review and revise (as: necessary) Standards of Operation and Management for Class II and/or Class III Gaming activities in accordance with any Compact.
- (vii) The Commission may issue and revoke licenses for Class II and/or Class III Gaming employees in accordance with this Ordinance.
- (viii) The Commission shall establish a list of persons barred from the gaming facilities because their criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the gaming activities of the Nation.
- (ix) The Commission shall promulgate, review and revise (as necessary) the rules of each game of chance operated by the Nation pursuant to any Compact and shall in accordance with the provisions of any Compact notify the State Gaming Agency of such rules and of any change in such rules.
- (x) The Commission shall enforce the health and safety standards applicable to the gaming facilities of the Enterprise in accordance with section 5 (d) of this Ordinance. Prior to the opening of any facility for Class II and/or Class III Gaming, the Enterprise shall obtain a certificate of compliance from the Commission relating to the Class II and/or Class III Gaming

facilities. The Commission shall issue a certificate of compliance to the Enterprise upon a determination that the gaming facilities of the Enterprise comply with such standards.

- (xi) The Commission may impose penalties for violations of this Ordinance or any Compact.
- (xii) The Commission may, in the name of the Nation, bring any civil action or criminal complaint in the courts of the Nation, or any competent Federal or State Court System to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance, the Act or the Compact, occurring where Wyandotte gaming is conducted. The bringing of any such action by the Commission shall not be deemed to be a waiver of suit immunity by the Commission or the Nation
- (xiii) The Commission may receive any complaint from an employee of the Enterprise or a management contractor or any member of the public who is, or claims to be, adversely affected by an act or omission of the Enterprise or any management contractor or any employee thereof which is asserted to violate this Ordinance, or any Compact, and may impose such remedial action as it deems appropriate to bring the Enterprise or any management contractor into compliance with such provisions. The Commission may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of the complaint.

(xiv) The Commission shall adopt an annual operating budget which shall be subject to the approval of the Board of Directors and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel, consultants and other professional services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Enterprise and the Enterprise shall pay such assessments the Nation.

(xv) The Commission may employ Background Inspectors to conduct background investigations on key employees and primary management officials. Any inspector employed to assist in the background investigations may be assigned to work under and report to the Executive Director. Background Inspectors employed to conduct background investigations shall not be licensed as a gaming employee.

(c) Chairman. The Chairman of the Commission or any other member of the Commission acting in the absence of the Chairman may, whenever he deems it necessary to protect the public interest in the integrity of Tribal gaming operations, issue in the name of the Commission any order which the Commission has the power to issue, to the Enterprise or to any employee or contractor of the Enterprise or to any other person within the jurisdiction of the Nation, to take any action or cease and desist from any action as may be required to protect to the public interest; provided, that such order shall be subject to

review by the Commission at its earliest opportunity, whereupon it may be confirmed or vacated by the Commission.

- (d) Executive Director. The Commission may appoint an individual to serve as Executive Director of the Commission to administer its responsibilities as necessary and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. Provided, however, that the Chairman of the Commission may be appointed as Executive Director by the Board of Directors but no other member of the Commission may be appointed to the Executive Director position by either the Board of Directors or the Commission. The Executive Director shall be responsible for coordination of the functions of the Commission with the National Indian Gaming Commission, any state gaming agency and other state and local agencies as necessary. The Commission may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Commission with respect to background checks of key employees, primary management officials, and vendors and the grant or denial of any license, the imposition of any penalty, the investigation of any complaint or any other action within the jurisdiction of the Commission. The Executive Director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Commission, which the Commission may exercise under this Ordinance.

(e) Procedures of the Commission.

- (i) Regular meetings of the Commission may be held upon such notice, or without such notice, and at such time and place as shall from time to time

be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary.

- (ii) Special meetings of the Commission may be called by the Chairman or the Executive Director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission needs to be specified in the notice of the meeting.
- (iii) At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman, the other two members of the commission shall decide among themselves as to which one shall preside over the meeting.
- (iv) Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such onsets shall be filed with the minutes of the Commission, and shall have the same effect as a unanimous vote or resolution of the Commission at a legal meeting thereof.
- (v) Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communication

equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter, by any member does not object at the beginning of such meeting to the holding thereof in such manner, shall constitute presence in person at such meeting.

- (vi) No action of the Commission to impose a penalty pursuant to section 8 of this Ordinance, or to revoke a license for a gaming employee previously issued by the Commission, shall be valid unless the person affected is given at least seven days notice of the proposed action and the opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue; provided, that if the Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied a gaming employee license or who is barred from the gaming facilities by action of the Commission may request a hearing before the Commission by written request submitted within thirty days following receipt of notice of the action of the Commission, and the Commission shall thereupon afford an opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit

such evidence as the Commission shall either affirm or reconsider its decision. Any hearing conducted under this subsection may at the direction of the Commission be conducted by the Executive Director or by one or more of the Commission designated by the Commission for that purpose.

- (vii) The Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance.

SECTION 10. STANDARDS OF OPERATION AND MANAGEMENT.

- (a) Class III Games The initial standards of operation and management for Class III Games adopted in accordance with any Compact shall be those set forth in any Compact or any attachment to a Compact.
- (b) Class II Games. The Commission may adopt standards of operation and management for Class II Games, and pending such adoption, may direct the Enterprise or any management contract to comply with such standards as the Commission may determine necessary to protect the integrity of such Class II Games.

SECTION 11. PROHIBITED ACTS.

It shall be a violation of this Ordinance for any person to:

- (a) Conduct or participate in Class II or Class III Gaming operations on Wyandotte Nation Indian Lands other than at the licensed gaming facilities.

- (b) Receive, distribute, apply or divert any property, funds, proceeds or other assets of the Enterprise to the benefit of any individual or any other person except as authorized by this Ordinance and the Resolution of the Nation establishing the Enterprise.
- (c) Tamper with any equipment used in the conduct of Tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the publicly announced rules of such gaming operations.
- (d) Commit any other act in connection with the conduct of the Tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.
- (e) Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.
- (f) Place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.
- (g) Claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

- (h) Place or increase a bet after acquiring knowledge of the outcome of the game or the event which is the subject of the bet, including past-posting and pressing bets.
- (i) Reduce the amounts wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.
- (j) Manipulate, with the intent to cheat, any component of an electronic game or chance or gaming device in a manner contrary to the designed and normal operational purpose for the component. Knowingly to use other than coins or tokens approved by the Tribal Gaming Agency or other lawful coin, legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in the gambling game.
- (k) Possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, in analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.
- (l) Use any device or means to cheat, or to possess any such device while at the gaming facility.

SECTION 12. SERVICE OF PROCESS.

All notices or process made pursuant to this ordinance may be made upon:

Chief
Wyandotte Nation
64700 E. Hwy 60
Wyandotte, OK 74370

And
Wyandotte Nation Gaming Commission
100 Jackpot Place
Wyandotte, OK 74370