

September 21, 2009

Via U.S. Mail and Facsimile

Michael Burgess, Chairman Comanche Nation P.O. Box 908 Lawton, OK 73502 Fax: 580-492-3796

William Norman, Jr. Hobbs, Straus, Dean & Walker LLP 117 Park Ave., 2nd Floor Oklahoma City, OK 73102 Fax: 405-602-9426

RE: Amendment to Comanche Nation Gaming Ordinance

Dear Chairman Burgess and Mr. Norman:

On September 7, 2009, Mr. Norman requested approval of the Tribe's amendment to the Comanche Nation's Gaming Ordinance (gaming ordinance). The Tribe amended the gaming ordinance on July 11, 2009, via Resolution No. 111-09. In this amendment, the Tribe modified sections on ethics and nepotism as well as the grounds on which an applicant for a gaming commission position would be disqualified.

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

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

Sincerely, Philip N. Hogen Chairman

NATIONAL HEADQUARTERS 1441 L St. NW, Suite 9100, Washington, DC 20005 Tel: 202.632.7003 Fax: 202.632.7066 WWW.NIGC.GOV

SEP 1 4 2009

A RESOLUTION OF THE COMANCHE BUSINESS COMMITTEE AMENDING COMANCHE NATION GAMING ORDINANCE OF 2009

- WHEREAS, the Comanche Nation is a federally recognized Indian Tribe with a constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational, and health status of its members; and
- WHEREAS, on April 16, 2009, the Comanche Business Committee, pursuant to its authority under Article Vi § 7(i) of the Comanche Constitution, enacted the Comanche Nation Gaming Ordinance of 2009 (the "Gaming Ordinance") and now desires to improve the Gaming Ordinance by making amendments thereto based upon the recommendations of the Comanche Nation Gaming Board of Directors and the Comanche Nation Gaming Commission.

NOW THEREFORE BE IT RESOLVED that the Comanche Business Committee ordains the amendment of Sections 102(K), 211, 310, and 504 of the Gaming Ordinance as shown below by adding underlined and deleting strike through language; provided, that such amendments shall not become effective until approval by the National Indian Gaming Commission ("NIGC").

BE IT FURTHER RESOLVED THAT the Business Committee directs the Chairman to obtain approval of said amendments to the Gaming Ordinance by the NIGC.

BE IT FURTHER RESOLVED THAT immediately upon receipt by the Chairman of written notification from the NIGC approving the aforesaid amendments to the Gaming Ordinance, such amendments shall be deemed in full force and effect and incorporated therein.

CERTIFICATION

The foregoing resolution was adopted at a regular meeting of the Comanche Business Committee held on the 11th day of July 2009, at the Comanche Business Complex, Lawton, Oklahoma, by a majority vote of 6 for, 0 against, and / abstaining, a quorum being present.

Michael Burgess, Chairman

ATTESTED:

COMANCHE NATION P.O. BOX 908 / LAWTON, OK 73502 TOLL FREE: 1-877-492-4988 PHONE: 580-492-4988

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Amendments to Gaming Ordinance of 2009 July 11, 2009

Definitions - Section 102(K) - Persons Delirectly related to means a spouse, child, parent, grandparent, grandchild, aunt, unclear, sibling, or first cousin.

Section 211. Disqualification of Director

The Nation recognizes the importance of an independent Board of Directors in maintaining a well-managed gaming operation, and to avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Nation hereby finds that, at a minimum, the following persons are not qualified to te-serve on the Board of Directors:

(A) Member of the CBC or Commission;

Employees of the gaming operation, while employed as such;

- (B) Persons having a direct or indirect financial interest in a gaming management or operations contract (including any principal or member of a management or other contracting company);
- (C) Persons directly related to or sharing a residence with any of the above;
- (D) Employees of the gaming operation, while employed as such;
- (D)(E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (E)(F) Tribal and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 310. Disqualification of Commissioner

The following persons are not eligible to serve on the as-Commissioners:

- (A) Member of the CBC membersor Board of Directors; while serving as such;
- (B) Employees of the gaming operation, while employed as such;

Persons having a direct or indirect financial interest in a management contract, gaming contractors (including any principal or member of a management or other contracting company);

- (C) Persons directly related to or sharing a residence with any of the above;
- (D) Employees of the gaming operation, while employed as such;

- (D)(E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (E)(F) Tribal and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 504. Gambling Prohibited.

Members of the Board of Directors, <u>Board of Directors employees holding gaming licenses for</u> <u>all gaming facilities</u>, and Commissioners, gaming operation employees and Commission employees are prohibited from gambling in the gaming facilities of the Nation. <u>Gaming</u> <u>operation employees are prohibited from gambling in the specific gaming facility or facilities of</u> <u>the Nation in which they are employed or for which they hold a gaming license.</u> Proposed Amendments to Comanche Nation Gaming Ordinance of 2009

Proposal: Amend Sections 102(K), 211, and 310.

PURPOSE: To reduce the breadth and depth of nepotism provisions in the disqualification of Directors and Commissioners by (1) diminishing the degree of relationship in the definition of "directly related to" and (2) removing "employees of the gaming operation" as one of the classes affected by such definition.

Section 102(it) - Persons Delirectly related to means a spouse, child, parent, grandparent, grandehild, aunt, uncle. or sibling, or first cousin.

Section 211. Disgualification of Director

The Nation recognizes the importance of an independent Board of Directors in maintaining a well-managed gaming operation, and to avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Nation hereby finds that, at a minimum, the following persons are not qualified to to-serve on the Board of Directors:

(A) Member of the CBC or Commission;.

(D)Employee: of the gaming operation, while employed as such:

(G)(B) Persons having a direct or indirect financial interest in a gaming management or operations contract (including any principal or member of a management or other contracting company);

(D)(C) Persons directly related to or sharing a residence with any of the above;

- (D) Employees of the gaming operation, while employed as such:
- (E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (F) Tribal and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 310, Disgualification of Commissioner

The following persons are not eligible to serve as Commissioners:

(A) CBC members, while serving as such;

(B)Employees of the carning-operation, while employed as such:

(C)(B) Persons having a direct or indirect financial interest in a management contract, gaming contractors (including any principal or member of a management or other contracting company);

(D)(C) Persons directly related to or sharing a residence with any of the above;

(D) Employees of the gaming operation, while employed as such:

- (E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (F) Tribul and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Proposal: Amend Section 504.

PURPOSE: To permit gaming operation employees to gambling in the Nation's gaming facilities except as limited by rule of the Board or Commission. (Note: This version still prevents "surveillance" employees from gambling in the Nation's casinos.)

Section 504. Gambling Prohibited

Members of the Board of Directors, and Commissioners, gaming operation-employees and Commission employees are prohibited from gambling in the gaming facilities of the Nation.

BOD Revision: Members of the Board of Directors, Commissioners and Commission employees are prohibited from gambling in the gaming facilities of the Nation. Casino employees are prohibited from gambling in the specific gaming facility where they are employed.