

NATIONAL INDIAN GAMING COMMISSION

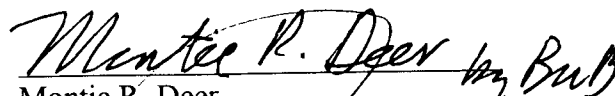
IN THE MATTER OF )  
SEMINOLE NATION OF )  
OKLAHOMA )  
Ref. No. NOV-99-03  
May 14, 1999

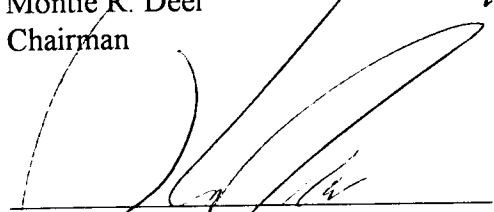
**Decision of the National Indian Gaming Commission**

Appeal to the National Indian Gaming Commission ("Commission") of a Notice of Violation ("NOV") issued to the Seminole Nation of Oklahoma ("Nation") on March 2, 1999. The Nation appealed the NOV on April 6, 1999.

The Chairman of Commission issued the NOV to the Nation for failure to conduct background investigations on primary management officials and key employees and to submit employee application, investigative reports and suitability determinations to the Commission in violation of the Indian Gaming Regulatory Act, the Commission's regulations, and the Nation's gaming ordinance. NOV at 2. By letter of April 6, 1999, the Nation asked the Chairman for an extension of time to respond to the NOV and to waive the 30 days time limitation to appeal the NOV. The letter also stated that should the Chairman deny the request, the letter serves as the Nation's Notice of Appeal. On April 20, 1999, the Chairman denied the request and the April 6, 1999, letter serves as the Nation's Notice of Appeal.

A Respondent to a NOV issued by the Chairman must submit a Notice of Appeal within 30 days after service. 25 C.F.R. § 577.3(a). If service is made by mail or facsimile, service is complete upon transmittal. 25 C.F.R. § 577.6(b). The record indicates that the Chairman mailed the NOV to the Nation on March 2, 1999, by certified mail. The Nation did not file its Notice of Appeal until April 6, 1999, and therefore, the Nation failed to file a timely appeal. The Nation's appeal is denied and the Chairman's decision is final.

  
Montie R. Deer  
Chairman

  
Philip N. Hogen  
Commissioner