



Wanda Stone, Chairperson and CEO
Kaw Nation
Drawer 50
Kaw City, OK 74641

AUG 21 2002

Subject: Amendment to Tribal Gaming Ordinance

Dear Chairperson Stone:

This letter responds to your request received by the National Indian Gaming Commission (NIGC) on June 3, 2002, for review of the amendment to the Kaw Nation's tribal gaming ordinance that was adopted by majority vote of the Kaw Nation Executive Council on April 13, 2002. On December 27, 1993, the Chairman of the NIGC approved the original ordinance. This amendment does not require approval by the NIGC because it addresses issues not raised in the Indian Gaming Regulatory Act (IGRA) or the NIGC regulations.

Under the IGRA and the NIGC regulations, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements contained therein. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval.

However, the most recent amendment further loosens the restriction contained in the original gaming ordinance on employment in the Kaw Nation's gaming enterprise of elected tribal officials and their families. The restriction on employment of family members was eliminated by the Kaw Nation in 1996 and reviewed by the Chairperson of the NIGC on February 5, 1997. The most recent amendment permits all elected tribal officers, including members of the Executive Council, to be employed by the gaming operation. The potential for conflict and self-serving transactions in this situation is high. Therefore, it is recommended that the Kaw Nation address these concerns by generating procedures to assure that the Executive Council can effectively regulate its members who also are employees of the gaming operation.

Thank you for submitting the amendment to the tribal gaming ordinance of the Kaw Nation for review and approval. The NIGC staff and I look forward to working with you and the Kaw Nation in implementing the IGRA.

Sincerely yours,

A handwritten signature in black ink that reads "Montie R. Deer".

Montie R. Deer
Chairman