



R. Perry Beaver
Muscogee (Creek) Nation
Office of the Principal Chief
P.O. Box 580
(Hwy 75, Loop 56)
Okmulgee, OK 74447

DEC 11 2003

Re: Approval of the Amendments to the Public Gaming Code of the
Muscogee (Creek) Nation

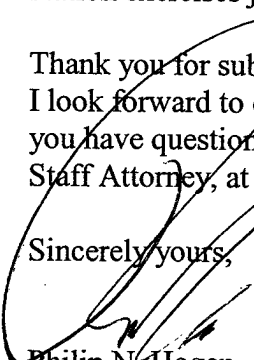
Dear Mr. Beaver:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the amendments to the Public Gaming Code of the Muscogee (Creek) Nation ("Nation"). The amendments were approved by the National Council in Resolution No. 03-155 on October 25, 2003. The amendments and the National Council resolution were received by the NIGC on November 18, 2003.

The Chairman of the NIGC approved the original ordinance on February 22, 2002. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed amendments, as set forth in Resolution No. 03-155. Approval does not constitute approval of specific games. In addition, the amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Nation exercises jurisdiction.

Thank you for submitting the amendments for review and approval. The NIGC staff and I look forward to continuing to work with you and the Nation to implement the IGRA. If you have questions or require further assistance, please contact Jo-Ann Shyloski, NIGC Staff Attorney, at 202-632-1015.

Sincerely yours,



Philip N. Hogen
Chairman

Enclosure

cc: Kasey McKenzie, Muscogee (Creek) Nation, Office of Attorney General
Tim Harper, Region V Director (with Enclosure)



NCA 03-155

I hereby certify that I am the designated, Secretary of the National Council of the Muscogee (Creek) Nation. I further certify that this document is a true and correct copy of the original Law NCA 03-155 Executed the 3RD day of November, 2003.

Terry Dutchy
Terry Dutchy, Secretary of the National Council

11/18 2003

CLASSIFICATION: #21. GAMING

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING CERTAIN PROVISIONS OF THE GAMING CODE, NCA 01-183, §§ 202, 203, 309, 403 and 506 AND ADDING SECTION 525 TO CHAPTER FIVE REGARDING THE ACCEPTANCE OF THINGS OF VALUE BY THE COMMISSIONER, OPG EMPLOYEES, GOAB AND THEIR EMPLOYEES AND CHARTERED INDIAN COMMUNITIES AND THEIR EMPLOYEES

SECTION ONE. AMENDMENT. NCA 01-183, §202 is hereby amended to read as follows:

Section 202. Appointment and Terms.

The Principal Chief shall nominate a full citizen of the Muscogee (Creek) Nation to serve as the Commissioner, subject to confirmation by Tribal Resolution. The Commissioner's term will be for a period of three (3) years commencing on the effective date of the Tribal Resolution. The Commissioner shall be subject to a background investigation which shall contain the same information as required from gaming license applicants. The background investigation shall be completed by the Attorney General or a company selected by the Attorney General that performs background investigations. All costs associated with the background investigation shall be borne by the Office of Public Gaming. This findings shall be presented to National Council in executive session. The background investigation and findings shall be confidential and no copies of the investigation results shall be retained. The original shall be kept in the Office of Public Gaming with the gaming license applications.

SECTION TWO. AMENDMENT. NCA 01-183, § 203 is hereby amended to read as follows:

Section 203. Outside Employment and Activities of Commissioner.

The Commissioner may not hold other tribal positions except temporary duties assigned by Executive Order to be performed without increase in compensation. The Commissioner may not be employed outside of the Nation. The Commissioner shall post a bond with the Muscogee (Creek) Nation in the amount of One Hundred Thousand Dollars (\$100,000.00).

SECTION THREE. AMENDMENT. NCA 01-183, § 309, is hereby amended to read as follows:

Section 309. License Eligibility Determination.

A. Review; Finding . The Commissioner shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a license applicant for employment in a gaming operation.

B. Denial of License. The Commissioner shall not issue a license to the applicant if the Commissioner determines that:

1. the applicant has been convicted of or has plead guilty or no contest to any felony in proceedings in a federal or state court; or
2. the applicant has been convicted of or has plead guilty or no contest to a misdemeanor involving theft or dishonesty in proceedings in a federal or state court ; or
3. the applicant has been convicted of or has plead guilty or no contest to a criminal charge involving theft or dishonesty in proceedings in a tribal court punishable by incarceration for one year or less, regardless of whether such charge is classified as a misdemeanor or a felony by tribal law; or
4. employment of the person otherwise 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.

SECTION FOUR. AMENDMENT. NCA 01-183, § 403.B.6 is hereby amended to read as follows:

6. The Gaming Operations Authority Board is further authorized to conduct gaming at the Nation's Travel Plazas in accordance with the Nation's gaming laws, the rules, regulations and authorities of the Nation's Office of Public Gaming, the regulations of the National Indian Gaming Commission, the Indian Gaming Regulatory Act and/or other federal gaming laws applicable to Indian Gaming; provided, however, the Board shall first negotiate for the use of space within the Travel Plaza with the manager thereof. Any agreement for the use of such space shall be in writing and signed by the Chairperson of the Gaming Operations Authority Board and the Chairperson of the Tribal Trade & Commerce Authority, or other entity that has assumed management of the Nation's Travel Plazas. After execution, copies of same shall be furnished to the Principal Chief and to Speaker of the National Council for distribution to its members. Additional gaming facilities may be opened by the Board only after the approval of new locations by duly enacted Tribal Resolution of the National Council.

SECTION FIVE. AMENDMENT. NCA 01-183, § 403.E.7 is hereby amended to read as follows:

7. Notice of meetings of the Gaming Operations Authority Board, either regular or special, shall contain an agenda which describes each item of business to be conducted. The agenda may include a line item for new business which shall allow the Board to discuss any new Gaming Operations Authority Board business which has arisen since the time of the posting of the agenda.

SECTION SIX. AMENDMENT. NCA 01-183, § 506 is hereby amended to read as follows:

Section 506. Licensee shall not play.

No licensee shall be allowed to play any games in any facility for which they are licensed. When a licensee plays games in another gaming facility, he or she shall not wear badges, uniforms or apparel of any kind that refers to or bears logos or names of a gaming licensee. Special employee events shall be exempt from this law. Employees of a Muscogee (Creek) Nation travel plaza shall not play any games in a Muscogee (Creek) Nation travel plaza gaming facility.

SECTION SEVEN. NEW LAW. There is hereby created a new law to be codified as NCA 01-183, Chapter Five, § 525, as follows:

Section 525. Receiving items of value.

A. The Commissioner and Office of Public Gaming employees shall not accept or receive anything of value, including without limitation airfare, travel accommodations, meals, prizes, personal items, and apparel of any kind, from the Gaming Operations Authority Board, any member of the Gaming Operations Authority Board, any gaming licensee, any applicant for a gaming license, any gaming vendor, any potential gaming vendor or any other person who does business with the Muscogee (Creek) Nation or who seeks to do business with the Muscogee (Creek) Nation; provided that this provision shall not apply to promotional items that are given to the general public and that have a value of less than ten dollars (\$10.00). Violation of any of the activities prohibited in this subsection may be a criminal offense punishable in accordance with the Criminal Offenses Code.

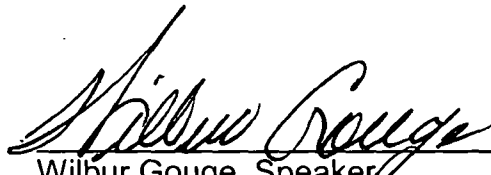
B. The Gaming Operations Authority Board members and employees, shall not accept or receive anything of value, including without limitation airfare, travel accommodations, meals, prizes, personal items, and apparel of any kind, from any gaming licensee, any applicant for a gaming license, any gaming vendor, any potential gaming vendor or any other person who does business with the Muscogee (Creek) Nation or who seeks to do

business with the Muscogee (Creek) Nation; provided that this provision shall not apply to promotional items that are given to the general public and that have a value of less than ten dollars (\$10.00). The Gaming Operations Authority Board members and their employees shall not provide or receive meals at their meetings paid from funds of the Nation, including funds from the Gaming Operations Authority Board budget or funds from gaming facilities. Violation of any of the activities prohibited in this subsection may be a criminal offense punishable in accordance with the Criminal Offenses Code.

C. Members of the Board of Directors and employees of a Chartered Indian Community, including any employees of a gaming enterprise operated by or on behalf of a Chartered Indian Community, shall not accept or receive anything of value, including without limitation airfare, travel accommodations, meals, prizes, personal items, and apparel of any kind, from any gaming licensee, any applicant for a gaming license, any gaming vendor, any potential gaming vendor or any other person who does business with the Muscogee (Creek) Nation or a Chartered Indian Community or who seeks to do business with the Muscogee (Creek) Nation or a Chartered Indian Community; provided that this provision shall not apply to promotional items that are given to the general public and that have a value of less than ten dollars (\$10.00). Violation of any of the activities prohibited in this subsection may be a criminal offense punishable in accordance with the Criminal Offenses Code.

ENACTED by the Muscogee (Creek) National Council on this 25th day of October 2003.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Wilbur Gouge, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION


I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with **Twenty-one** members attending this meeting on the 25th day of October 2003, and that the above is in conformity with the provisions therein adopted by a vote of 17 in favor, 3 against, 0 abstentions (one representative out of seat at time of casting of vote), and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Terry Dutoy, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 3 day of Nov, 2003, to the above Law, **NCA 03-155**, authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.


R. Perry Beaver, Principal Chief
Muscogee (Creek) Nation

