



APR 21 2005

Zachariah Pahmahmie
Tribal Council Chairman
Prairie Band Potawatomi Nation
16281 Q Road
Mayetta, KS 66509

RE: Amendment of Prairie Band of Potawatomi Nation Gaming Ordinance

Dear Chairman:

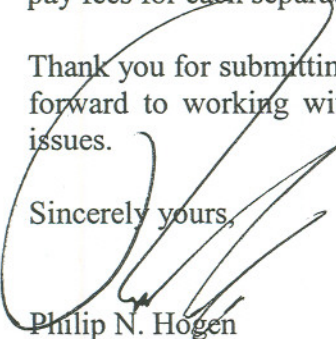
This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve an amendment to the Prairie Band Potawatomi Nation Gaming Ordinance. The Tribal Council approved this amendment by Resolution 2005-004 on January 10, 2005.

This letter constitutes such approval of this amendment under the Indian Gaming Regulatory Act (IGRA). It is important to note that the amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction and exercises its governmental power.

We note that in its amendment the Tribe's definition of "ancillary facilities" can be interpreted as including any physical structure or area separate from the gaming facility where gaming activity may be conducted on an intermittent basis. If such gaming occurs, the Tribe should issue a separate license for gaming at each separate location, 25 C.F.R. § 522.4(6), and pay fees for each separate gaming operation, *see* 25 C.F.R. §§ 502.10 and 514.1.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with you and the Prairie Band Potawatomi Nation on future gaming issues.

Sincerely yours,


Philip N. Hogen
Chairman

cc: David Prager III, Tribal attorney

PRAIRIE BAND POTAWATOMI NATION
TRIBAL COUNCIL RESOLUTION PBP No. 2005-004
Amending PBP Code Title 12 Gaming

- Whereas:** The Prairie Band Potawatomi Nation (the "Nation") is a duly organized Indian Tribe, with a Constitution and By-Laws approved by the Secretary of the Interior and last amended on May 13, 2000.
- Whereas:** Pursuant to the Prairie Band Potawatomi Constitution, the Tribal Council is charged with the duty of protecting the health, security and general welfare of the Nation and of regulating law and order on the reservation.
- Whereas:** It has become necessary to define the scope of Gaming Commission regulation with regard to non-gaming employees and non-gaming vendors and to adopt a definition of gaming employees that is consistent with the State-Tribal Compact.

NOW, THEREFORE BE IT RESOLVED that the Tribal Council does hereby amend Title 12 of the PBP Law and Order Code as follows:

New definitions for §12-2-1:

~~“Ancillary facilities” means any physical structure or area separate from, attached to or within the gaming facility where no gaming activity is conducted. Ancillary facilities include, without limitation, hotels, restaurants, VIP lounges, RV parks, event centers, gift shops, parking lots, retail outlets, environmental services or maintenance areas, gaming facility food, beverage, amenity or other service areas or other areas where no gaming activity is conducted. “Ancillary activities” are activities that take place at an ancillary facility.~~

“Ancillary facilities” means any physical structure or area separate from, attached to or within the gaming facility where no gaming activity is conducted on a day-to-day, regular and continuing basis. Ancillary facilities include, without limitation, hotels, restaurants, VIP lounges, RV parks, event centers, gift shops, parking lots, retail outlets, environmental services or maintenance areas, gaming facility food, beverage, amenity or other service areas or other areas where no gaming activity is conducted. “Ancillary activities” are activities that take place at an ancillary facility. Notwithstanding the foregoing, any area of the gaming facility which would otherwise be an ancillary facility shall be deemed not to be such during those periods of time that the Gaming

Commission has authorized the conduct of Class III gaming in any such specifically delineated areas of the gaming facility.

“Gaming Employee.” “Gaming Employee” is any natural person 18 years or older employed in the operation or management of each gaming activity or operation, whether employed by or contracted to the Tribe or by any person or enterprise providing on or off-site services to the Tribe within or outside the gaming facility regarding any gaming activity or operation, including, but not limited to, gaming operations managers and assistant managers; accounting personnel; surveillance personnel; cashier supervisors; dealers or croupiers; box men; floor men; pit bosses; shift bosses; cage personnel; collection personnel; gaming consultants; management companies and their principals; and any other natural person whose employment duties require or authorize access to a restricted gaming area. An employee shall not be considered a gaming employee as a result of access to non-public areas of the gaming facility unless the person’s employment duties require or authorize access to a restricted gaming area.

“Non-Gaming Employee” means a natural person whose employment duties do not require or authorize access to restricted gaming areas and (1) who is employed in an ancillary facility or (2) who is employed in an area of gaming activity but is not actually employed in the operation or management of the gaming activity. Non-gaming employees who meet this definition include, without limitation, hotel and convention center employees, food and beverage preparers, servers, cashiers and other employees, valet employees, recreational vehicle park employees, wardrobe employees, and maintenance and janitorial employees.

“Restricted Gaming Area” means an area of gaming activity not otherwise open to the public. Restricted gaming areas do not include public or non-public ancillary facilities, including employee or service corridors, kitchens, food or beverage service areas, restrooms, wardrobe rooms, coat rooms, employee locker rooms, janitorial rooms or other ancillary facilities from which access is restricted into restricted gaming areas.

Section 12-6-5. Criteria for Series A Gaming License.

The Tribal Commission shall issue a Series A gaming license only if all the following criteria are met:

- (A) The proposed gaming activity or operation is to be located on land which was held in trust for the Tribe prior to October 17, 1988, ~~or~~ on trust land located within or contiguous to the boundaries of the Reservation on October 17, 1988, ~~or~~ on land taken into trust after October 17, 1988, as a

settlement of a claim *or on lands of the Tribe defined as Indian lands in Section 2703(4) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.*

New Section 12-6-15. Gaming Licenses and Investigations of non-gaming employees.

A gaming license shall not be required for non-gaming employees. However, prior to the time that a non-gaming employee is employed by a Management Contractor or by the Nation at a gaming facility, the Commission shall be notified of such impending employment and shall, within three business days of such notification, conduct a background investigation of such person and inform the Contractor or the Nation of any regulatory concerns over the person's employment. The incompleteness of a Commission investigation after three days shall not delay the person's employment.

New Section 12-6-16. Non-Gaming Vendors do not require Series D Gaming License.

Only vendors that meet the definition of "Manufacturer-Distributor" as defined in this Code are subject to Series D Gaming licensure.

New Sub-Sections 12-3-24(B) and (C).

(A) [Same as current.]

(B) Investigation of Non-Gaming Employees. The Tribal Commission may investigate suspected misconduct of non-gaming employees. If the Commission determines that the conduct of such employee poses a threat to the effective regulation of gaming or creates or enhances the dangers of unfair or illegal practices, methods and activities in the conduct of gaming, the Commission shall notify all interested parties of such concerns and, after a hearing, may order the modification or termination of the person's employment.

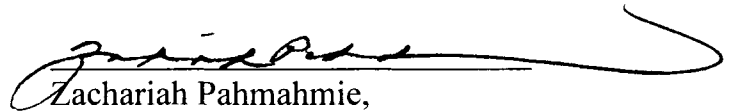
(C) Investigation of Non-Gaming Vendors. The Tribal Commission may investigate suspected misconduct of non-gaming vendors. If the Commission determines that the conduct of any vendor poses a threat to the effective regulation of gaming or creates or enhances the dangers of unfair or illegal practices, methods and activities in the conduct of gaming, the Commission shall notify all interested parties of such concerns and, after a hearing, may order the modification or termination of the vendor's conduct.

FINALLY, BE IT RESOLVED that the Tribal Council does hereby enact these amendments to PBP Code Title 12, which shall be submitted to the National Indian Gaming Commission for its review and approval.


CERTIFICATION

This resolution amending PBP Code Title 12 was duly adopted on ___ day of January, 2005, at a Meeting of the Prairie Band Potawatomi Tribal Council, during which (7) members were present, constituting a quorum, by a vote of (6) for, (0) opposed, (0) abstaining, (0) absent from voting and the Chairperson not voting.

ATTEST:

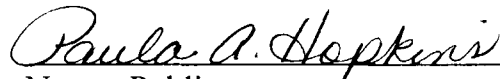

Zachariah Pahmahmie,

Chairperson


Steve Ortiz, Secretary

Subscribed and sworn to before me this 10th day of January, 2005.

Paula A. Hopkins
Notary Public
State of Kansas
My Appt. Expires 11-09-2006


Notary Public