



December 14, 2010

*By First Class Mail & Facsimile*

Stephen Ward, Esq.  
Conner & Winters  
4000 One Williams Center  
Tulsa, OK 74172  
(918) 586-8982

Re: Sac and Fox Nation gaming ordinance amendments

Dear Mr. Ward:

This letter responds to your request to review and approve amendments to the Sac and Fox Nation's gaming ordinance. The amendments were enacted by Resolutions No. SF-11-14 and SF-11-19 on October 20 and November 12, 2010, and submitted to NIGC on October 21 and November 15, 2010. The amendments change the process for removal of the Nation's gaming commissioners and updates the Privacy Act and false statement language on the Tribe's licensing forms.

We appreciate that the Tribe brought these amendments to our attention and provided us a copy of the updated ordinance. The Tribe's amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require assistance, please contact Dorinda Strmiska, Staff Attorney, at (202) 632-7003

Sincerely,

A handwritten signature in cursive script that reads "Stevens".

Tracie L. Stevens  
Chairwoman



# SAC AND FOX NATION

920883 S Hwy. 99 Building A • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

FILED  
IN THE DISTRICT COURT

RESOLUTION SF-11-14

2010 OCT 20 P 3:32

SAC AND FOX NATION  
EMERGENCY BUSINESS COMMITTEE MEETING  
SAC AND FOX RESERVATION  
STROUD, OKLAHOMA

SECRETARY  
CHARLOTTE CARTER, COURT CLERK

BY: *A. Williams* DEPUTY

OCTOBER 20, 2010

FILED  
DATE 10-20-10  
SECRETARY  
SAC & FOX NATION  
*Judith K. Williams*  
OCT 21 2010

**A PUBLIC LAW ADOPTING AND ENACTING AMENDMENTS TO THE SAC AND FOX NATION GAMING ORDINANCE OF 2008, AS AMENDED, REVISING THE PROCEDURES FOR REMOVAL OF GAMING COMMISSIONERS.**

**WHEREAS,** the Business Committee of the Sac and Fox Nation met in an emergency meeting held the 20<sup>th</sup> day of October 2010; there being a quorum present, and

**WHEREAS,** the Business Committee is authorized to transact business and otherwise act in behalf of the Nation pursuant to the Constitution, Charter, and Laws of the Sac and Fox Nation, and

**WHEREAS,** the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., requires that tribal governments engaging in Class II and Class III gaming, as defined in such act, adopt a law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indian lands, and

**WHEREAS,** the Nation enacted the Gaming Ordinance of 2008 (the "2008 Ordinance" or the "Ordinance") as a comprehensive revision of its gaming laws, which Ordinance, as subsequently amended, was approved by the Chairman of the National Indian Gaming Commission (the "NIGC") on or about November 20, 2008, and

**WHEREAS,** the Nation's Grievance Committee recently has begun an attempt to remove a Gaming Commissioner pursuant to Section 1-401(J) of the 2008 Ordinance, without following the Nation's Grievance Committee Procedure Ordinance, and without affording minimal due process to the target of such proceedings, and

**WHEREAS,** the Business Committee of the Nation has determined that Section 1-401(J) is vague and ambiguous, and does not adequately protect the integrity and independence of the Gaming Commission, and therefore that such section of the gaming ordinance should be amended as set forth herein in the best interests of the Nation.

**NOW, THEREFORE,**

**Be it enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:**

**That:** The following amendments to Section 1-401(J) of the Ordinance, as described herein and/or with deletions to the existing ordinance indicated by strikethroughs and with additions to the existing ordinance indicated by underlining, shall be enacted as the law of the Nation:

“The independence of the Commission is essential to a well-regulated Gaming Operation. For that reason, Commissioners may only be removed from office by the ~~Grievance Committee~~ Business Committee prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Any Commissioners subject to removal hereunder will shall be given ~~an~~ notice in writing of the specific grounds for a pending removal, and an opportunity at a hearing before the Business Committee, which hearing shall be held not less than thirty (30) days after the Commissioner’s receipt of the notice of removal hereunder, to ~~provide~~ appear and present evidence rebutting the grounds for ~~their~~ his or her proposed removal ~~before the removal is considered~~. Notice required hereunder may be made by personal service or by certified mail, with return receipt requested. While a removal proceeding is underway pursuant to this section, the Business Committee may, in its discretion, order the immediate suspension, pending a final determination concerning removal, of a Commissioner who is subject to such proceeding. A ~~vote~~ final decision of the ~~Grievance Committee~~ Business Committee removing a Commissioner shall be subject to review by the Nation’s Courts solely with respect to errors of law, and all findings of fact made by the Business Committee may be overturned only if clearly erroneous. ~~on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected commissioner to compensation for fees and expenses incurred in an appeal and any pay withheld.”;~~”;

**That:** the preceding amendments to Section 1-401(J) shall be effective as of October 20, 2010, and further that any all proceedings of the Nation’s Grievance Committee pursuant to Section 1-401(J) that are ongoing and/or that are initiated subsequent to such date shall be null and void.

**And, be it further enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:**

**That:** Upon enactment of these amendments, it shall be submitted forthwith to the Chairman of the NIGC for approval pursuant to 25 U.S.C. §§ 2710(b) and (d); and

**That:** These amendments shall be effective as set forth herein and upon their approval by the Chairman of the NIGC, and such shall be promptly filed in the Office of the Court Clerk of the Sac and Fox Nation upon such approval; and

**That:** These amendments shall be codified at the appropriate locations in the Sac and Fox Code of Laws.

**CERTIFICATION**

**WE,** George Thurman, Principal Chief, and Jacklyn K. Williams, Secretary, of the Sac and Fox Nation, do hereby certify the foregoing **Resolution No. SF-11-14** to be a true, complete, and exact copy of the resolution as approved by the Business Committee in a properly called emergency meeting held on the Sac and Fox Reservation, Stroud, Oklahoma, on the 20th day of October, 2010, by a vote of: George Thurman-absent; Cheryl McClellan-yes; Jacklyn K. Williams-yes; Randle Carter-yes; and Stella Nullake-absent.

*for* Cheryl J. McClellan  
George Thurman, Principal Chief  
Sac and Fox Nation

Jacklyn K. Williams  
Jacklyn K. Williams, Secretary  
Sac and Fox Nation





# SAC AND FOX NATION

920883 S Hwy. 99 Building A • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

NOV 15 2010

**FILED**

DATE 11-12-10

**RESOLUTION SF-11-19**

**SAC AND FOX NATION**

**EMERGENCY SPECIAL BUSINESS COMMITTEE MEETING**  
**SAC AND FOX CASINO CONFERENCE ROOM**  
**SHAWNEE, OKLAHOMA**

SECRETARY  
SAC & FOX NATION

*Judson K. Williams*

2010 NOV 12 P 4:26

**NOVEMBER 12, 2010**

SAC AND FOX NATION  
CHARLOTTE CARTWRIGHT, COURT CLERK

**A PUBLIC LAW ADOPTING AND ENACTING AMENDMENTS TO THE SAC AND FOX NATION GAMING ORDINANCE OF 2008, AS AMENDED, UPDATING LANGUAGE OF REQUIRED NOTICES.**

- WHEREAS,** the Business Committee of the Sac and Fox Nation met at a duly called, noticed, convened, and held Emergency Special meeting at the date and place aforesaid, there being a quorum present; and
- WHEREAS,** the Business Committee is authorized to transact business and otherwise act in behalf of the Nation pursuant to the Constitution, Charter, and Laws of the Sac and Fox Nation; and
- WHEREAS,** the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., requires that tribal governments engaging in Class II and Class III gaming, as defined in such act, adopt a law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indian lands; and
- WHEREAS,** the Nation enacted the Gaming Ordinance of 2008 (the “2008 Ordinance” or the “Ordinance”) as a comprehensive revision of its gaming laws, which Ordinance, as subsequently amended, was approved by the Chairman of the National Indian Gaming Commission (the “NIGC”) on or about November 20, 2008; and
- WHEREAS,** the NIGC recently has advised the Nation, in conjunction with the process of approval of pending amendments to the 2008 Ordinance, that the language of certain notices in the Ordinance must be updated to conform with the current requirements of 25 C.F.R. §§ 556.2 and 556.3; and
- WHEREAS,** the Business Committee of the Nation has determined that the appropriate sections of the 2008 Ordinance should be amended, as set forth herein, in the best interests of the Nation and in conformity with the NIGC’s regulations.

**NOW, THEREFORE,**

**Be it enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:**

**That:** The following language, which amends and replaces the language of Section 1-512(A) and (B) of the Ordinance, in its entirety, shall be enacted as the law of the Nation:

“(A) The following notice shall be placed on the application form for a Key Employee or a Primary Management Official:

‘In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe’s being unable to license you for a Primary Management Official or Key Employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.’

(B) The following additional notice shall be placed on the application form for a Key Employee or a primary official:

‘A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment.’

**And, be it further enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:**

**That:** Upon enactment of these amendments, these amendments shall be submitted forthwith to the Chairman of the NIGC for approval pursuant to 25 U.S.C. §§ 2710(b) and (d); and

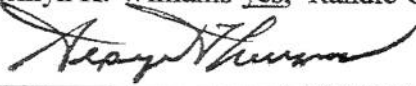
**That:** These amendments shall be effective as set forth herein upon their approval by the Chairman of the NIGC, and such shall be promptly filed in the Office of the Court Clerk of the Sac and Fox Nation upon such approval; and

**That:** All license application forms used by the Nation's Gaming Commission within one hundred eighty (180) days after the effective date of these amendments shall contain notices in compliance with these amendments; and

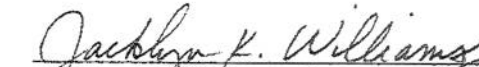
**That:** These amendments shall be codified at the appropriate locations in the Sac and Fox Code of Laws.

**CERTIFICATION**

**WE,** George Thurman, Principal Chief, and Jacklyn K. Williams, Secretary, of the Sac and Fox Nation, do hereby certify the foregoing Resolution No. SF-11-19 to be a true, complete, and exact copy of the resolution as approved by the Business Committee in a properly called Emergency Special meeting held on the Sac and Fox Reservation, Shawnee, Oklahoma, on the 12<sup>th</sup> day of November, 2010, by a vote of: George Thurman-yes; Cheryl McClellan-absent; Jacklyn K. Williams-yes; Randle Carter-yes; and Stella Nullake-yes.



George Thurman, Principal Chief  
Sac and Fox Nation

  
Jacklyn K. Williams, Secretary  
Sac and Fox Nation