



JUL 30 2012

Via U.S. Mail and Facsimile

Kurt V. BlueDog, General Counsel
Shakopee Mdewakanton Sioux Community
Southgate Office Plaza, Suite 500
5001 American Boulevard West
Minneapolis, MN 55437
Fax: (952) 893-0650

RE: Shakopee Mdewakanton Sioux Community Amended Gaming Ordinance

Dear Mr. BlueDog:

This letter responds to your request on behalf of the Shakopee Mdewakanton Sioux Community (Community) for the National Indian Gaming Commission Chairwoman to review and approve the Community's amended Gaming Ordinance.

The Shakopee Mdewakanton Sioux Community General Council approved Resolution No. 05-08-12-001 on May 8, 2012. The Shakopee Mdewakanton Sioux Community Business Council approved Resolution No. 07-11-12-01 on July 11, 2012.

Thank you for bringing the amendments to our attention. The amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations.

If you have any questions, please contact Staff Attorney Esther Dittler at (202) 420-9229.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracie L. Stevens".

Tracie L. Stevens
Chairwoman



Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 952•445-8900 • FAX: 952•445-8906

OFFICERS
Stanley R. Crooks
Chairman
Charlie Vig
Vice-Chairman
Keith B. Anderson
Secretary/Treasurer

BUSINESS COUNCIL RESOLUTION NO. 07-11-12-01

TO PROVIDE NECESSARY TECHNICAL CHANGES TO GENERAL COUNCIL RESOLUTION NO. 05-08-12-001

- WHEREAS,** the Shakopee Mdewakanton Sioux Community (the "Tribe") is a sovereign Indian Tribe, federally recognized, organized under the Indian Reorganization Act of 1934, and is governed under the terms of the Constitution approved by the Secretary of the Interior on November 28, 1969, as amended; and
- WHEREAS,** Article III of the Tribal Constitution provides that the General Council is the governing body of the Tribe; and
- WHEREAS,** Article V, Section 1 of the Tribal Constitution provides that the Business Council shall carryout those duties delegated to it by the General Council; and
- WHEREAS,** the Business Council has the authority to administer the day-to-day affairs of the Tribe, including taking those steps necessary to provide for the safety, health and welfare of Tribal members and those residing or visiting the Reservation; and
- WHEREAS,** the General Council, in Resolution No. 05-08-12-001, provided authorization for the sale of liquor by the Shakopee Gaming Enterprise at the Community's gaming establishments; and
- WHEREAS,** the General Council generally authorizes the Business Council to take all steps necessary for approval by the federal government of General Council actions when such approval is required by the Community's Constitution and such steps are necessary to ensure that modifications to Sections 303, 304 and 310 of the Community's Gaming Ordinance are in compliance with applicable federal law so that the Community's intent to allow for the sale of liquor can be accomplished; and
- WHEREAS,** such modifications to General Council Resolution No. 05-08-12-001 will allow the Gaming Ordinance to conform with the following National Indian Gaming Commission Regulations: 556.2, 556.3, 556.4 and 558.2; and

WHEREAS, such modifications to the General Council Resolution No. 05-08-12-001 are attached to this Business Council Resolution as Attachment "A"; and

WHEREAS, Attachment "A" brings General Council Resolution No. 05-08-12-001 into compliance with the requisite federal law and regulations.

NOW THEREFORE BE IT RESOLVED, that the Business Council hereby adopts the modifications to General Council Resolution No. 05-08-12-001 fully contained in Attachment "A" which is hereby made a part of this Business Council Resolution; and

BE IT FURTHER RESOLVED, that General Council Resolution No. 05-08-12-001 with the modifications shall be submitted to the National Indian Gaming Commission for its review and approval.

CERTIFICATION

This Resolution No. 07-11-12-01 was presented to the Business Council of the Shakopee Mdewakanton Sioux Community at a meeting held on July 11, 2012, with a quorum being present. The vote on this Resolution was 3 for, 0 against, and 0 abstentions.


Stanley R. Crooks, Chairman


Charlie Vig, Vice-Chairman


Keith B. Anderson, Secretary/Treasurer

ATTACHMENT "A"

SECTION 303. APPLICATION AND INVESTIGATION REPORT FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES

- (a) Notices. The License Application for Primary Management Officials and Key Employees of any Gaming operator of the Community shall contain the following statements:
- (1) Privacy Notice. In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 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 Shakopee Mdewakanton Sioux Community Gaming Commission 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 the Shakopee Mdewakanton Sioux Community Gaming Commission 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 the Shakopee Mdewakanton Sioux Community Gaming Commission 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.
 - (2) Notice Regarding False Statements. 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 (U.S. Code, Title 18, section 1001).
- (b) Notice to Existing Key Employees and Primary Management Officials. The Shakopee Mdewakanton Sioux Community shall provide written notice (concerning Sections (1) and (2) above) to existing Key Employees and Primary Management Officials in accordance with Section 310 of this Ordinance.
- (c) Required Information. The Shakopee Mdewakanton Sioux Community Gaming Commission shall request from each Primary Management Official and from each Key Employee all of the following information:
- (1) The full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

- (2) Currently and for the previous 5 years: business and employment positions held, ownership interest in those businesses, business and residence addresses, and drivers license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (c)(2) of this section;
- (4) Current business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a License or permit related to gaming, whether or not such License or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (c)(8) or (c)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A photograph;
- (13) The fingerprints of the applicant to be captured by the Shakopee Mdewakanton Sioux Community Gaming Commission and submitted to the Minnesota State Alcohol and Gambling Enforcement Division for conducting a criminal history check through local, state, and federal law enforcement agencies, including a check of criminal history records maintained by the Federal Bureau of Investigations; and
- (14) Any additional information as may be determined by the Community Gaming Commission.

SECTION 304. BACKGROUND INVESTIGATION.

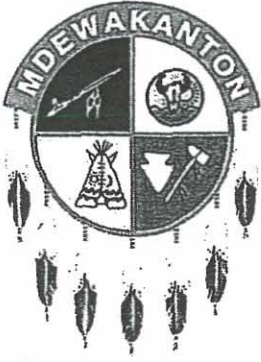
The Shakopee Mdewakanton Sioux Community Gaming Commission shall perform a background investigation for each Primary Management Official and for each Key or Non-Key Employee of a gaming operation.

- (a) The Shakopee Mdewakanton Sioux Community Gaming Commission shall conduct an investigation sufficient to make a determination under this section.
- (b) The Shakopee Mdewakanton Sioux Community Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key employee or a Primary Management Official for granting of a gaming license. If the Shakopee Mdewakanton Sioux Community Gaming Commission, in applying the standards adopted in this Ordinance, determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, the Shakopee Mdewakanton Sioux Community Gaming Commission shall not license that person in a Key Employee or Primary Management Official position.
- (c) In conducting a background investigation, the Shakopee Mdewakanton Sioux Community Gaming Commission or its licensed agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- (d) If the National Indian Gaming Commission has received an investigative report concerning an individual who another tribe wishes to employ as a Key Employee or Primary Management Official and if the second tribe has access to the investigative materials held by the first tribe, the second tribe may update the investigation and update the investigative report under Section 305 of this Ordinance.
- (e) The provisions of this Section shall apply to all members of the Commission, and to any employees, agents or members of committees of the Commission.

SECTION 310. NOTICE TO EXISTING KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

- (a) The Shakopee Mdewakanton Sioux Community Gaming Commission shall notify existing Key Employees and Primary Management Officials in writing that they shall either:
 - (1) Complete a new application form that contains the Privacy Act notice at Section 303 of this Ordinance; or
 - (2) Sign a statement that contains the Privacy Act notice (at Section 303 of this Ordinance) and consent to the routine uses described in that notice.
- (b) The Shakopee Mdewakanton Sioux Community Gaming Commission shall also notify existing Key Employees and Primary Management Officials that they shall either:

- (1) Complete a new application form that contains the notice regarding false statements contained in Section 303 of this Ordinance; or
- (2) Sign a statement that contains the notice regarding false statements (at Section 303 of this Ordinance).



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Secretary/Treasurer

SPECIAL GENERAL COUNCIL MEETING

GENERAL COUNCIL RESOLUTION NO. 05-08-12-001

APPROVING AMENDMENT TO SHAKOPEE MDEWAKANTON SIOUX COMMUNITY GAMING ORDINANCE, SECTION 402 (c)

WHEREAS, the Shakopee Mdewakanton Sioux Community is a sovereign Indian Tribe, federally recognized and organized under the provisions of the Indian Reorganization Act of 1934, and is governed under the terms of the Constitution approved by the Secretary of the Interior on November 28, 1969, as amended; and

WHEREAS, pursuant to Article III of the Constitution, the General Council of the Shakopee Mdewakanton Sioux Community is the governing body of the Community; and

WHEREAS, Article V, § 1(h) of the Constitution vests the General Council with the power to promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals and general welfare of the Community by regulating the use and disposition of property upon the reservation; and

WHEREAS, The General Council enacted the Shakopee Mdewakanton Sioux Gaming Ordinance by General Council Resolution 03-31-93-001; and

WHEREAS, The Shakopee Mdewakanton Sioux Community Gaming Ordinance sets forth how gaming must be conducted in the Community and sets forth requirements for all persons and entities to meet when they are associated with or undertake business transactions with the Tribe's Gaming Enterprises; and

WHEREAS, The Gaming Ordinance of 1993 disallows the sale or consumption of alcoholic beverages within the Tribe's Gaming Enterprises; and

WHEREAS, The General Council has found that allowing for such sales and consumption at the Tribe's Gaming Enterprises may be allowed under the authority of the Shakopee Mdewakanton Sioux Community Liquor Ordinance to Allow for On-Sale Liquor Transactions; and

WHEREAS, Such authorization also requires the Shakopee Mdewakanton Sioux Community Gaming Ordinance to allow for such sales and consumption in the Gaming Enterprises; and

WHEREAS, The Shakopee Mdewakanton Sioux Community Liquor Ordinance to Allow for On-Sale Liquor Transactions contains all necessary protections and procedures for such sales and consumption to be conducted at the Tribe's Gaming Enterprises; and

WHEREAS, The General Council finds that if it determines that such sales and consumption can be undertaken, it will be most effective and efficient to have an authorization in place in the Tribe's Gaming Ordinance;

NOW THEREFORE BE IT RESOLVED, that the Shakopee Mdewakanton Sioux Community Gaming Ordinance of 1993 shall be amended to change Paragraph 402 (c) to read as follows:

No Gaming Enterprise shall allow to be sold or otherwise made available any beverage containing alcohol including, but not limited to, beer or liquor at the Gaming Enterprise location without the authorization of the Shakopee Mdewakanton Sioux Community as evidenced by a duly adopted Liquor Ordinance which Ordinance shall be certified by the Secretary of the Interior and published in the Federal Register.

BE IT FURTHER RESOLVED, that there must be authorization in place for the sale and consumption of liquor at Tribal Gaming Enterprises under both the Tribe's Liquor Ordinance and under the Tribe's Gaming Ordinance; and

BE IT FURTHER RESOLVED, that the Business Council is directed to obtain any federal approval of this change in the Community's Gaming Ordinance required by Tribal or Federal law; and

BE IT FURTHER RESOLVED, that the Business Council shall have the authority to negotiate any necessary technical changes to this amendment that would be required by Federal law; and

BE IT FINALLY RESOLVED, that this amendment to the Tribe's Gaming Ordinance shall not be effective unless passed by an absolute majority of all eligible voting members of the Tribe.

Robert Totenhagen
Moved by

Anthony Brewer
Seconded by

Stanley R. Crooks
Stanley R. Crooks, Chairman

Charlie Vig
Charlie Vig, Vice-Chairman

Keith B. Anderson
Keith B. Anderson, Secretary/Treasurer

CERTIFICATION

Special General Council Meeting of May 8, 2012


There are 253 eligible voters pursuant to the voting list certified and posted by the Secretary/Treasurer on May 2, 2012.


To the best of my knowledge and belief, the results reported herein accurately reflect the vote of the General Council at the regular meeting held on May 8, 2012.

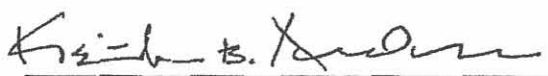
Special General Council Meeting
General Council Resolution No. 05-08-12-001
Approving Amendment to
Shakopee Mdewakanton Sioux Community
Gaming Ordinance, Section 402 (c)

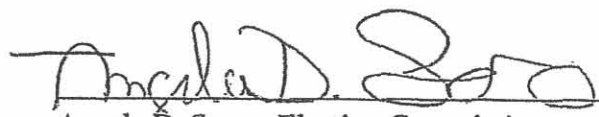
The Vote on Special General Council Meeting Resolution No. 05-08-12-001

127 For 9 Against 6 Abstentions; and
0 Spoiled 0 Chair not voting
X Passed _____ Failed


Stanley R. Crooks, Chairman


Charlie Vig, Vice-Chairman


Keith B. Anderson, Secretary/Treasurer


Angela D. Sauro, Election Commissioner