



Gary McAdams, President
Wichita and Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005

AUG 21 2002

Subject: Approval of New Gaming Ordinance

Dear President McAdams:

This letter responds to your request to review and approve the tribal gaming ordinance, Resolution WT-02-23, adopted on April 22, 2002, by the Executive Committee of the Wichita and Affiliated Tribes. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA, over which the Tribe exercises jurisdiction.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. §556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. §556.5(b).

Thank you for submitting the ordinance of the Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer
Chairman

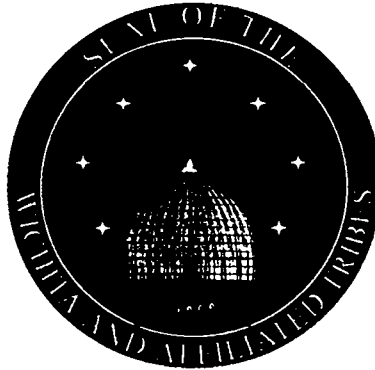
Wichita and Affiliated Tribes

Gary McAdams
President

Stratford Williams
Vice-President

Sandra Wilson
Secretary

Grace Fields
Treasurer



Donald Horsechief
Committee Member

Debra Wetselline
Committee Member

Shirley Davilla
Committee Member

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WT-02-23


RESOLUTION

- WHEREAS, the Wichita and Affiliated Tribes (Keechi, Tawakoni, Waco) possess substantial inherent powers and has exercised those powers since time immemorial, and
- WHEREAS, the Wichita and Affiliated Tribes (Keechi, Tawakoni, Waco) has a duly established Tribal Government recognized by the Secretary of the Interior, and
- WHEREAS, Article V of the Wichita Governing Resolution authorizes and empowers the Executive Committee of the Wichita and Affiliated Tribes to act in all matters of business on behalf of the Tribe, and
- WHEREAS, the Wichita and Affiliated Tribes adopt the "Wichita and Affiliated Tribes Gaming Ordinance" to tribally regulate all gaming activities within the Tribes' jurisdiction and in accordance with federal law as provided in the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, et. seq, and
- WHEREAS, the Tribe shall have sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this resolution, and
- NOW THEREFORE BE IT RESOLVED, the Executive Committee of the Wichita and Affiliated Tribes hereby approves the "Wichita and Affiliated Tribes Class II and Class III Gaming Ordinance" and by the signature below certifies that the attached copy of this ordinance serves as the official tribal ordinance to regulate gaming within the Tribes' jurisdiction. Furthermore, the Executive Committee will submit the attached gaming ordinance for approval to the National Indian Gaming Commission Chairman as required under the Code of Federal Regulations at 25 C.F.R. § 522.2.


CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the Wichita and Affiliated Tribes of Oklahoma on April 22, 2002, in Anadarko, Oklahoma, by a vote of 5 for, 0 against, and 0 abstentions, a quorum being present.

Attest:


Sandra Wilson
Secretary

Approved:


Gary McAdams
President

WICHITA AND AFFILIATED TRIBES

GAMING ORDINANCE

Section 1. Purpose

The Executive Committee of the Wichita and Affiliated Tribes (hereinafter "Tribe"), empowered by Article V of the Wichita Governing Resolution to enact ordinances, hereby enacts this ordinance in order to govern and set the terms for Class II and Class III gaming operations on "Indian lands," as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701, *et. seq.*

Section 2. Gaming Authorized

- A. Class II gaming as defined in the IGRA, 25 U.S.C. § 2703(7)(A), by the regulations promulgated by the National Indian Gaming Commission ("NIGC") at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992), and by federal jurisprudence interpreting the IGRA and/or NIGC regulations is hereby authorized.
- B. Class III gaming as defined in the IGRA and by the regulations promulgated by the NIGC at 25 C.F.R. § 502.4 is hereby authorized. Any Class III gaming shall be conducted in accordance with a compact or Secretarial procedures approved by the Secretary of the Interior.

Section 3. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

Section 4. Use of Gaming Revenue

- A. Net revenues from Class II and Class III gaming shall be used only for the following purposes:
 - 1. to fund tribal government operations and programs;
 - 2. to provide for the general welfare of the Tribe and its members;
 - 3. to promote tribal economic development;
 - 4. to donate to charitable organizations; or
 - 5. to help fund operations of local government agencies.

- B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only in accordance with a plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).

Section 5. Tribal Gaming Commission

- A. The Tribe hereby establishes a four member Tribal Gaming Commission whose duty it is to regulate tribal gaming operations and conduct oversight of all tribal gaming activities to ensure compliance with federal, tribal, and, if applicable, state laws and regulations. The Tribal Gaming Commission functions as a regulatory agency for the Tribe and does not serve in a managerial capacity to the tribally licensed gaming operations. As an agency of the Tribe, the Tribal Gaming Commission has the full protection of the Tribe's sovereign immunity in carrying out its lawful duties.
- B. Positions on the Tribal Gaming Commission shall be filled by appointment by the Tribal President with approval of the Tribal Executive Committee. The Tribal Executive Committee will designate a Chairman of the Tribal Gaming Commission from the four appointed Commissioners at the time of initial appointment of the Tribal Gaming Commission. The Chairman of the Tribal Gaming Commission will chair all Commission hearings, supervise Commissioners, Commission staff, and only vote in the case of a tie during Commission proceedings. Compensation, composition and terms of the members of the Tribal Gaming Commission shall be determined by the Tribal Executive Committee. Three Commissioners will constitute a quorum for all official business of the Tribal Gaming Commission including meetings, rule-making, and hearings.
- C. Members of the Tribal Gaming Commission shall satisfy the suitability standards set forth in Section 8, Licenses for Gaming Employees, Key Employees and Primary Management Officials, for key employees and primary management officials, which shall include a satisfactory background investigation performed under the direction of the Tribal Executive Committee.
- D. The Tribal Gaming Commission shall be and act independently and autonomously from the Tribal Executive Committee in matters within its purview. Tribal Gaming Commission staff shall be hired through a tribal personnel process with such other conditions as the Commission may adopt, provided that the Tribe's laws governing tribal member and Indian preference shall at all times be applicable.
- E. The Tribal Gaming Commission shall serve as the licensing authority for individuals employed in the gaming operation and will administer an effective program for background investigations as part of the licensing process. In order to carry out its duties, the Tribal Gaming Commission shall have unrestricted access to all areas of the gaming operation and to all records. Duties of the Tribal Gaming Commission shall include, but not be limited to:

1. Conducting or causing background investigations to be performed on primary management officials and key employees;
2. Reporting results of background investigations to the NIGC;
3. Obtaining and processing fingerprints, or designating a law enforcement agency to obtain and process fingerprints;
4. Making license suitability determinations;
5. Issuing gaming licenses to management officials and employees of the gaming operation, consistent with suitability determinations;
6. Taking enforcement actions, including suspension or revocation of an individual gaming license, when appropriate;
7. Holding hearings on patron and/or employee complaints and disputes, in compliance with procedures established in this ordinance and other tribal gaming regulations;
8. Issuing procedures and regulations for compliance with the NIGC's Minimum Internal Control Standards and monitor such compliance; and
9. Such other duties as necessary for the proper regulation of the tribal gaming operation. The authority of the Tribal Gaming Commission shall not be construed as divesting authority of the Tribal Executive Committee, should there be a conflict.

F. The following persons shall not be eligible to serve on the Tribal Gaming Commission:

1. Tribal Executive Committee members, while serving as such;
2. Employees of the gaming operation, while serving as such;
3. Gaming contractors; or
4. Persons convicted of a felony, embezzlement, fraud, or other money-related or honesty-related crime.

G. Tribal Executive Committee members, Tribal Gaming Commissioners, Commission staff, all gaming licensed staff, key employees, and primary management officials are prohibited from gaming in the tribally licensed gaming facilities whether on duty or off duty during the term of their employment or their position.

- H. Members of the Tribal Gaming Commission are subject to removal by the Tribal Executive Committee after a duly noticed hearing resulting from an appropriately filed charge of any of the following: neglect of duty, misconduct, malfeasance, or other acts that violate the standards necessary to regulate the tribal gaming operations. If any of the enumerated charges are substantiated during the hearing before the Tribal Executive Committee, the Gaming Commissioner will be immediately removed. A position on the Tribal Gaming Commission that becomes vacant as the result of removal hereunder shall be filled within ten (10) working days of said removal in accordance with Section 5 (B) of this ordinance.

Section 6. Audit

- A. The Tribe shall cause to be conducted annually an outside independent audit of gaming operations and shall submit the resulting audit reports to the NIGC. The Tribe's fiscal year shall be January 1st through December 31st (or as otherwise established by the Tribe).
- B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A above.

Section 7. Protection of the Environment and Public Health and Safety

Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

Section 8. Licenses for Gaming Employees, Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this Section are implemented with respect to gaming employees, key employees, and primary management officials employed at any gaming enterprise operated on Indians lands:

A. Definitions

For the purposes of this Section, the following definitions apply:

1. "Key employee" means
 - (a) A person who performs one or more of the following functions:
 - (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor manager;
 - (6) Pit boss;

- (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (c) If not otherwise included, the four most highly compensated persons in the gaming operation.

2. "Primary management official" means

- (a) The person(s) having management responsibility for a management contract;
- (b) Any person who has authority;
 - (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.

B. Application Forms for All Gaming Employees

- 1. The following notice shall be placed on the application form for a gaming employee, a key employee or a primary management official before that form is filled out by an applicant:

"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 employed in a gaming operation. The information will be used by the Wichita and Affiliated Tribes and the NIGC 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 necessary pursuant to a requirement by the Tribe or the NIGC in connection with the hiring or firing of an employee, the issuance of revocation of a gaming license, or investigation

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 Tribe being unable to hire you in 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. The following notice shall be placed on the application form for a gaming employee, a key employee or a primary official before that form is filled out by an applicant:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)"

C. Background Investigations for All Gaming Employees

The Tribal Gaming Commission is responsible for conducting background investigations and suitability determinations for all gaming employees.

1. The Tribal Gaming Commission shall request from each primary management official, from each key employee, and from each applicant to a gaming position in a tribally licensed gaming operation all of the following information:
 - a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - b. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver license numbers;
 - c. 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 (1)(b) of this Section;
 - d. Current business and residence telephone numbers;
 - e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - g. 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;
 - h. For each felony for which there is an ongoing prosecution or a conviction within 10 years of the date of the application, the charge, the name and address of the court involved, and the date and disposition, if any;
 - i. 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, if any;
 - j. 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 paragraphs (1) (h) or (1) (i) of this Section, the criminal charge, the name and address of the court involved, and the date and disposition, if any;
 - k. 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;
 - l. A current photograph;
 - m. Any other information the Tribal Gaming Commission deems relevant; and
 - n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).
2. The Tribal Gaming Commission shall conduct an investigation sufficient to make a determination under Subsection D below. This shall include verification of information submitted by the applicant. The Tribe shall document all potential problem areas noted and any disqualifying information. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
 3. The Bureau of Indian Affairs ("BIA") law enforcement agency for the Anadarko Area (or the Tribe's law enforcement agency, upon assuming such responsibilities from the BIA) shall take fingerprints of each primary

management official, and each key employee, and each applicant to a gaming position in a tribally licensed gaming operation. Fingerprints shall be submitted to the Tribal Gaming Commission and for primary management officials and key employees will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation and the National Crime Information Center to determine the applicant's criminal history, if any.

D. Eligibility Determination

The Tribal 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 gaming employee, a key employee or primary management official for employment in a gaming operation. If the Tribal Gaming Commission determines that employment of the person 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, methods, and activities in the conduct of gaming, a tribal gaming operation shall not employ that person as a gaming employee, key employee or primary management official.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the NIGC

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribal Gaming Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Subsection D of this Section.
2. The Tribal Gaming Commission shall forward the report referred to in Subsection F of this Section to the NIGC within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the NIGC. No key employee or primary management official shall be employed for longer than ninety (90) days without a license.

F. Report to the NIGC

1. Pursuant to the procedures set out in Subsection E of this Section, the Tribal Gaming Commission shall prepare and forward to the NIGC an investigative report on each background investigation. An investigative report shall include all of the following:
 - a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and

- d. The basis for those conclusions.
2. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Subsection D of this Section, unless the NIGC shall have advised the Tribe or Tribal Gaming Commission that the submission of the eligibility determination is not necessary.
3. If a license is not issued to an applicant, the Tribal Gaming Commission:
 - a. Shall notify the NIGC; and
 - b. May forward copies of its eligibility determination and investigative report, if any, to the NIGC for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and reports, if any, of background investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting an Employee Gaming License

1. If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the NIGC, the Tribal Gaming Commission, acting for the Tribe, may issue a license to such applicant.
2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph G.1 of this Section until the Chairman of the NIGC receives the additional information.
3. If, within the thirty (30) day period described above, the NIGC provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

H. Temporary Hire

1. Applicants to key employee or primary management official positions may be temporarily hired following the eligibility determination of the Tribal Gaming Commission set forth in Subsection D of this Section. These types of employees will not be considered regular benefited employees of the tribal gaming operation until the Tribal Gaming Commission issues an employment gaming license following the required NIGC approval process. If the employee license is denied by the Tribal Gaming Commission, the temporarily hired key employee or primary management official will be immediately terminated upon notice of the denial.
2. Other tribal gaming employees may be temporarily hired until the eligibility determination of the Tribal Gaming Commission results in either the issuance of an employee gaming license or the denial of the employee license upon which the temporarily hired employee will be immediately terminated upon notice of the denial.

I. License Suspension

1. If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the NIGC reliable information indicating that a key employee or a primary management official is not eligible for employment under Subsection D of this Section, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the NIGC of its decision.

Section 9. License Locations

The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance.

Section 10. Dispute Resolution

A. Hearing Procedures

For all hearings provided under this ordinance, the following procedures will apply:

1. Written notice of a scheduled hearing will be given to affected parties at least five (5) working days prior to the hearing.
2. Parties will be required to be present in person at all scheduled hearings and may petition the Tribal Gaming Commission for a continuance not to exceed five (5) working days of the originally scheduled hearing. The Tribal Gaming Commission may grant the continuance based upon a reasonable justification for such continuance. Parties not present at a scheduled hearing will be bound by any Tribal Gaming Commission decision resulting from the hearing.
3. Parties may present evidence on their own behalf including affidavits, voice recordings and any other relevant documentation. Parties may have legal representation during Tribal Gaming Commission hearings.
4. The Tribal Gaming Commission will make its determination based upon a clear preponderance of the evidence presented during the hearing.
5. Three Tribal Gaming Commission members will constitute a quorum for Tribal Gaming Commission hearings.
6. The Tribal Gaming Commission will base its decision on an affirmative majority vote of its members with the Tribal Gaming Commission Chairman voting only in the case of a tie.
7. The written determination of the Tribal Gaming Commission will be delivered to affected parties within five (5) working days of the hearing.
8. An appeal will be available from any determination of the Tribal Gaming Commission to the Court of Indian Offenses for the Wichita and Affiliated Tribes (until such time as the Tribe assumes such responsibilities from the BIA through establishment of a Tribal Court). The Court may either affirm or reverse a ruling of the Tribal Gaming Commission and will not grant any monetary or equitable relief.

B. Patron Disputes

Disputes between the gaming public and the tribally licensed gaming facilities will initially be addressed by the gaming manager or relevant department head on duty, and if not satisfactorily addressed further recourse will be available to the General Manager of the enterprise. If the decision of the General Manager does not resolve the dispute, then the dispute may be reviewed by the Tribal Executive Committee, which would render a final decision with respect to the matter.

Section 11. Minimum Internal Control Standards

The Tribe shall adopt and implement Minimum Internal Control Standards for the operation of its gaming operation that are no less stringent than those found in 25 C.F.R. Part 542.

Section 12. Vendor Licensing

A non-management gaming contractor license may be issued by the Tribal Gaming Commission to any person, organization, or entity for a license to sell, lease, market or otherwise distribute gambling devices, equipment, games, implements, services (other than professional legal or accounting), products or supplies to the Tribe's gaming operations.

Section 13. Complimentary Items

Complimentary items are defined according to 25 C.F.R. § 542.17 as any cash or non-cash gifts. For all such items in the amount of fifty dollars (\$50.00) or more, the Tribal Gaming Commission shall require a weekly report from authorized gaming employees as to the recipient of the item, the date received, the actual cash value of the item, the type of complimentary item or service (i.e., beverage, food, etc.) and the name of the authorized employee approving the item.

- A. No Tribal Gaming Commissioner, Commission staff member, key employee, primary management official, Tribal Executive Committee member, or any person directly related to such persons shall be authorized to receive complimentary items.
- B. Complimentary items shall be included in the annual budget for the gaming operation, with maximum limits specified and shall be subject to approval by the Tribal Executive Committee.

Section 14. Agent for Service of Process

The Tribe hereby designates the Tribal President as agent for service of process, who may be contacted at:

Tribal President
Wichita & Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005

Section 13. Repeal

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed and replaced with the foregoing ordinance.