

**NATIONAL
INDIAN
GAMING
COMMISSION**

NOV 4 1996

Norman H. DesRosiers, Executive Director
San Carlos Apache Tribal Gaming Commission
P.O. Box 1300
San Carlos, Arizona 85550

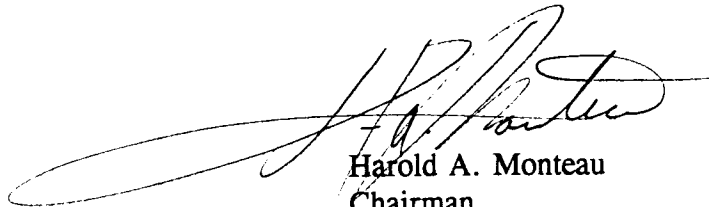
Dear Mr. DesRosiers:

This letter responds to your request to review and approve the amendment to the San Carlos Apache Tribe's tribal gaming ordinance submitted on August 19, 1996. The amendment was adopted by Resolution No. AU-96-129 on August 6, 1996. The ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on February 16, 1994. The amendment does not require approval by the NIGC because the amendment addresses issues not raised in the IGRA or the NIGC's regulations.

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval.

Thank you for submitting the San Carlos Apache Tribe's amendment for review. If you have questions or require further assistance, please contact Frances Fragua at (202) 632-7003.

Sincerely,



Harold A. Monteau
Chairman

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

AUG 19 1996

RESOLUTION

No: AU 96 129

WHEREAS, The San Carlos Apache Tribe is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat., 984); and,

WHEREAS, Section 11.04 of the Tribal Gaming Ordinance states "all provisions of this gaming code are subject to amendment by the San Carlos Apache Tribal Counsel" and,

WHEREAS, Sections 522.3 and 523.4 of 25 CFR Ch III (National Indian Gaming Commission Regulations) allow for amendments to the Tribal Gaming Ordinance, and

WHEREAS, After two years of experience in gaming, enforcement and compliance with the Tribal Gaming Ordinance, it has been determined that some amendments are necessary and appropriate, and

WHEREAS, Such amendments would provide for more consistency with the Compact, reduced administrative costs and clarification and enhancement of the tribe's ability to take enforcement action for unlawful acts,

NOW THEREFORE BE IT RESOLVED that Section 8.02 of the San Carlos Apache Tribal Gaming Ordinance which did read:

"Section 8.02 Notice and Opportunity to be Heard. The Gaming Office shall promulgate regulations providing fair notice and opportunity to be heard to any individual whose name is being contemplated by the Tribe to be placed on the list referred to in Section 8.01. Such regulations must provide the person an opportunity to show cause why his name should be deleted from the list. The individual may appeal any decision of the Gaming Office to place his name on the list to tribal Court."

Shall now read:

"Section 8.02 Notice and Opportunity to be Heard. The Gaming Office shall promulgate regulations providing fair notice and opportunity to be heard to any San Carlos Apache Tribal Member whose name is being contemplated by the tribe to be placed on the list referred to in Section 8.01. Such regulations must provide the person an opportunity to show cause why his name should be deleted from the list."

BE IT FURTHER RESOLVED, that Section 8.04 of the Ordinance which did read:

“Section 8.04 Prohibition Against Certain Individuals. It shall be a violation of this code for any licensee who knowingly fails to exclude or eject from the gaming establishment any individual who:

- (a) is visibly under the influence of liquor or any narcotic or such other substance; or
- (b) is under the age of eighteen years.”

Shall now read:

“Section 8.04 Prohibition Against Certain Individuals. It shall be a violation of this code for any licensee who knowingly fails to exclude or eject from the gaming establishment any individual who is visibly under the influence of liquor or any narcotic or other such substance.”,

BE IT FUTHER RESOLVED that Chapter IX of the Ordinance which was entitled “Cheating” shall now be entitled “Unlawful Acts”,

BE IT FUTHER RESOLVED that Section 9.01 of the Ordinance entitled “Unlawful Acts” shall be amended to add the following five unlawful acts:

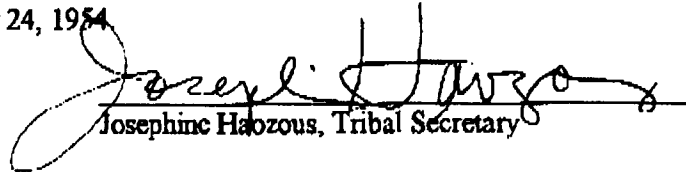
- “(i) To solicit funds or anything of value from any patron or employee.
- (j) To unlawfully take or attempt to take any coin(s), token(s), machine credits, currency, or anything of value from any patron or employee on the premises.
- (k) To refuse to leave the gaming establishment when appropriately advised to do so by a member of management, security, or the Tribal Gaming Office.
- (l) To damage or attempt to damage either intentionally or negligently any property, gaming device or equipment, or any article belonging to the tribe, patron, employee or tribal corporation.
- (m) Under the age of 18 years of age to make any wager either directly or indirectly in any Class II or Class III gaming activity.”,

BE IT FINALLY RESOLVED, that the above cited amendments shall take effect immediately upon approval of the National Indian Gaming Commission.

Resolution No. AU-96-129 continued.

CERTIFICATION

I, the undersigned Secretary of the San Carlos Apache Tribal Council hereby certify that the Tribal Council is presently composed of eleven (11) members of whom nine (9) constituting a quorum were present at a Regular Council meeting hereto held on the 6th day of August, 1996, and that the foregoing Resolution No. AU-96-129 was duly adopted by a vote of FOR 6; OPPOSED 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribal Council effective February 24, 1984.


Josephine Harzous, Tribal Secretary