

NATIONAL
INDIAN
GAMING
COMMISSION

NOV - 3 1994

Bill S. Fife, Principal Chief
Muscogee (Creek) Nation
Hiway 75 at Loop 56
P.O. Box 580
Okmulgee, Oklahoma 74447

Dear Chief Fife:

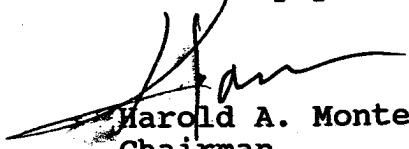
This letter responds to your request to review and approve the tribal gaming ordinance adopted on December 23, 1992, and amended on August 8, 1994, by the Muscogee (Creek) Nation (Nation). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances 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. Also, such approval does not constitute approval of specific games as those described in the gaming ordinance at § 103. Class III games may only be conducted pursuant to an approved tribal-state compact. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Nation's gaming ordinance, the Nation 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 Muscogee (Creek) Nation for review and approval. The NIGC staff and I look forward to working with you and the Nation in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

cc: Rocky McIntosh, Commissioner



NCA 94-45

Codification Title: 21. Gaming

AN ORDINANCE OF THE MUSCOGEE (CREEK) NATION AMENDING NCA 92-162, REGULATING PUBLIC GAMING, IN ORDER TO COMPLY WITH FEDERAL SUBMISSION REQUIREMENTS.

Section 100. Be it Enacted by the Muscogee Nation in Council Assembled:

Section 101. **FINDINGS:** The National Council finds that:

- A. The Indian Gaming Regulatory Act (IGRA), 25 USC 2701 et seq, and the National Indian Gaming Commission (NIGC) regulations, 25 CFR 501 et al, require an Indian tribe participating in Class II gaming to submit a tribal ordinance to the NIGC for approval and sets minimum standards for approval.
- B. NCA 92-162 has been submitted to the NIGC, and the Muscogee (Creek) Nation has been notified of areas of deficiency.
- C. In order to continue Class II gaming operations the Muscogee (Creek) Nation must amend NCA 92-162 in order to comply with Federal submission requirements.

Section 102. **NCA 92-162, SECTION 103. D., SHALL BE AMENDED TO READ AS FOLLOWS:**

Section 103. D. Class II Gaming Means:

- A. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 1. Play for prizes with cards bearing numbers or other designations;
 2. Cover numbers or designations when object; similarly numbered or designated, are drawn or electronically determined; and
 3. Win the game by being the first person to cover a designed pattern on such cards;
- B. If player in the same location as bingo or lotto, pull tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
- C. Nonbanking card games that:
 1. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 2. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

Section 103. NCA 92-162, SECTION 103. SHALL BE AMENDED TO ADD SUBSECTION "M" AND "N":

Section 103. M. Key Employee/Primary Management Official - Persons who perform one or more of the following functions:

1. Bingo Caller
2. Counting (money) 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
10. Custodian of gaming devices including persons with access to cash and accounting records within such devices.
11. Any person who:
 - A. Receives over \$50,000.00 per year in cash compensation; or
 - B. Is one of the four most highly compensated persons in the gaming operations; or
 - C. Has management responsibility for a management contract; or
 - D. Has the authority to hire/fire employee or to set up working policies for the gaming operations; or
 - E. The chief financial officer or other person(s), who have financial management responsibility including members of all boards or panels who have oversight responsibility for any tribally licensed gaming operation.

Section 103. N. "Net Revenues" means gross gaming revenues less all amounts paid out as, or paid for, prizes and total gaming related expenses excluding management fees.

Section 104. NCA 92-162, SECTION 203. SHALL BE AMENDED TO ADD B "(12)":

Section 203. B. (12). To act as designee agent for service of process for any legal disputes that may arise at any of the Nation's gaming facilities.

Section 105. NCA 92-162, SECTION 302 D. SHALL BE DELETED:

Section 106. NCA 92-162, SECTION SHALL BE AMENDED TO ADD SECTION 314. AS FOLLOWS:

Section 314. The law enforcement agency that will take fingerprints of key employees and primary management officials for purposes of completing required background investigations shall be the Creek Nation Lighthouse Law Enforcement. All NIGC procedures for processing fingerprints cards shall be followed.

Section 107. NCA 92-162 SHALL BE AMENDED TO ADD SECTION 434.:

Section 434. Disputes between the gaming public and the Muscogee (Creek) Nation (or management contractor) should first be addressed by the licensee. In the event a satisfactory conclusion is not reached the Commissioner shall:

- A. Only respond to signed complaints. If additional information of the circumstances is needed, a request is to be made by the Commissioner in writing. Additional statements of individuals, who may be able to substantiate the claim or provide additional relevant data, shall be encouraged.
- B. Request and review the written statements of the licensee and any employees or other persons, who may be able to provide relevant data of the circumstances that led to the dispute.
- C. Request and review any records, documents, video or audio tapes, equipment, or any other information deemed to be relevant by the Commissioner as related to the dispute.
- D. The Commissioner shall then make his decision of the correctness of the disputed action using facility policy and procedure, Muscogee (Creek) Nation law, office of Public Gaming Regulations and Federal law as a guide.
- E. Both the licensee and the patron reporting the complaint shall be notified of the Commissioner's decision in writing. All decisions of the Commissioner are final.

Section 108. NCA 92-162, SECTION 1004. SHALL BE AMENDED TO READ AS FOLLOWS:

Section 1004. The Muscogee (Creek) Nation shall have the sole propriety interest and responsibility for the conduct of any gaming operations.

Section 109. NCA 92-162, SECTION 1008. SHALL BE AMENDED TO READ AS FOLLOWS:

Section 1008. The Commissioner shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II gaming enterprise operated on Creek Nation lands.

A. Application Forms:

- 1. The following notice shall be placed on the application form for a key employee and 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 usc 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 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 pursuant to a requirement by a tribe or the NIGC in connection with the hiring or firing of any employee, the issuance or 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 a tribe's being unable to hire you in a key employee or primary management official 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. Existing key employees and primary management officials shall be notified in writing that shall either:

A. Complete a new application form that contains a Privacy Act notice; or

B. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notices shall be placed on the application form for a key employee and primary management 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 (USC Title 18, Sec. 1001).

4. The Commissioner shall notify in writing existing key employees and primary management officials that they shall either:

A. Complete a new application form that contains a notice regarding false statements; or

B. Sign a statement that contains the notice regarding false statements.

B. Background Investigations

1. The Commissioner shall request from each key employee and primary management official all of the following information:

A. Full name, other names used (oral or written, SSN(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

B. Currently and for the previous five (5) years: business and employment positions held, ownership interests in

those businesses, business and residence listed under paragraph 1 B of this section;

- C. The names and current addresses of at least three (3) personal references, including one personnel 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 relating 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, the charge, the name and address of the court involved, and the date and disposition, if any;
- I. 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 1. H. or 1. I. of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- J. The name and address of any licensing or regulatory agency with which the person has filed an application or an occupational license or permit, whether or not such license or permit was granted;
- K. A current photograph;
- L. Any other information the Tribe deems relevant; and

M. Fingerprints consistent with procedures adopted by the Tribe according to 25 CFR Sec. 522.2 (h).

2. The commissioner shall conduct an investigation sufficient to make a determination under subsection C below. In conducting a background investigation, the Commissioner or his agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

C. Eligibility Determination

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

D. 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 Commissioner shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in subsection C of this section.
2. The Commissioner shall forward the report referred to in subsection E. of this section to the NIGC within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the NIGC.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

E. Report to the National Indian Gaming Commissioner

1. Pursuant to the procedures set out in subsection D. of this section, the Commissioner shall prepare and forward 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 Commissioner shall submit with the report a copy of the eligibility determination made under subsection C. of this section.
 3. If a license is not issued to an applicant, the Commissioner:
 - 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 Commissioner 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 3 years from the date of termination of employment.

F. Granting a Gaming License

1. If within a 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 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 Commissioner may issue a license to such applicant.
2. The Commissioner 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 request shall suspend the 30 day period under paragraph G. 1., of this section until the Chairman of the NIGC receives the additional information.
3. If within the 30 day period described above, the NIGC provides the Commissioner with a statement itemizing objections to the issuance of a license to a key employee or a primary management official for whom the Commissioner has provided an application and investigative report to the NIGC, the Commissioner shall reconsider the application, taking into account the objections itemized by the NIGC. The Commissioner shall make the final decision

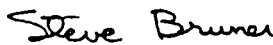
whether to issue a license to such applicant.

G. License Suspension

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

ENACTED by the Muscogee (Creek) National Council on this 30th day of July, 1994.

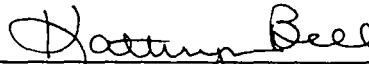
IN WITNESS WHEREOF, the Presiding Officer of the Muscogee (Creek) National Council has hereto attached his signature.



Steve Bruner, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of thirty-six members with thirty-one members attending this meeting on the 30th day of July, 1994, and that the above is in conformity with the provisions therein adopted by a vote of 30 in favor, 0 against, 0 abstentions, and that said Ordinance has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kathryn H. Bell, Recording Secretary
National Council
Muscogee (Creek) Nation

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 8th day of August, 1994, to the above Ordinance, NCA 94-45, authorizing it to become an Ordinance under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



Bill S. Fife
Principal Chief
Muscogee (Creek) Nation



NCA92-162

AN ORDINANCE OF THE MUSCOGEE (CREEK) NATION REGULATING PUBLIC GAMING WITHIN THE MUSCOGEE (CREEK) NATION

Section 100. Be it enacted by the Muscogee (Creek) Nation in Council Assembled:

TITLE I. - GENERAL PROVISIONS

Section 101. Findings: The National Council finds that:

- A. Under the 1979 Constitution of the Muscogee (Creek) Nation, the National Council may legislate upon subjects to become Ordinances of the Nation, including:
 - (1) To promote the public health and safety, education and welfare that may contribute to the social, physical well being and economic advancement of citizens of the Muscogee (Creek) Nation. [Article VI, Section 7(a)].
 - (2) To create authorities with attendant powers to achieve objectives allowed within the scope of this Constitution. [Article VI, Section 7(i)].
 - (3) To exercise any power not specifically set forth in this Article which may at some future date be exercised by the Muscogee (Creek) Nation. [Article VI, Section 7(j)].
- B. The present needs of the Muscogee people include employment and training, health care, educational opportunities, nutrition, mental health, juvenile services, housing, planning and development, legal services, elders programs and social services which are not presently being met in sufficient quantity by United States government agencies.
- C. The Muscogee Nation desires to be self-sufficient in its internal affairs, as reliance upon federal resources has been adverse to the quality of life within this tribe in both the recent and far past.
- D. The regulation of public gaming within the Muscogee (Creek) Nation is in the interest of the Muscogee people and their health, and welfare, political self-determination and economic self-sufficiency.
- E. The Muscogee Nation, prior to the creation of the State of Oklahoma, prohibited public gaming operations under Article X, Section 1 of the 1880 codification of the Constitution and Laws of the Muscogee Nation, as follows:

"Any person who shall willfully, by word or deed, disturb any private or public boarding or day school, church, council, or any other religious, political or other lawful gathering, or private family, . . . or keep houses of ill fame, or gambling houses, shall be guilty of

misdemeanor, and upon convictions shall receive fifty lashes on the bare back."

- F. Public gaming operations have been introduced to the Muscogee Nation under the color of law of the State of Oklahoma, and it is of vital interest to the public health, safety and welfare of the Muscogee people that the Nation, instead of again prohibiting public gaming operations, regulate public gaming in a manner commensurate with the interests of the Muscogee people.
 - G. By virtue of the treaties between the United States of America and the Muscogee (Creek) Nation and the Statutes and Court decisions of the United States, which together have established and maintained the doctrine of Indian sovereignty, there is left intact the federal guarantee of the perpetual integrity of the Muscogee (Creek) National Government.
 - H. The Muscogee (Creek) National Government requires methods for establishing a base to generate revenues for self perpetuation and essential governmental services.
 - I. The Congress of the United States of America has recognized gaming operations by Indian Nations as a legitimate goal of Indian political self-determination and economic self-sufficiency by enacting the Indian Gaming Regulatory Act, 25 USC 2701 et seq.
- Section 102. Short Title. The Code shall be known and may be cited as the Muscogee Nation Public Gaming Code.
- Section 103. Definitions. The following words and phrases when used in this Code shall, for the purposes of this Code, have the meanings respectively ascribed to them in this Section, except where the context otherwise requires:
- A. "Gaming" is the act of paying for the opportunity and participation in a game or games of chance for money or something of value, where motor skills play no part or are of no consequence in determining the outcome of the game; to operate, carry on, conduct, maintain, or expose for play; money, property, or any representative of value; wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e. foodstuff or games played in private homes or residences for prizes or games operated by charitable and educational organizations; which are approved by the Commissioner pursuant to provisions of this Code.
 - B. "Shall" is used in this Code as imposing an obligation to act.
 - C. "Commissioner" is the Commissioner of Public Gaming as provided by the terms of this Code.
 - D. "Bingo" is the activity commonly known as 'bingo' where participants pay a sum of money for the use of one or more cards. A winning pattern is announced prior to each game. When the game begins, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers in the pattern which has been preannounced for that particular game. This player calls out "bingo" and is declared the winner of a predetermined prize.
 - E. "Instant Bingo" is the activity wherein participants pay a sum of money for the use of one or more cards. Winning patterns are announced upon the card. When one card is played, paper tabs are pulled off of the cardboard backing to reveal the patterns printed on the cardboard card. If a player

receives patterns which are printed as an "Instant Bingo", the player turns in the card for a predetermined prize.

- F. "Parimutuel racing" is the activity wherein participants bet a sum of money, in predetermined increments, to wager on which horses or dogs shall place first (or "win"), second (or "place"), or third (or "show") in a race for a predetermined distance. If a horse or dog is determined to have properly won the first, second, or third place in the race, the participants who have bet upon that horse or dog are paid upon their wager according to formulas approved under the laws or regulations of the Muscogee Nation. Players may also be paid upon a combination basis or upon a mutual field basis.
- G. "Lottery" is where money is paid for a chance of receiving money or a prize in return through a system in which (1) the players pay something of value for chances, represented or differentiated by numbers or by combinations of numbers or by some other media, one or more of which changes are to be designated the winning ones; and (2) the winning chances are to be determined by a drawing held by the manager of the game, or by some other method based upon the element of chance; and (3) the holders of the winning chances are to receive something of value; and (4) which, played or operated once, destroys the value of the ticket provided as the prizes are distributed.
- H. "Video Gaming" is a form of wagering on the outcome of computerized games of chance and/or skill by which a person depositing money therein may receive money or articles of value worth either more or less than the money deposited, through electronic or electromechanical video devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette, line-up symbols and numbers, or other commonly gambling forms; which are activated by the insertion of a coin, token, or currency; and which award game credits, cash, tokens, or replays; and which contain a meter or device to record unplayed credits or replays.
- I. "Off Track Betting" is a form of wagering on the outcome of horse or dog races, whereby all bets made on a particular race are pooled in a parimutuel, combination or mutual field betting pool and then paid (less a standard management fee to cover local costs, pooling costs, track costs, and profits) to the winning tickets.
- J. "Muscogee (Creek) Nation" is as established under the Muscogee (Creek) Constitution of 1979 with politic jurisdiction as described in Attachment A. Individual tribal towns of the Muscogee (Creek) Nation are considered component, inseparable subdivisions of the Muscogee (Creek) Nation and may only benefit from the rights and privileges from the Muscogee (Creek) Nation under this Code.
- K. "License" - the permission by authority of the Muscogee (Creek) Nation to do an act, which without permission would be illegal, and is a document granted by the Gaming Commissioner of the Muscogee (Creek) Nation for a consideration to a person, group, community, firm, or corporation to pursue some occupation to carry on some business subject to regulation under the jurisdiction of the Muscogee (Creek) Nation. However, a License, with respect to real property of the Muscogee (Creek) Nation, is a privilege to go on the premises for a certain purpose but does not operate to confer on, vest in, or license any title, interest, or estate in such property.
- L. "Hearing De Novo" - a new hearing or a hearing for the second time contemplating an entire trial in the same manner in which matter was originally heard and a review of previous hearing.

Section 104. Liberal interpretation. The provisions of this Code, being necessary for the welfare of the Nation and its inhabitants, shall be liberally construed to effect the purpose and object hereof.

Section 105. Effect of headings. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Section 106. Penalty provisions. It shall be a violation of the laws of the Muscogee Nation to violate the provisions of this Code, any regulations promulgated by the Commissioner, or any proper order issued under the authority of this Code. Any person or licensee so violating shall be punished by a civil fine of not more than Five Thousand Dollars (\$5,000.00) or by suspension of license for a period not to exceed One Hundred Eighty (180) days or by both such fine and suspension or other penalty alternative under Tribal law.

Section 107. Severability. The provisions of this Code are severable, and if any part or provision hereof shall be held void by tribal or federal court, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of the Code.

Section 108. Repeal. All titles, chapters, articles and sections of Tribal Ordinance NCA 82-33, as amended, NCA 84-04, as amended, NCA 85-74, and NCA 88-51 which are in effect as of the date this Code becomes operative, are hereby repealed, and all other laws or parts of laws inconsistent with the provisions of this Code are hereby repealed.

Section 109. Effect of repeal. Repeal by this Code of any Ordinance shall not have the effect of reviving any prior law theretofore repealed or suspended by such repealed Code, nor shall this repeal have the effect of nullifying any regulation of the Commissioner issued under previous Ordinances which is authorized by this Code, nor shall this repeal have the effect of interrupting the term of the current Commissioner of Public Gaming, nor shall this repeal have the effect of interrupting any license issued by the Commissioner or any responsibilities thereunder.

Section 110. Emergency. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist. By reason thereof this Code shall take effect and be in full force from and after its passage and approval.

TITLE II. ADMINISTRATION AND ENFORCEMENT

Section 201. Office of Public Gaming Commissioner Established. In order to provide for the orderly development, administration, and regulation of Public Gaming, as well as other authorized enterprises within the exterior boundaries of the Muscogee Nation, there is established the Muscogee (Creek) Public Gaming Commissioner (hereinafter referred to as the "Commissioner"). The Principal Chief shall nominate a full citizen of the Muscogee Nation to serve as the Commissioner, subject to confirmation by Ordinance. Said Commissioner may be seated for a period of three (3) years. The Commissioner may be removed from office prior to the end of any term for cause under the Removal for Office Ordinance, NCA 81-03.

Section 202. The Commissioner may not hold other tribal positions except temporary duties assigned by Executive Order to be performed without increase in compensation and may be engaged in business. Provided, however, that the Commissioner shall not engage in any business which is subject to provisions of this Code or which has commerce with any licensee under this Code. The Commissioner shall post a bond with the Muscogee Nation in the amount of One Hundred Thousand Dollars (\$100,000.00).

Section 203. A. The Commissioner shall be charged with the sole responsibilities of administering and enforcing the provisions of this Code.

B. It shall be the responsibility of the Commissioner to promulgate regulations necessary to administer the provisions of this Code. These duties shall include but not be limited to the following:

- (1) Printing and making available application forms for initial and renewal licenses, as well as any other necessary licenses.
- (2) Supervising the collection of all fees and taxes prescribed in this Code.
- (3) Processing all license applications.
- (4) Issuing licenses;
- (5) Determining applicable license fees;
- (6) Auditing all returns;
- (7) Review all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountabilities of licensees or enforcement of any provision of gaming operation contracts, agreements, this, and related Ordinances.
- (8) The Commissioner shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license or permit, make a finding of suitability or approval of the license or permit, or a finding of suitability or approval of or the imposition of a fine upon any person licensed or permitted for any cause deemed reasonable by the Commissioner.
- (9) The performance of any other duties required in the Code or any amendments thereto or other duties which may hereafter be specified by the Commissioner.
- (10) Employ legal counsel with consent of the Muscogee Nation under applicable laws.
- (11) Defend this Code in any court of law in consultation and with the concurrence of the Attorney General.

Section 204. The Commissioner may exercise any proper power and authority necessary to perform the duties assigned by this Code.

Section 205. The Commissioner may refuse to reveal, at any court proceedings, the identity of any informant, if such revelation would subject the informant to bodily harm:

Section 206. Regular and special meetings of the Commissioner may be held, at the discretion of the Commissioner, at such time and places as may be convenient and open to tribal members, with notice posted in a public place at least 24 hours prior to the meeting.

Section 207. The Commissioner may organize any functional divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Commissioner shall recommend this office's own budget for operations to the Controller of the Muscogee (Creek) Nation, and take any other steps necessary to fulfill duties and responsibilities under the code.

Section 208. In adopting, amending, or repealing any regulations under this Code, the Commissioner shall give prior notice of the proposed action to all licensees and other persons whom the Commissioner has reason to believe have a legitimate and bona fide interest in such proposed action.

Section 209. The Commissioner shall afford an applicant for a license or permit an opportunity for a hearing prior to final action denying such application and shall afford a licensee or any other person(s) subject to this Code the opportunity for a hearing prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or permit or any other adverse action the Commissioner deems appropriate; Provided, that the Commissioner may summarily temporarily suspend or extend suspension of license for sixty (60) days or withdraw a permit in those cases where such action is deemed appropriate by the Commissioner. In cases where a license is suspended or a permit withdrawn prior to a hearing, an opportunity for a hearing shall be provided.

Section 210. Whenever upon specific factual finding the Commissioner determines that any person has failed to comply with the provisions of this Code or any regulation promulgated hereunder, the Commissioner shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within ninety (90) days thereof, the Commissioner shall hold a hearing at which time the subject shall have an opportunity to be heard and present evidence.

Section 211. At such hearing it shall be the obligation of the subject to show cause why the determination is incorrect, why the application in question shall not be denied, why the license, licenses, or permit in question shall not be revoked or suspended, why the period of suspension should not be extended, or to show cause why special conditions or limitations upon a license or permit should not be imposed; or to show cause why any other action regarding any other person or persons subject to any action should not be taken.

Section 212. Following such hearing the Commissioner shall, within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the license or permit in question should be granted, continued or suspended, revoked, conditioned or limited, and whether or not any other action recommended to or by the Commissioner (including but not limited to forfeitures or fines) should be taken.

Section 213. Within three (3) days following this determination the Commissioner shall inform the subject in writing of that determination.

Section 214. Right to appeal. The subject shall have the right to appeal the determination of the Commissioner to the District Court of the Muscogee (Creek) Nation for a de novo hearing. Such appeal must be filed with the District Court in written form on or before the tenth (10) day following the determination of the Commissioner. The determination of such appeal by the District Court shall be subject to review or appeal to the Supreme Court of the Muscogee (Creek) Nation as provided under Ordinance.

Section 215. Sanctions. Any person who engages in activities on property subject to the provisions of this Code without a license or permit, in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Code, regulations promulgated thereunder or amendments thereto, shall be in violation of the Code including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Commissioner. Separate violation shall be prosecuted as separate offenses. Each day of violation shall constitute a separate count or violation of this Code. A violator shall also be required to pay court costs, storage fees, auction or sales fees. All property used in each and every separate violation of this Code may become the property of the Muscogee Nation. Persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, or revoked, or limited, and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commissioner subject to the right of appeal to the District Court of the Muscogee (Creek) Nation. Winnings found to have been received in violation of this Code are forfeited and become property of the Muscogee Nation, recoverable by order, judgement, and execution of the District Court as provided by Ordinance.

TITLE III. - LICENSES AND PERMITS

Section 301. License required. Any person conducting Public Gaming operations on property within the exterior boundaries of the Muscogee Nation and which is subject to the jurisdiction of the Muscogee (Creek) Nation shall be required to have and display prominently an appropriate, valid and current Public Gaming license issued pursuant to the provisions of this Code. Any other forms of Public Gaming operations being conducted within the jurisdiction of the Muscogee Nation without the lawful written approval of the Muscogee (Creek) Public Gaming Commissioner are prohibited under

Title IX.

- Section 302. **Classes and Fees.** Different Classes of licenses shall be issued, and each have a separate fee, and each shall grant separate privileges. Each license shall be for a specific place, and licensees desiring to operate multiple locations shall be required to obtain multiple licenses. Licensee shall operate and conduct only those activities authorized under each license as listed below and as may be further specified in regulations promulgated hereunder:
- A. **Class "A".** A Class A License may be issued to the Creek Nation Festival Committee, or the Creek Nation Rodeo Committee, at an annual rate of \$100.00, for the revocable privilege of conducting bingo games for the remainder of the Calendar year.
 - B. **Class "C".** A Class C License may be issued to any applying Muscogee (Creek) Indian chartered community, church, or ceremonial ground at a monthly rate of \$10.00, for the revocable privilege of conducting of bingo games during the remainder of that calendar month.
 - C. **Class "C-2".** A Class C-2 License may be issued to tribal entities, where the use of tribal funds are involved, at an annual rate of \$25.00 for the revocable privilege of conducting bingo games during the remainder of the calendar year.
 - D. **Class "N".** A Class N License may be issued to any person or group which holds a valid bingo license from the State of Oklahoma or its political subdivision, at an annual rate of \$600.00 or a monthly rate of \$50.00 for the revocable privilege of conducting bingo games for the remainder of the licensed period.
 - E. **Class "P".** A Class P License may be issued to any person or group which holds a valid parimutuel racing license from the Muscogee (Creek) Nation, at an annual rate of One Hundred Thousand Dollars (\$100,000), for the revocable privilege of conducting parimutuel
 - F. **Class "T".** A Class T License may be issued to the Gaming Operations Authority Board, at an annual rate of \$1,200.00 for the revocable privilege of conducting bingo games in a specific location within the reservation of the Muscogee Nation for the remainder of the calendar year.
 - G. **Class "S".** Satellite Bingo is the activity wherein bingo games are electronically transmitted by the utilization of live or prerecorded pictures or data from predesignated satellites owned, leased or through use of agreement to authorized sending units, places or areas, at an annual rate of \$1,200 for the revocable privilege of transmitting satellite bingo games into a specific location within the reservation. "Class S" licensees shall abide by this Code and all rules and regulations promulgated by the Commissioner. Approval of leases or contracts for satellite bingo enterprises between the Muscogee Nation and any third party will be approved by Ordinance.
 - H. **Class "L".** A class "L" license may be issued to the Gaming Operations Authority Board, Division of the Lottery to conduct a lottery and to permit agents to sell lottery tickets or shares for the remainder of the calendar year.
 - I. **Class "V".** A class "V" license may be issued to the Gaming Operations Authority Board, Division of Video Gaming, to conduct video games for the remainder of the calendar year.
 - J. **Class "O".** A class "O" license may be issued to the Gaming Operations Authority Board, Division of Off-Track Betting, to conduct off-track betting

for the remainder of the calendar year.

- K. **Reserved Classes.** All other classes of licenses of public gaming are reserved from approval by the Commissioner. The said license shall require approval by an Ordinance of the Muscogee Nation.
- L. **Amendment of Classes and Fees.** Amendments of Section 302 of this Code shall become effective on January 1 of the following calendar year.

Section 303. **Exemptions.** The following activities are not public gaming operations under the terms of this Code, and therefore do not require a license under this title:

- A. **GAMING NOT FOR GAIN.** Gaming in which no cash or valuable prizes are won, other than 'points' for cumulative competitive ratings, or 'places' for immediate competitive rankings, is not subject to the provisions of this Code. However, gaming for gain which is conducted by a non-profit organization is subject to the requirements of this Code if cash or valuable prizes are awarded. "Valuable prize" means an object or service worth One Hundred Dollars or more in fair market value.
- B. **Traditional Games.** Social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
- C. **Charitable Raffles.** Selling chances on any item(s) and/or service(s) in order to raise funds for any church, ceremonial ground, or chartered community, or for other charitable purposes recognized in regulations issued by the Commissioner.

Section 304. All persons or organizations, who may seek to engage in Bingo activities within the Muscogee Nation, must apply for the same at least thirty (30) days prior to the scheduled activities. All other licenses must be applied for no less than one hundred-eighty (180) days prior to the scheduled activities.

Section 305. Every licensee intending to continue engaging in Public Gaming activities within the Muscogee Nation during the next following calendar year shall apply for renewal of the license at least thirty (30) days prior to the end of the previous license period.

Section 306. Every licensee shall display in a prominent place a current and valid license for that location.

Section 307. When a licensee changes a location of Public Gaming activities within the Muscogee Nation, the Commissioner shall issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.

Section 308. **Fees.** Each application for an initial or renewal license shall be accompanied by payment of the license fee. Subject only to the appeal as provided under this Code, the Commissioner's determination of the license fee properly owed under this Code shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the Muscogee Nation.

Section 309. **Non-transferability.** The license issued pursuant to the provisions of this Code is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Commissioner.

Section 310. All license fees shall be paid to the Treasury of the Muscogee Nation.

Section 311. The Public Gaming Operations license is a revocable privilege, and no holder thereof shall be deemed to have a part in any vested rights therein or thereunder. The burden of proving qualifications to hold any license rests at all times in the licensee. The Commissioner is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person or persons whose operations are conducted in an unsuitable manner.

Section 312. Violation of any provisions of this Code or any of the Commissioner's rules by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the Muscogee Nation and the inhabitants of the Muscogee Nation, and grounds for refusing to grant or renew a license, suspension or revocation of a license or ground for the filing of criminal charges or civil action in Tribal District Court on behalf of the Commissioner. Acceptance of a license or renewal thereof, or condition imposed thereon, by a licensee constitutes an agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Commissioner and by the provisions of this Code as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violations.

Section 313. As a provision of licensing, all contracts or agreements with the Muscogee Nation that include gaming or related activities must be reviewed by the Commissioner.

(THIS BILL DELETES FORMER SECTION 314 (PERMITS REQUIRED) AND FORMER SECTION 315 (PERMIT CLASSES AND FEES).

TITLE IV. - RULES OF OPERATION AND GENERAL APPLICABILITY FOR BINGO GAMES

Section 401. Records, Returns and Audits. It shall be the responsibility of the Public Gaming Commissioner to promulgate regulations establishing proper accounting procedures and methods of operations for all licensees, so that all monies or things of value received and/or paid out may be properly monitored and accounted for. All licensees under this Code shall be required to keep an approved accounting system, which shall comply with, but not be limited to all applicable provisions of this Code or regulation of the Commissioner. Said accounting system shall reflect all business and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Code.

Section 402. All bingo licensees shall charge players only for the bingo cards to be used in each game. The rate to be charged players for cards or packs shall be fixed by each licensee and posted conspicuously on the premises. Each person paying for the opportunity to participate in a bingo game shall be given an approved receipt for the bingo card or pack, which shall be numbered and dated, which can be readily identified as belonging to that licensee. Each card or pack issued shall represent a specific amount of money which has been paid to the licensee. The amount of money represented by each card or pack issued shall be clearly made known to all players prior to anyone paying to participate in the activity.

Section 403. Any delay, maneuver or action of any kind, which in the opinion of the Commissioner, is effectuated by any licensee to unlawfully avoid paying the proceeds properly owing to the Muscogee Nation shall constitute grounds for taking any disciplinary action deemed necessary by the Commissioner, including but not limited to fining, revoking, suspending, limiting, or refusing to renew the license of any licensee.

Section 404. No applicant, licensee, or employee thereof shall neglect or refuse to produce records or evidence under their control, or to give information upon proper and lawful demand by the Commissioner, or shall otherwise interfere with any proper and lawful

efforts by the Commissioner to produce such information. The Commissioner may summon any licensee or a licensee's agents, employees, or suppliers to appear to testify with regard to the conduct of any licensee or the agents, employees, or suppliers of any licensee. All such testimony shall be given under oath and may embrace any matter, which the Commissioner may deem relevant to the discharge of his official duties. Any person so summoned to appear shall have the right to be represented by counsel. Any testimony so taken may be used by the Commissioner as evidence in any proceeding or matter before the Commissioner or the Tribal District Court or, which may later come before the Commissioner or the Tribal District Court. Failure to so appear and testify fully at the time and place designated, unless excused, shall constitute grounds for revocation or suspension of any license held by the person summoned, his principal, or employee, or the loss of the privilege to further supply any person licensed under this Code.

Section 405. Licensees shall provide for their facility security, provided, that contracts are reviewed, security plans, or amendments thereto are approved by the Commissioner prior to implementation.

Section 406. Unless prior written approval is obtained from the Commissioner, no person employed in the conduct of Public Gaming operating under one license shall be employed under any other license authorized to operate under this Code.

Section 407. Age Limit for Bingo. No person, who is under the age of eighteen (18), shall operate nor shall be allowed to participate in any manner in the operation of any bingo game. No person(s) under the age of sixteen (16) shall be allowed on premises where bingo games are being conducted. It shall be the responsibility of the licensee to enforce the provisions of this section.

Section 408. On duty operators shall not play. No operator shall allow a person who manages or receives any compensation, directly or indirectly, for the operation of any bingo games conducted by the operator to play in a bingo game while on duty. No operator shall allow any person who assists in the operation of any bingo game conducted by the operator to play in any bingo game conducted by the operator within 24 hours of the time said person did so assist.

Section 409. No free games for winners. No free cards or any opportunity to play in a bingo game shall be awarded or given to a person as prize for or conditioned upon winning a bingo game or games, Provided, that the Commissioner shall have the authority to grant exceptions upon request by the operators.

Section 410. No bingo game shall be conducted to include a prize determined other than by the matching of letters and/or numbers on a bingo card with letters and/or numbers called by the licensee or an employee of the licensee in competition with all players in the bingo game. All equipment used directly in the operation of a bingo game except bingo cards from which letters and/or numbers are obtained to call, bags or other items containing letters and/or numbers to call or used for the purpose of displaying numbers and/or letters caged to the public, and any sound amplification system necessary for the convenience and comfort of the players and operators must be approved by the Commissioner.

Section 411. Every prize awarded during the operation authorized shall be awarded only to the person(s) actually winning the prize and displaying the proper admission ticket.

Section 412. Bingo cards or pack shall be sold and paid for only in advance for use in a specified game or specified numbered games. All sales of bingo cards or pack shall take place upon the premises. All bingo cards or packs must be used on the day sold.

Section 413. Promotional Activities and Remuneration. Certain licensees may be exempt from §409 and engage in promotions and activities that include prizes or the award of cards or packs as an incentive to allow certain individuals, who provide a specified

service or meet other stated requirements, to participate in games the same as regular participants. Licensees participating in promotional activities must provide the Office of Public Gaming full details of all such activities and receive advance approval for each such promotional activities. Written approval for such activities must remain on file in the Office of Public Gaming and with the licensee for a period of not less than one (1) year.

Section 414. Each numbered ball or other device used in a bingo game for the selection of numbers to be called in play shall be the same weight and size as each of the other balls or devices used for that purpose of that game.

Section 415. In all cases the bingo operator must have and exercise complete control over that portion of the premises being used for bingo at all times said games are being played. The licensee or permit holder shall be held liable for any violation of the Code.

Section 416. Bingo games shall be operated and conducted only on the appropriate licensed premises authorized under this Code.

Section 417. No manufacturer, distributor, or operator shall by agreement either express or otherwise with any other manufacturer, distributor, or operator fix the price at which any device, paraphernalia, machine, equipment, prize or any other items used in connection with any of the activities authorized under this Code shall be sold or which services in connection therewith shall be rendered. The price of these items in a competitive market place shall be established by each manufacturer, distributor, or operator for the products and services offered by each and shall not be established, directly or indirectly, in concert with another.

Section 418. Licensees must own, supervise, and be directly responsible for all activities on their premises authorized by license under this Code, except as specifically outlined in Management Agreement approved by Ordinance.

Section 419. It is the policy of the Commissioner and the Muscogee Nation to require that all establishments, wherein bingo is conducted within the reservation, be operated in a manner suitable to protect the public health, safety, morals, good order, and general welfare of the inhabitants of the reservation. Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee and willful and persistent use or toleration of unsuitable methods of operation will constitute grounds for license revocation or other disciplinary actions.

Section 420. Receipt required for income and prizes in bingo. All income from bingo games shall be received by the licensee at the time the income is received from each individual player, and all prizes shall be received for by the winner of each prize at the time the prize is distributed to each individual winner.

A. Income receipt forms. Income receipt forms shall be supplied by the licensee. They may be tickets or disposable bingo cards numbered consecutively, or they may be based upon a cash register system if an identification number is on the receipt given to the customer, which is one of a series of such numbers printed consecutively, and a corresponding number is recorded together with a record of the transaction being kept inside the cash register.

In the event a cash register system is used, the following information shall appear upon the receipt given a customer and upon the record being kept inside the machine; the name of the licensee operating the activity; the date the transaction took place, the receipt number; the amount of money paid, or a description of other consideration paid for the opportunity to play. The cash register receipt rolls retained in the machine showing those transactions shall be retained with the records of the licensee for a period not less than two (2) years.

(1) Receipts from income from all sales except those of opportunities to play bingo on disposable cards. Each person paying for the opportunity to participate in a bingo game, except as provided in sub-section (2), who does not receive a cash register receipt shall be given a ticket or tickets, which shall be consecutively serially numbered. Each ticket issued shall represent a specific amount of money which has been paid to the licensee. The amount of money represented by each ticket issued shall be clearly made known to all players prior to anyone paying to participate in the activity. Licensee shall record in his daily records the lowest numbered ticket issued as a receipt on each day or occasion and highest numbered ticket issued on this day or occasion. Tickets bearing numbers falling between these high and low numbers issued, which were not issued as receipts on that day or occasion, shall be retained by the licensee as part of its daily records and shall not otherwise be used or disposed of by the licensee for a period of not less than three (3) months or until such ticket has been duly inspected and accounted for by the Office of Public Gaming, at which time said receipts may be disposed of by the licensee.

(2) Receipt for income from sales of opportunities to play bingo on disposable Bingo cards. As to each person paying for the opportunity to play bingo on disposable bingo cards, the disposable cards themselves may be used as the receipt required by this rule. Provided, that each set of disposable cards used is consecutively numbered from the first card to the last, and each card contains both its individual consecutive serial number and the identification number assigned by the manufacturer to that set of disposable cards on its face, except for licensees specifically exempt by the Commissioner to minimize duplicate cards and avoid excess waste.

No disposable card in any game plays shall be a duplicate of any other card in that game. Each disposable card should represent a specific amount of money which has been paid to the licensee, which amount has been clearly disclosed to all players in advance of any player participating in the activity. Each disposable card shall be sold for the same price, as each other disposable card of the same class being used during any particular bingo game.

All licensees shall record in its daily records the set number of each set or portion of a set, which has been used during each bingo game on each occasion immediately following the playing of that game together with the serial number of the cards with the lowest and highest number of cards sold from each of those sets. The licensee shall retain, as a part of his daily records, each unsold disposable card with the serial number falling between the lowest and highest number sold from each set on that occasion and shall not otherwise use or dispose of those cards so retained for a period of not less than three (3) months or until such cards have been duly inspected and accounted for by the Office of Public Gaming, at which time said cards may be disposed of by the licensee.

B. Receipts for prizes. Receipts for prizes shall contain the following information: The name of the licensee operating the activity; the date the transaction took place; the receipt number and the game number, the true name and address of the winner of the prize; a description of the prize won and any value of that prize, which has been represented to the player by the licensee.

It shall be the responsibility of the licensee to see that the prize winners are

properly and accurately identified upon the receipt for the prize, and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be upon the receipt for the prize. One duplicate of each prize receipt shall be given to the winner, and the other duplicate of prize receipts shall be retained by the licensee as part of its records for a period of not less than five (5) years.

- Section 421. All establishments, wherein bingo operations are to be conducted, must be certified as safe by the Commissioner prior to the issuance of a license. An alterations or modifications must be approved by the Commissioner.
- Section 422. Any premises licensed or any premises connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the Commissioner. At any time during which a licensed gaming or related administrative activity is being conducted on a premises, the Commissioner or any authorized representative of the Commissioner may enter upon the premises without advance notice and:
- A. Make an account of all monies on the premises and all monies received during the operation of the licensed activity located on the premises, inspect all receipts for prizes which have been awarded by the licensee;
 - B. Inspect any other records, accounts or other related information of the licensee, or of any member who directly participates in the management, operation, or promotion of a licensed activity; or of any employee of the licensee; or of any operator of the licensed activity;
 - C. Inspect, including the dismantling of all pieces of equipment or parts thereof or devices of any nature, which are being used to conduct the licensed activity.
 - D. When the Commissioner finds cause to believe that there is a reasonable probability that the provisions of this Code, including any amendments thereto or any of the rules passed by the Commissioner have been or are being violated by the licensee or its employees or operators, they may move to another location or locations for further inspection or investigation of any and all records and any and all equipment, part thereof, devices, or thing(s) of any nature located upon the premises related to the operation of the licensed activity or any other gambling activity. A receipt shall be issued to the licensee or operator of the activity which shall list and describe each record, that piece of equipment or part thereof, device, or thing(s) which has been removed from the premises. Each such record, piece of equipment, part thereof, or thing(s) so removed shall be returned to the premises or to the address of the licensee within ten (10) days, except Saturdays, Sundays, and days when tribal offices are legally closed. After its removal in as good condition as it was when it was removed unless the Commissioner determines that the record, equipment, devices, or thing(s) so removed are necessary for an ongoing investigation and/or evidence of possible violations of this Code or rules of the Commissioner by the licensee, by employers of the licensee or by operators of the licensed activity, or for possible forfeiture under title II hereof with the Commissioner so notifying the licensee of the reasons said property or thing(s) are to be so held.
- Section 423. No beverage containing alcohol, including but not limited to beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by this Code, nor sold on the premises at any time.
- Section 424. No firearms, air guns which are capable of discharging dangerous projectiles or gases,

including but not limited to "B.B.'s" or CO2 guns, rifles, shotguns, pistols, or revolvers shall be allowed on the premises, except as permitted by regulation of the Office of Public Gaming.

- Section 425. No licensee or any of its members or employees, or any operator conducting or in any way participating in the conducting of any of the activities, which are authorized by this Code or by the Commissioner's rules, shall allow a person to play that activity on credit or shall grant a loan of any kind at any time to a person playing the activity.
- Section 426. No person involved in the operation of any activity authorized by this Code or a rule of the Commissioner shall, directly or indirectly, in the course of such operation employ any device, scheme, or artifice to defraud; make any untrue statement of a fact, or omit to state a fact necessary in order to make a statement not misleading in consideration of the circumstances under which such statement was made; engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person.
- Section 427. Each licensee shall obtain, maintain, and keep current a copy of the Public Gaming Code and all rules of the Commissioner and any amendments to either, which shall be located upon the premises used for the conduct of a licensed activity by a licensee during all times the activity is there conducted. The rules shall be produced by the licensee and shown to any person upon demand. The fact that the licensee may not have a current copy of each of the rules of the Commissioner shall not in any way diminish the licensee's obligation to abide these rules.
- Section 428. No licensee shall conduct any activity authorized under this Code upon any premises, if the lease, license, contract, or any other agreement under which right to use said premises is not first fully disclosed to the Commissioner.
- Section 429. No manufacturer or distributor shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area or areas, and such a restriction shall not be a condition of any sales between manufacturer, distributor and any other licensee. Provided, that this shall not prevent a distributor or manufacturer from assigning sales territories among its bona fide representatives.
- Section 430. All licensees shall be responsible to insure that each manufacturer and each distributor selling or distributing equipment or other things used, directly or indirectly, in said licensee's gambling activities and who is not a Muscogee Nation resident or resident corporation shall designate a natural person, who is a resident living in the Muscogee Nation and who is eighteen (18) years of age or older, as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the manufacturer distributor. The name and business address where service of process and delivery of mail can be made, and home address of such designated resident agent shall be filed with the Commissioner. All said manufacturers or distributors must be listed with the Commissioner.
- Section 431. Immediately before the calling of each number in a bingo game, the caller shall turn the portion of the ball or other device used to determine which number is called, which shows the number and letter to the participants in the game, so that participants may know that the proper number is being called out.
- Section 432. All licensees conducting games with a progressive payout feature will provide the Office of Public Gaming, for approval, the system for accumulation and account restrictions of funds so designated. The procedure and any amendments thereto must receive prior written approval of the Commissioner.
- Section 433. All employees must be listed with the Commissioner. Such lists are to be kept current.

TITLE V. - PARIMUTUEL RACING

(RESERVED)

TITLE VI. - LOTTERIES

(RESERVED)

TITLE VII. - OFF-TRACK WAGERING

(RESERVED)

TITLE VIII. - VIDEO GAMES

(RESERVED)

TITLE IX. - REGULATION OF UNLICENSED PUBLIC GAMING

Section 901. Policy; Construction. It is hereby declared to be the policy of the Muscogee Nation, recognizing the close relationship between professional gambling and other organized crime, to restrain all persons from seeking profit from unlicensed gambling activities in this reservation; to restrain all person from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press; and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public and do not breach the peace. All the provisions of this title shall be liberally construed to achieve these ends, and administered and enforced with a view to carrying out the above declaration of policy.

Section 902. Definitions. As used in this Title:

- (A) "Gain" means the direct realization of winnings; "profit" means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management, or unequal advantage in a series of transactions.
- (B) "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance or the operation of a gambling device, but does not include: bona fide contests of ski, speed, strength or endurance in which awards are made only to entrants or the owners of entries; bona fide business transactions which are valid under the law of contracts; and other acts or transactions now or hereafter expressly authorized by law.
- (C) "Professional gambling" means accepting or offering to accept, for profit, money, credit, deposits or other things of value risked in unlicensed gambling, or any claim thereon or interest therein. Without limiting the generality of this definition, the following unlicensed activities shall be included: pool-selling and bookmaking; maintaining slot machines, one-ball machines or variants thereof, pinball machines which award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punch boards, jacks or spindles, in any place accessible to the public, and conducting unlicensed lotteries, gift enterprises, or policy or numbers games, or selling chances therein; and the following shall be presumed to be included: conducting any unlicensed banking or percentage game played with cards, dice or counters, or accepting any fixed share of the stakes therein.
- (D) "Gambling device" means any unlicensed device or mechanism by the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; any unlicensed device or mechanism which when operated for a consideration does not return the same value or thing of value for the same consideration upon each operation thereof, any unlicensed device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and any unlicensed sub-assembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition an immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar amusement devices shall be presumed to be without value.
- (E) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or, intended to be used in connection with

unlicensed professional gambling.

- (F) "Gambling information means a communication with respect to any wager made in the course of and any information intended to be used for unlicensed professional gambling. In the application of this definition the following shall be presumed to be intended for use in professional gambling: information as to wagers, betting odds or change in betting odds.
- (G) "Gambling premise" means any building, room, enclosure, vehicle, vessel or other place whether open or enclosed, used or intended to be used for unlicensed professional gambling. In the application of this definition, any place where an unlicensed gambling device is found shall be presumed to be intended to be used for professional gambling.
- (H) "Whoever" and "person" include natural persons, partnerships and associations of persons, and corporations, and any corporate officer, director or stockholder who authorizes, participates in, or knowingly accepts benefits from any violation of this act committed by his corporation.
- (I) "Officer" means any deputy or designated agent of the Commissioner, the Tribal Lighthouse Administration, or Tribal District Court.
- (J) "Court" means the District Court of the Muscogee (Creek) Nation.
- (K) "Unlicensed" means not holding a valid license issued by the Commissioner of Public Gaming of the Muscogee (Creek) Nation.

Section 903. Gambling; Exemption; Professional Gambling.

- (A) Whoever engages in unlicensed gambling, solicits, or induces another to engage in gambling shall be fined, or imprisoned, or both.
- (B) Natural persons shall be exempt from prosecution and punishment under subsection (1) for any game, wager or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in unlicensed professional gambling.
- (C) Whoever engages in unlicensed professional gambling or knowingly causes, aids, abets, or conspires with another to engage in professional gambling shall be fined, or imprisoned, or both.

Section 904. Gambling Devices; Gambling Records; Property subject to forfeiture.

- (A) All unlicensed gambling devices are common nuisances and are subject to seizure immediately upon detection by any officer, who shall hold the same subject to confiscation and/or destruction by order of a court having jurisdiction.
- (B) No property right in any unlicensed gambling device shall exist or be recognized in any person, except the possessory right of officers enforcing this act.
- (C) All furnishings, fixtures, equipment, and stock including without limitation furnishings and fixtures adaptable to non-gambling uses, and equipment and stock for printing, recording, computing, transporting, safekeeping, or (except as otherwise provided in subsection (C) of Section 9051 communication used in connection with professional gambling or maintaining a gambling premise, and all money or other things of value at stake or displayed in or in connection with unlicensed professional gambling or any unlicensed gambling

device, shall be subject to seizure, immediately upon detection, by an officer, and shall unless good cause is shown to the contrary by the owner, be forfeited to the Nation by order of the District Court of the Muscogee Nation, for sale by public auction, or as otherwise provided by law. Bona fide liens against property so forfeited shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property. Forfeit monies and other proceeds realized from the enforcement of this subsection shall be paid into the general funds of the Muscogee Nation.

- (D) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenance or improvement thereto, which is used, or intended to be used, in any manner or part, in or in connection with unlicensed professional gambling, shall be subject to seizure and forfeited to the Muscogee Nation under the procedures established in subsection (G) of this section.
- (E) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs or transports any unlicensed gambling device, or offers or solicits any interest therein; whether through an agent or employee or otherwise, shall be fined, or imprisoned, or both. Subsection (B) of this section shall have application in the enforcement of this subsection.
- (F) Whoever knowingly prints, makes, possesses, stores, or transports any unlicensed gambling record, or buys, sells, offers or solicits any interest therein; whether through an agent or employee or otherwise, shall be fined, or imprisoned, or both, and in the enforcement of this subsection direct possession of any unlicensed gambling record shall be presumed to be knowing possession thereof.
- (G)
 - (1) Any peace officer of the Muscogee Nation shall seize any real property described in subsection (D) of this section.
 - (2) Such property shall be held as evidence until a forfeiture has been declared or release ordered; notice of seizure and intended forfeiture proceedings shall be filed in the Office of the Clerk of the District Court of the Muscogee Nation and shall be given all owners and parties in interest.
 - (3) Within forty-five (45) days after the mailing of publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice of seizure and of the intended forfeiture proceedings.
 - (4) If at the end of forty-five (45) days after the notice has been mailed or published there is not verified answer on file, the Court shall hear evidence upon the fact of the unlawful use and shall order the property forfeited to the Muscogee Nation, if such fact is proved.
 - (5) If a verified answer is filed, the forfeiture proceedings shall be set for hearing.
 - (6) At a hearing in a proceeding against real property seized in accordance with this Code, the proof of the unlawful activity shall be satisfied by the Muscogee Nation by a preponderance of the evidence.
 - (7) The claimant of any right, title, or interest in the property may prove his lien, mortgage or conditional sales contract to be a bona fide or innocent ownership interest and that his right, title, or interest was

created without any knowledge or reason to believe that the property was being, or was to be, used for the purpose charged.

- (8) In the event of such proof, the Court shall order the property released to the bona fide or innocent owner, lien holder, mortgage, or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser.
- (9) If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited to the Muscogee Nation and sold under judgement of the Court, as on sale upon execution, in accordance with law.
- (10) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Office of the Attorney General of the Muscogee Nation, subject only to the orders and decrees of the Court or the official having jurisdiction thereof.
- (11) The proceeds of the sale of any property taken under this section shall be deposited in the Treasury of the Muscogee Nation.

Section 905. Gambling Information.

- (A) Whoever knowingly transmits or receives unlicensed gambling information by telephone, television, telephone lines, facsimile, teletype, computer or computer modem, satellite, telegraph, radio, semaphore, or other means or knowingly installs or maintains equipment for the transmission or receipt of unlicensed gambling information shall be fined, or imprisoned, or both.
- (B) When any public utility is notified in writing by a law enforcement agency acting within its jurisdiction that any service, facility or equipment furnished by it is being used or will be used to violate this section, it shall discontinue or refuse the furnishing of such service, facility or equipment, and no damages, penalty or forfeiture, civil or criminal, shall be found against any public utility for any act done in compliance with such notice. Unreasonable failure to comply with such notice shall be prima facie evidence of knowledge against such public utility. Nothing in this subsection shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, that such service, facility or equipment should not be discontinued or removed, or should be restored.
- (C) Facilities and equipment furnished by a public utility in the regular course of business, and which remain the property of such utility while so furnished, shall not be seized pursuant to subsection (C) of Section 904 of this act, except in connection with an alleged violation of this act by such public utility, and shall be forfeited only upon conviction of such public utility therefore.

Section 906. Gambling Premises.

- (A) All unlicensed gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. In any action brought under this subsection the plaintiff need not show damage and may, in the discretion of the court, be relieved of all requirements as to giving security.
- (B) When any property or premise is determined by a court having jurisdiction to be an unlicensed gambling premise, the owner shall have the right to terminate all interest of anyone holding the same under him.

(C) When any property or premise for which one or more licenses, permits, or certificates issued by this Nation are in effect is determined by the District Court of the Muscogee (Creek) Nation to be a gambling premise; all such licenses, permits, and certificates shall be void, and no license, permit, or certificate so cancelled shall be reissued for such property or premise for a period of six (6) months thereafter. Enforcement of this subsection shall be the duty of all officers and all taxing or licensing officials of this Nation.

(D) Whoever as owner, lessee, agent, employee, operator, occupant, or otherwise knowingly maintains, or aids, or permits the maintaining of an unlicensed gambling premise shall be fined or imprisoned, or both, and whoever does any act in violation of this paragraph within any locked, barricaded, or camouflaged place or in connection with any electrical or mechanical alarm or warning system or arrangement shall be fined, or imprisoned, or both.

Section 907. Repeated Offenses.

Any person who has been convicted of a violation of Section 903(B), 904(D), 905(A), or 906(D) of this act may upon any subsequent violation of Section 903(B), 904(D), 905(A), or 906(D) be prosecuted as a repeating offender and upon conviction shall, in lieu of any other penalty, be fined, or imprisoned, or both.

Section 908. Witness Immunity.

In any proceeding arising out of a violation of this act, if a natural person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated under this act thereby, the court when requested in writing by the prosecuting attorney, shall, unless it finds that to do so would be clearly contrary to public interest, order such person to answer or produce the evidence, and that person shall comply with the order. After complying with the order, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, such person shall not be prosecuted or subjected to penalty or forfeiture under this act for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. He may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering or failing to answer, in producing, or failing to produce, evidence in accordance with the order.

TITLE X. TRIBAL POLITICS ON GAMING ACTIVITIES

Section 1001. Future tribal policies on gaming activities, which shall be expressed in the form of an Ordinance, shall conform to the requirements of this Title.

Section 1002. The Muscogee Nation has exclusive jurisdiction over Class I gaming activities, as defined by Public Law 100-497.

Section 1003. The Muscogee Nation has exclusive jurisdiction over Class II gaming activities, as defined by Public Law 100-497, subject to the provisions of Section 11 of Public Law 100-497, and may engage in, or license and regulate, Class II gaming on Indian lands within the jurisdiction of the Muscogee Nation, if (1) the gaming is located within a State that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal law), and (2) the Muscogee National Council adopts an Ordinance which is approved by the Principal Chief, and (3) a separate license is required for each place, facility, or location on Indian lands at which Class II gaming is conducted.

Section 1004. Except as provided by Section 1009, the Muscogee Nation shall have the sole proprietary interest and for the conduct of any gaming activity.

Section 1005. Net revenues from any tribal gaming are not to be used for purposes other than (1)

to fund tribal government operations or programs; (2) to provide for the general welfare of the Muscogee Nation and its citizens; (3) to promote tribal economic development; (4) to donate to charitable organizations; or (5) to help fund operations of local government agencies.

- Section 1006. Annual outside audits of Class II and Class III gaming activities, which shall insofar as possible be encompassed within existing audit systems and procedures, shall be provided by the Controller of the Muscogee Nation to the Chairman of the National Indian Gaming Commission in Washington, D.C., and all contracts for supplies, services or concessions for a contract amount in excess of \$25,000 annually (excluding contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits.
- Section 1007. The construction and maintenance of each gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety.
- Section 1008. The Commissioner of Public Gaming shall maintain adequate systems, in writing, which (1) ensures that background investigations are conducted on the primary management officials and key employees of the gaming enterprise and that oversight of such officials and their management is conducted on an ongoing basis; and (2) includes tribal licenses for primary management officials and key employees of the gaming enterprise with prompt notification to the National Indian Gaming Commission of the issuance of each license; and (3) includes a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment; and (4) includes notification by the Muscogee Nation to the National Indian Gaming Commission of each background check before the issuance of any such license.
- Section 1009. The Muscogee Nation shall not license Class II or Class III gaming activities to be owned by any individual, nor by any entity other than Chartered Muscogee (Creek) Indian Communities or Tribal Towns of the Muscogee Nation, or by committees of the Muscogee Nation, established by Ordinance, which raise funds to support specific tribal programs, all of which are integral components of the Muscogee (Creek) National Government. Church activities shall be authorized solely under Section 303 of this Ordinance.
- Section 1010. The Commissioner of Public Gaming, Speaker of the National Council, members of the GOAB shall take every measure necessary to insure that the Muscogee Nation has conducted its gaming activity in such a manner which has resulted in an effective and honest accounting of all revenues; and has resulted in a reputation for safe, fair and honest operation of the activity; and has been generally free of evidence of criminal or dishonest activity; and insure that the Muscogee Nation has adopted and is implementing adequate systems for accounting for all revenues from gaming activities, for investigation licensing and monitoring of all employees of the gaming activities, and for investigation, enforcement and prosecution of violations of Muscogee Nation gaming ordinances and regulations, and has conducted the operations on a fiscally and economically sound basis.
- Section 1011. The Principal Chief is authorized to apply to the National Indian Commission for a Certificate of Self-Regulation, and to supply all requested information and appear at any hearings on said certificate accompanied by the Commissioner of Public Gaming and the Speaker of the National Council or the Speaker's designee.

TITLE XI. - NOTICE TO RESERVATION RESIDENTS

- Section 1101. The Commissioner of Public Gaming shall publish a minimum of 100 copies of this Code and shall make them available for sale to the public.

Section 1102. The Principal Chief shall publish a Legal Notice in one newspaper of general circulation within each Legislative District of the Muscogee Nation. Said Notice shall read as follows:

The Muscogee Nation has adopted a Code regulating public gaming within the Muscogee (Creek) Nation. All natural and legal persons who reside or do business within tribal boundaries are hereby notified that said Code is in effect.

Effective 199 , general provisions have been adopted, and Notice to Reservation Residents is required.

Effective 199 , tribal licenses are required for public gaming activities, rules of operation and general applicability for public gaming are in force, and unlicensed public gaming is prohibited.

Copies of the Code are available for \$25.00 from the Commissioner of Public Gaming, P.O. Box 580, Okmulgee, Oklahoma, 74447.

(Signed)
Principal Chief
Muscogee (Creek) Nation
(date)

ATTACHMENT A

BOUNDARIES OF THE MUSCOGEE NATION

Prior to 1707, the Muscogee Nation occupied a large aboriginal territory in Georgia, Alabama and Florida. Through a series of treaties with Great Britain and her colonies, tracts were ceded through 1733. In 1790, cessions to the United States were commenced.

In 1830, the Indian Removal Act, 4 Stat. 412, authorized exchanges of tribal lands east of the Mississippi River for new tracts west of the Arkansas territory. In 1832, the Muscogee Nation signed a Treaty which permitted the exchange to take place, Treaty of March 24, 1832, 7 Stat. 366.

Less than eleven months later, the boundaries of the new tribal lands in the west were established by the Treaty of February 14, 1833, 7 Stat. 417, which provided:

Article II. The United States hereby agree, by and with the consent of the Creek and Cherokee delegates, this day obtained, that the Muscogee or Creek country west of the Mississippi, shall be embraced within the following boundaries, viz:

--Beginning at the mouth of the north fork of the Canadian river, and run northerly four miles -- thence running a straight line so as to meet a line drawn from the south bank of the Arkansas river opposite to the east or lower bank of Grand River, at its junction with the Arkansas, and which runs a course south, 44 deg. west, one mile, to a post placed in the ground -- thence along said line to the Arkansas, and up the same and the Verdigris river, to where the old territorial line crosses it -- thence along said line north to a point twenty-five miles from the Arkansas river where the old territorial line crosses the same -- thence running a line at right angles with the territorial line aforesaid, or west to the Mexico line --thence along the said line southerly to the Canadian river or to the boundary of the Choctaw country -- thence down said river to the place of beginning.

The lines, hereby defining the country of the Muscogee Indians on the north and east, bound the country of the Cherokee along these courses, as settled by treaty concluded this day between the United States and that tribe.

Article III. The United States will grant a patent, in fee simple, to the Creek Nation of Indians for the land assigned said nation by this treaty or convention, whenever the same shall have ratified by the President and Senate of the United States -- and the right thus guaranteed by the United States shall be continued to said tribe of Indians, so long as they shall exist as a nation. and continue to occupy the country hereby assigned them.

This area was diminished by the Treaty of August 7, 1856, 11 Stat. 699, which provided a tract between the north and south forks of the Canadian River, west of Pond Creek, to the Seminoles.

The tribal area was diminished again by the Treaty of June 14, 1866, 14 Stat. 785, which provided:

Article 3. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation.

Article 8. It is agreed that Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States in article third of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expenses of which survey shall be paid by the United States.

The conditional cession in Article 3 (supra) was released by the Muscogee Nation in the Agreement of January 19, 1889, 25 Stat. 757.

Since the ratification of the 1889 Agreement, the boundaries of the Muscogee Nation have not been altered nor diminished by an Act of Congress, nor has any federal statute abolished said boundaries, nor has any federal statute terminated the tribal government of this tribe, nor has any tract of land been severed from the reservation by Act of Congress.

ENACTED by the Muscogee (Creek) National Council on this 19th day of December, 1992.

IN WITNESS WHEREOF, the Presiding Officer of the Muscogee (Creek) National Council has hereto attached his signature.

Clarence Cloud, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council, comprised of thirty-one members with 30 members attending this meeting on the 19th day of December, 1992, and that the above is in conformity with the provisions therein adopted by a vote of 28 in favor, 1 against, 0 abstentions, and that said ordinance has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

Lisa K. Deere, Recording Secretary
National Council
Muscogee (Creek) Nation

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 23rd day of December, 1992, to the above Ordinance, NCA92-162, authorizing it to become an Ordinance under Article VI, Section VI of the Constitution of the Muscogee (Creek) Nation.

Bill S. Pife, Principal Chief
Muscogee (Creek) Nation





NCA93-02

AN ORDINANCE OF THE MUSCOGEE (CREEK) NATION ENACTING TECHNICAL AMENDMENTS TO NCA92-162 REGULATING PUBLIC GAMING WITHIN THE MUSCOGEE (CREEK) NATION

Section 100. Be it enacted by the Muscogee (Creek) Nation in Council assembled:

TITLE I. - GENERAL PROVISIONS

Section 101. FINDINGS: The National Council finds that:

- A. NCA-92-162, an ordinance of the Muscogee (Creek) Nation regulating Public Gaming within the Muscogee (Creek) Nation was enacted by the Muscogee (Creek) National Council on the 19th day of December 1992, and approved by the Principal Chief on the 23rd day of December 1992, in conformance with Article VI, Section VI of the Constitution of the Muscogee (Creek) Nation and is duly enacted law.
B. Certain technical amendments are required and were omitted in the enacting of the aforementioned ordinance through scrivener's error and the National Council desires to make these corrections to conform NCA92-162 with its version as approved by National Council Committee.

Section 102. Short Title. This ordinance shall be known and may be cited as the Technical Amendments to the Muscogee Nation Public Gaming Code.

TITLE II. - TECHNICAL AMENDMENTS

- Section 201. NCA92-162, Section 411 is hereby amended to insert the word "bingo" so that Section 411 shall read as follows: Every bingo prize awarded during the operation authorized shall be awarded only to the person(s) actually winning the prize and displaying the proper admission ticket.
Section 301. NCA92-162, Title X shall be amended to substitute the word "policies" for "politics" in the reading of the title so the title shall read as follows: TITLE X. TRIBAL POLICIES ON GAMING ACTIVITIES.
Section 401. NCA-92-162, Section 1011, shall be amended to add the words "members" of the Gaming Operations Authority Board" and the word "Gaming" so that section shall read as follows: The Principal Chief is authorized to apply to the National Indian Gaming Commission for a certificate of Self-Regulation, and to supply all requested information and appear at any hearings on said certificate accompanied by the Commissioner of Public Gaming, members of the Gaming Operations Authority Board, and the Speaker of the National Council or the Speaker's designee.

ENACTED by the Muscogee (Creek) National Council on this 5th day of January, 1993.

IN WITNESS WHEREOF, the Presiding Officer of the Muscogee (Creek) National Council has hereto attached his signature.

Clarence Cloud, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council, comprised of thirty-one members with 27 members attending this meeting on the 5th day of January, 1993, and that the above is in conformity with the provisions therein adopted by a vote of 25 in favor, 0 against, 0 abstentions, and that said ordinance has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

Lisa K. Deert, Recording Secretary
National Council
Muscogee (Creek) Nation

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 7th day of January, 1993, to the above Ordinance, NCA93-02, authorizing it to become an Ordinance under Article VI, Section VI of the Constitution of the Muscogee (Creek) Nation.

Bill S. Fife, Principal Chief
Muscogee (Creek) Nation





NCA 89-84

AN ORDINANCE OF THE MUSCOGEE (CREEK) NATION - GAMING OPERATIONS
AUTHORITY BOARD ACT OF 1989

Section 100. Be it enacted by the Muscogee Nation in Council Assembled:

Section 101. Creation - Purpose - There is hereby created within the Government structure of the Muscogee (Creek) Nation a Gaming Operations Authority for the purpose of providing a policy-making entity with the authority, responsibility, and accountability of overseeing the operations of all gaming activities licensed by, and/or under the jurisdiction of the Muscogee (Creek) Nation, with the exception of community gaming operations.

Section 102. Board Composition

- A. The Gaming Operations Authority Board shall be composed of three (3) persons, One (1) member appointed by the Principal Chief to serve a one (1) year term in office, One (1) member appointed by the Speaker of the National Council to serve a two (2) year term of office and one citizen of the Muscogee (Creek) Nation shall be nominated by the Principal Chief and confirmed by the National Council to serve a three (3) year term of office.
- B. Any member of the Board may be removed for cause by a majority vote of the National Council after due process has been granted.
- C. In the event the position of the Board member nominated by the Principal Chief and confirmed by the National Council becomes vacant, the Principal Chief is hereby authorized to commission a tribal citizen to fill that position, however, that commission shall expire at the next meeting of the National Council, and, the person commissioned shall have no vote in meetings of the Board, until confirmed by Ordinance.

Section 103. Authority and Responsibility

- A. The Gaming Operations Authority Board is hereby assigned the responsibility of overseeing the operations of all gaming activities licensed by and/or under the jurisdiction of the Muscogee (Creek) Nation, and is hereby granted the following authority and detailed responsibility with the exception of community gaming operations.
 - (1) The Board is hereby authorized to employ managers for any gaming operation licensed by, and/or under the jurisdiction of the Muscogee (Creek) Nation with the exception of community gaming operations.

(2) Adopt operational policies to ensure the business operates at high standards.

(3) Develop Board by-laws for approval by the National Council within 90 days.

Section 104. Accountability

A. The Board shall provide a monthly narrative and financial report to the National Council and the Principal Chief.

B. The Board shall establish an internal auditing system of operations.

C. The Board shall record and maintain a verbatim copy of all minutes of the Board.

Section 105. Technical Support

A. The Gaming Commissioner and staff shall provide technical support and assistance to the Gaming Operations Authority Board.

Section 106. Limitations

A. The Gaming Operations Authority Board shall not contract for the management of any gaming operation licensed by, and/or under the jurisdiction of the Muscogee (Creek) Nation without the approval of the National Council.

Section 107. The Gaming Operations Authority Board is hereby authorized to employ a secretary who shall be compensated at the same rate as members of the Board.

Section 108. Compensation

Individual Board members and the secretary of the Board shall be compensated at a rate of Fifty (\$50.00) Dollars per meeting, plus mileage at the same rate established for the Muscogee (Creek) National Council.

Section 200. Be it further enacted by the Muscogee Nation in Council Assembled:

Section 201. Findings: The National Council finds that:

A. The Creek Nation entered into a Management Agreement on March 19, 1984 with Indian Country U.S.A., Inc. to manage, administer and operate the Creek Nation's Tulsa Bingo operation for a period of twelve (12) years.

B. Indian Country U.S.A., Inc. entered into a contract with MLL (U.S.A.), Inc. (MECCA) on April 4, 1989, for purposes of MECCA assuming the majority of Indian Country U.S.A., Inc. interest, responsibilities and duties concerning the operation of the Tulsa Bingo facility.

C. The contract between Indian Country, U.S.A., Inc. and MECCA was entered into without the knowledge and consent of the Muscogee (Creek) Nation.

- D. The Creek Nation Office of Justice has asserted the opinion that Indian Country U.S.A., Inc. has violated the Management Agreement between itself and the Creek Nation, by subcontracting its obligations/responsibilities to MECCA.
- E. Indian Country U.S.A., Inc. has further violated the Management Agreement, Section 14 (Indemnification of Tribe by the Manager) reference the Michael Beaver case (taking expense of settlement as operational cost).
- F. Pursuant to the above, the Muscogee (Creek) Nation believes Indian Country U.S.A., Inc. is in violation of its Management Agreement with the Muscogee (Creek) Nation and the contractual relationship between the Muscogee (Creek) Nation and Indian Country U.S.A., Inc. is unconditionally destroyed and incapable of maintaining.

Section 202. The Gaming Commissioner is hereby directed and authorized to:

- A. Suspend the license of Indian Country U.S.A., Inc. for violation of the Management Agreement between the Muscogee (Creek) Nation and Indian Country U.S.A., Inc., pursuant to NCA 84-04, Section 203 B(8).
- B. Direct the Creek Nation Office of Justice to petition the Court of the Muscogee (Creek) Nation to have the Management Agreement between the Muscogee (Creek) Nation and Indian Country U.S.A., Inc. declared null and void due to violation of Management Agreement.
- C. Direct the Creek Nation Office of Justice to petition the Court of the Muscogee (Creek) Nation to issue a Restraining Order against Indian Country, U.S.A. and MECCA, barring their representatives from entering or conducting business upon any tribal land.
- D. The Commissioner of Gaming shall recommend:
 - 1. An existing member of present Creek Nation's Tulsa facility management team be selected (by the Gaming Operations Authority Board) to serve as Interim Manager of the facility during the period of transition.
 - 2. A separate interest bearing account, titled Tulsa Creek Nation Bingo Escrow Account, shall be established wherein 40% of the Tulsa Creek Nation Bingo Facility net gaming profits shall be held in escrow (including interest), pending settlement of any litigation which may be forthcoming, or for a maximum period of two (2) years.

Section 203. The Principal Chief is hereby requested and authorized to:

A. Take any steps necessary to relieve Indian Country U.S.A., Inc. of their responsibility as Manager of the Creek Nation's Bingo operations in Tulsa.

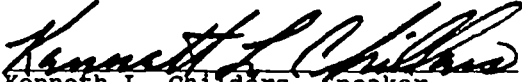
Section 204. The Creek Nation Office of Justice is hereby authorized and directed to proceed with activities to have the Management Agreement between the Muscogee (Creek) Nation and Indian Country U.S.A., Inc./Indian Country U.S.A., Inc. Limited Partnership No. 1 declared null and void in the Court of the Muscogee (Creek) Nation; further, any other courts of competent jurisdiction having legal authority.

Section 205. Appropriation - Revolving Fund Account - Bingo Revenue Account

- A. There is hereby appropriated \$250,000 from the Bingo Revenue Account which shall be deposited in a revolving account ear-marked "Bingo Operations" Account.
- B. Expenditures from the "Bingo Operations Account" shall be approved by the Board or their designee. Any person who is authorized to expend monies shall be bonded for an amount of one million dollars.
- C. At the end of each month all monies in the "Bingo Operations Account" in excess of \$250,000 shall be transferred to an account ear-marked "Bingo Revenue Account" which shall be reserved for appropriation by the National Council.

ENACTED by the Muscogee (Creek) National Council on this 28th day of June, 1989.

IN WITNESS WHEREOF, I, the Presiding Officer of the Muscogee (Creek) National have hereto attached my signature.


Kenneth L. Childers, Speaker
National Council
Muscogee Nation

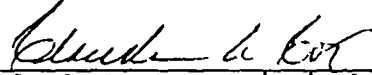
CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council, comprised of 26 members with 19 members attending this meeting o the 28th day of June, 1989, and the above is in conformity with the provisions therein adopted by a vote of 13 in Favor; 3 Against; 1 Abstentions, and the above is the signature of the Speaker of the National Council.


Karen Rider, Recording Secretary
National Council
Muscogee Nation

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation hereby affix my signature this 29 day of June, 1989, to the above Ordinance, NCA 89-84, authorizing it to become an Ordinance under Article VI, Section VI of the Constitution of the Muscogee (Creek) Nation.



Claude A. Cox, Principal Chief
Muscogee (Creek) Nation

