



September 13, 2012

Homer A. Mandoka, Council Chairperson
Nottawaseppi Huron Band of the Pottawatomi
2221 1 1/2 Mile Road
Fulton, Michigan 49052

RE: Gaming Ordinance Amendment

Dear Chairperson Mankdoka:

This letter responds to your request on behalf of the Nottawaseppi Huron Band of the Pottawatomi (Band) for the National Indian Gaming Commission (NIGC) to review and approve the Band's amendment to its gaming ordinance. The amendment was adopted by the Tribal Council by Resolution No. 06-21-12-18. The amendment authorizes the licensing of individuals age 18 and older.

Thank you for bringing the amendment to my attention and for providing a copy of the updated ordinance. The ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please contact Senior Attorney Maria Getoff at 202-632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Tracie L. Stevens". The signature is written in a cursive, flowing style.

Tracie L. Stevens
Chairwoman



Nottawaseppi Huron Band of the Potawatomi

A Federally Recognized Tribal Government

2221 1½ Mile Road Fulton, MI 49052

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JUN 28 2012

NOTTAWASEPPI HURON BAND OF THE POTAWATOMI INDIANS RESOLUTION NO. 06-21-12-18

Approving Amendment to the Gaming Regulatory Act of 2010 to Authorize Licensing of Persons Under the Age of Twenty-One (21) Years of Age

WHEREAS, the Nottawaseppi Huron Band of the Potawatomi (the “Tribe”) is a federally recognized Indian tribe, organized under an Amended and Restated Constitution adopted by the citizens of the Tribe on January 28, 2012 (the “Constitution”); and

WHEREAS, the Tribal Council is the duly recognized governing body of the Tribe established under the Constitution; and

WHEREAS: Article VI, Section 1 of the Tribe’s Constitution empowers the Tribal Council to manage all economic affairs of the Tribe and to regulate the use of property for tribal purposes;

WHEREAS, the Congress of the United States has enacted the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701 et seq. (hereinafter “IGRA”), which permits Indian tribes to operate class III gaming activities on Indian reservations pursuant to a tribal-state Compact entered into for the purpose; and

WHEREAS, pursuant to Tribal Council Resolution 11-11-10-01, the Tribal Council approved a comprehensive revision to the Tribe’s gaming laws, referred to as the “Gaming Regulatory Act of 2010” and submitted that law for approval by the Chairperson of the National Indian Gaming Commission in accordance with 25 CFR 522.3;

WHEREAS, pursuant to Tribal Council Resolution 01-28-11-02, the Tribal Council approved technical amendments to the “Gaming Regulatory Act of 2010” in response to comments received from the National Indian Gaming Commission and the revised Gaming Regulatory Act of 2010 was approved by the National Indian Gaming Commission on February 10, 2011;

WHEREAS, the Tribal Council has, in consultation with representatives of FireKeepers Casino, identified a desire and need to offer employment opportunities to persons under the age of twenty-one in positions requiring a Gaming Employee License issued by the NHBP Gaming Commission and have approved certain amendments to the “Gaming Regulatory Act of 2010” wish to authorize submission of those amendments to he Chairperson of the National Indian Gaming Commission.

NOW THEREFORE IT IS RESOLVED that the Tribal Council approves the following amendments to the Gaming Regulatory Act of 2010:

SECTION 6.06 OF THE GAMING REGULATORY ACT IS AMENDED AS FOLLOWS:

SECTION 6.06 CONDITIONS APPLICABLE TO A FACILITIES GAMING LICENSE. ANY GAMING OPERATION THAT HOLDS A FACILITIES GAMING LICENSE SHALL COMPLY WITH SUCH REASONABLE CONDITIONS AS MAY BE PRESCRIBED BY THE COMMISSION, INCLUDING THE FOLLOWING:

- (A) THE GAMING OPERATION SHALL OPERATE AND MAINTAIN THE GAMING ESTABLISHMENT IN A MANNER THAT MEETS THE REQUIREMENTS SET FORTH UNDER SECTION 9.11 OF THIS ACT.
- (B) PRIOR TO INITIATING ANY PUBLIC USE OF THE BUILDING OR FACILITIES AT THE GAMING ESTABLISHMENT, THE GAMING OPERATION SHALL HAVE RECEIVED ALL REQUIRED PERMITS, APPROVALS, AND CERTIFICATE(S) OF OCCUPANCY UNDER ARTICLE VI OF THE HEALTH, ENVIRONMENTAL PROTECTION, AND BUILDING CODES ORDINANCE AND OTHER APPLICABLE TRIBAL LAW AND SHALL COMPLY WITH ALL CONDITIONS IMPOSED THROUGH SUCH PERMITS, APPROVALS, AND CERTIFICATES.
- (C) THE GAMING OPERATION SHALL COMPLY WITH ALL INTERNAL REVENUE SERVICE REPORTING AND FILING REQUIREMENTS.
- (D) PRIOR TO INITIATING OF ANY GAMING AT THE GAMING ESTABLISHMENT, ALL PRIMARY MANAGEMENT OFFICIALS, KEY EMPLOYEES AND OTHER EMPLOYEES REQUIRED UNDER THIS ACT OR THE REGULATIONS TO BE LICENSED SHALL OBTAIN THE APPROPRIATE LICENSES REQUIRED IN CHAPTER VII.
- (E) THE GAMING ESTABLISHMENT SHALL BE SUBJECT TO PATROL BY THE GAMING OPERATION'S SECURITY PERSONNEL, THE TRIBAL POLICE, AND, TO THE EXTENT EXPRESSLY AUTHORIZED BY THE TRIBE, LOCAL AND STATE LAW ENFORCEMENT DEPARTMENTS. THE LICENSEE SHALL COOPERATE AT ALL TIMES WITH ALL SECURITY PERSONNEL AND LAW ENFORCEMENT OFFICERS.
- (F) THE GAMING ESTABLISHMENT SHALL BE OPEN TO INSPECTION BY THE COMMISSIONERS, COMMISSION STAFF AND OTHER DULY AUTHORIZED TRIBAL AUTHORITIES AT ALL TIMES.
- (G) THE GAMING OPERATION MAY NOT DISCRIMINATE BY REASON OF RACE, COLOR, NATIONAL ORIGIN, SEX, AGE, PHYSICAL OR MENTAL DISABILITY, SEXUAL ORIENTATION OR CREED; PROVIDED, THAT NOTHING HEREIN SHALL PROHIBIT THE LICENSEE FROM COMPLYING WITH CONTRACTING AND EMPLOYMENT PREFERENCE REQUIREMENTS REGARDING NOTTAWASEPPI

HURON BAND OF THE POTAWATOMI MEMBERS AND OTHER NATIVE AMERICANS PURSUANT TO APPLICABLE TRIBAL AND FEDERAL LAW.

- (H) LICENSEES MAY NOT ACCEPT FOR CASHING ANY PUBLIC ASSISTANCE CHECK FROM ANY FEDERAL, STATE OR TRIBAL AGENCY INCLUDING SOCIAL SECURITY CHECKS.
- (I) LICENSEES MAY NOT PERMIT ANY PERSON UNDER THE AGE OF TWENTY-ONE TO BE EMPLOYED IN ANY PRIMARY MANAGEMENT OFFICIAL ~~OR KEY EMPLOYEE~~ POSITION.
- (J) LICENSEES MAY NOT PERMIT ANY PERSON UNDER THE AGE OF EIGHTEEN TO BE EMPLOYED IN ANY KEY EMPLOYEE OR OTHER GAMING OR NON-GAMING POSITIONS.

SECTION 7.04 OF THE GAMING REGULATORY ACT IS AMENDED AS FOLLOWS:

SECTION 7.04 STANDARDS FOR ISSUANCE OF A GAMING EMPLOYEE LICENSE. THE COMMISSION SHALL NOT GRANT A LICENSE TO ANY APPLICANT FOR A GAMING EMPLOYEE LICENSE WHO:

- (A) IS A MEMBER OF THE TRIBAL COUNCIL, A TRIBAL JUDGE, OR A TRIBAL LAW ENFORCEMENT OFFICER;
- (B) IS UNDER THE AGE OF ~~21~~ 18; ~~UNLESS SUCH EMPLOYEE QUALIFIES FOR A WORK PERMIT;~~
- (C) HAS BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO A GAMBLING-RELATED OFFENSE, FRAUD OR MISREPRESENTATION;
- (D) HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE (5) YEARS, BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NO CONTEST TO "ANY OFFENSE" NOT SPECIFIED IN PARAGRAPH (C); PROVIDED THAT THIS PROVISION SHALL NOT APPLY IF THE APPLICANT HAS BEEN PARDONED BY THE GOVERNOR OF THE STATE WHERE THE CONVICTION OCCURRED OR, IF THE APPLICANT IS A TRIBAL MEMBER, THE APPLICANT HAS BEEN DETERMINED BY THE COMMISSION TO BE A PERSON WHO IS NOT LIKELY AGAIN TO ENGAGE IN ANY OFFENSIVE OR CRIMINAL COURSE OF CONDUCT AND THE PUBLIC GOOD DOES NOT REQUIRE THAT THE APPLICANT BE DENIED A GAMING EMPLOYEE LICENSE;
- (E) IS DETERMINED BY THE COMMISSION TO HAVE PARTICIPATED IN ORGANIZED CRIME OR UNLAWFUL GAMBLING OR WHOSE PRIOR ACTIVITIES, CRIMINAL RECORDS (INCLUDING A PATTERN OF CONVICTIONS), REPUTATION, HABITS, AND/OR ASSOCIATIONS POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF GAMING, OR CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF GAMING OR TO THE CARRYING ON OF THE

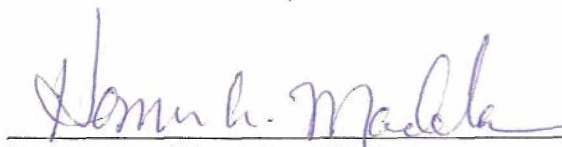
BUSINESS AND FINANCIAL ARRANGEMENTS INCIDENTAL TO THE CONDUCT OF GAMING; OR

- (F) HAS KNOWINGLY AND WILLFULLY PROVIDED MATERIALLY FALSE AND MISLEADING STATEMENTS OR INFORMATION TO THE COMMISSION OR REFUSED TO RESPOND TO QUESTIONS MATERIAL TO THE SUITABILITY DETERMINATION THAT HAVE BEEN ASKED BY THE COMMISSION.
- (G) FOR PURPOSES OF SUBSECTION VII.D.2 (C), THE TERM "ANY OFFENSE" SHALL MEAN ANY CRIMINAL OFFENSE NOT DESCRIBED IN SUBSECTION VII.D.2 (B), WHETHER COMMITTED IN MICHIGAN OR ANY OTHER JURISDICTION, THAT IS, OR WOULD BE, A CRIME UNDER THE PROVISIONS OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, AS AMENDED, BEING MCL 750.1 TO 750.568, OR THE CONTROLLED SUBSTANCE PROVISIONS OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED, BEING MCL 333.7101 TO 333.7545, OR ANY OTHER CRIMINAL OFFENSE NOT SPECIFIED IN SUBPARAGRAPH (2) INVOLVING THEFT, DISHONESTY, FRAUD OR MISREPRESENTATION ARISING UNDER THE LAW OF MICHIGAN OR ANOTHER STATE OR JURISDICTION, THAT WAS COMMITTED AS AN ADULT OR PROSECUTED AS AN ADULT OFFENSE, AND WHICH HAS NOT BEEN EFFECTIVELY REMOVED FROM THE EMPLOYEE'S CRIMINAL RECORD BY EXECUTIVE PARDON, STATE COURT ORDER, OR OPERATION OF LAW.
- (H) FOR PURPOSES OF SUBSECTION VII.D.2 (B), THE TERM "FRAUD OR MISREPRESENTATION" SHALL MEAN A CRIMINAL OFFENSE COMMITTED IN MICHIGAN OR ANY OTHER JURISDICTION, INVOLVING, THEFT, FRAUD OR MISREPRESENTATION, WHICH IS A FELONY OR WOULD BE A FELONY IF COMMITTED IN MICHIGAN, AND WHICH WAS COMMITTED AS AN ADULT OR PROSECUTED AS AN ADULT OFFENSE, AND WHICH HAS NOT BEEN EFFECTIVELY REMOVED FROM THE EMPLOYEE'S CRIMINAL RECORD BY EXECUTIVE PARDON, STATE COURT ORDER, OR OPERATION OF LAW.

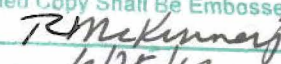
CERTIFICATION

On June 21, 2012, this resolution was approved at a special meeting of the Tribal Council called for this purpose and held on the Pine Creek Indian Reservation in Athens Township, Michigan, a quorum being present, by an affirmative vote 5-members, with 0-opposing, 0-absent, and 0-abstaining, this 21st day of June 2012.


RoAnn Beebe-Mohr, Secretary


Homer A. Mandoka, Chairperson

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True Certified Copy Shall Be Embossed
Signed by 
Date 6/25/12