

Public Notice

(Published in the Shooting Star, July 3, 1996)
SPECIAL ELECTION NOTICE

The Eastern Shawnee Tribe of Oklahoma will hold Annual Election for the Business Committee offices of Treasurer and Third Council Person on September 7, 1996.

Polling places will be at the Eastern Shawnee Tribe of Oklahoma, West Seneca, Oklahoma and the Miami Tribal Office, Miami, Oklahoma, open from 9:00 a.m. to 5:00 p.m. on the day of election.

The filing period for candidacy of office is July 9, 1996 to July 24, 1996, no later than 4:30 p.m. at the Bluejacket Building, Eastern Shawnee Tribal Complex, West Seneca, Oklahoma with the Secretary of the Election Board, Laurie VanPelt. A filing fee of \$50.00 in the form of a certified check, cashier's check or money order must accompany the Declaration of Candidacy.

S/Laurie VanPelt

Laurie VanPelt

Election Board Secretary

the SHOOTING STAR

Eastern Shawnee Tribe
PO Box 350
Seneca, MO 64865

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the SHOOTING STAR

July 3, 1996

Volume 96 Issue 4

Self-Governance Update

As of October 1, 1996 the Tribal will be under the Self-Governance Program. This will result in almost doubling the tribes administrative budget. The current budget, including indirect is approximately \$185,000. Under Self-Governance it will amount to approximately \$310,000.

Nelis S. Captain, Chief

Hotel Update

The results of the investigation into purchasing the Hotel located in Neosho, Missouri, (Approximately 18 miles from the Tribal Complex.) revealed the hotel itself had problems. The rooms were not or had not been maintained in a proper manner and several other facts which were presented to the Business Committee by Ms Glenna Wallace. It was decided by the Business Committee not to purchase.

Nelis S. Captain, Chief

LAW SUIT UPDATE

As many of you are aware the former 3rd Council Person, Lamont Laird sued the tribe in order to regain his seat on the Business Committee. The suit was thrown out of Court.

Nelis S. Captain, Chief

ELECTION BOARD LAW SUIT

Mr. Laird is currently suing the Election Committee claiming his rights were violated and has asked them to render a decision as to the constitutionality of the recall section of the tribes' constitution. I will keep you informed of the outcome. Further Election Committee information on page 5.

Nelis S. Captain, Chief

THEFT OF TRIBAL RECORDS

Many of you have received a so called news letter from someone or group spreading lies, rumors, and just plain trash. (They will not even sign it.) This group or individual is using a list of Tribal Members names and address's obtained illegally. The BIA has been notified and the Solicitors Office. The BIA has been requested to open an investigation.

I was told by the BIA that the utilization of the tribal members mailing list, no matter how old, and utilizing it for a purpose other, what than it was obtained for by the tribe is a violation of the Rights of the Individual tribal members who received the letter through the mail. Those tribal members can sue the person or person[s] responsible for the letter and the BIA will look into the theft under the Privacy Act.

Nelis S. Captain, Chief

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Claremore Eye Clinic Update

In the last newsletter I promised to keep the tribe informed on the investigation into the staggering losses the tribe has incurred over the last several years due to the investment into an Optometry Clinic in Claremore Oklahoma.

On 6-26-96 I met with Dr. Monaco, Dean and CEO of North-eastern State University. The meeting was very enlightening.

I was very disappointed to learn from Dr. Monaco that he felt that the tribe had not been represented in a professional manner.

Dr. Monaco revealed that upon the opening of the clinic, former Council Person Laird has wanted to

sell or give away exams, frames and lenses to any person of Indian descent in the amount of \$1. Yes \$1! He said he had vigorously fought the idea as it would obviously impact the tribe.

The meeting also revealed some other very interesting facts that impacted the tribes investment in a very negative manner. [March loss was over \$7,000.]

An example being the Clinic Optometrist was allowed to retain all proceeds generated from the sale of contact lenses. Which might not sound like a large amount of money but amounted to almost one half of the patients

listed as clients.

I discussed with Dr. Monaco what he felt would help the clinic reverse the trend of monthly losses the clinic was experiencing. He recommended that we place a priority on services to the elderly until the clinic begins to show a profit.

Nelis S. Captain, Chief

GAMING COMMISSIONER REQUESTED TO INVESTIGATE MISCONDUCT

At the request of several Tribal members, I have initiated an investigation concerning misconduct by former Third Council person Lamont Laird.

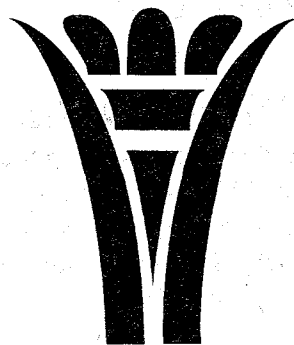
After reviewing documents relating to the tribes involvement with Peter Jegou, President of Creative Gaming International (a potential casino financial investor) and the relationship with Mr. Laird, the Gaming Commissioner has been instructed to begin this investigation.

As a direct result of this relationship, many months of delay were

experienced in putting the land into trust for the casino project. Interference, along with the failure to follow administrative direction, the Eastern Shawnee tribe sustained a loss of thousands of dollars in potential casino revenue.

Any and all findings pertaining to said investigation will be documented and presented to the Business Committee for further action.

Nelis S. Captain, Chief



EYECARE

A maximum of **\$120.00** per fiscal year will be allowed per tribal member for eyecare. This includes examinations, prescription lenses, glaucoma, or any services related to eyecare. This will exclude the 10% discount at the tribal vision center. A dated, itemized invoice/statement from the doctor must be provided for reimbursement or payment.

PRESCRIPTION

A maximum of **\$150.00** per fiscal year will be allowed per tribal member for prescription expense. This does not cover injections and/or treatments received in a doctor's office or clinic. A copy of the prescription, including the date and cost must accompany your request for payment.

DENTAL CARE

A maximum of **\$100.00** per fiscal year will be allowed per tribal member for dental care expense. A dated, itemized invoice/statement must be provided for reimbursement or payment.

ORTHODONTIC CARE

A maximum of **\$500.00** per instance will be allowed per tribal member for orthodontic (braces) care. Funds are limited for this line item, providing services for approximately twelve (12) tribal members within one (1) fiscal year, one time only basis. Funds are not available for cosmetic purposes. A dated, itemized invoice/statement must be provided, as well as an explanation from the doctor that there is a need for this procedure. The final decision will be made by the Medical Review Board.

AUDITORY DEVICES

A dated, itemized invoice/statement from the doctor must be provided for reimbursement or payment. A monetary limit per tribal member will be set and approved by the Medical Review Board.

MISCELLANEOUS MEDICAL EXPENSES

A maximum of **\$150.00** per instance will be allowed per tribal member for miscellaneous medical expenses. This does not cover routine doctor's office visits, but is intended for items such as breathing devices, leg braces, crutches, etc. Funds are limited for this line item, providing services for approximately seven (7) tribal members within one (1) fiscal year. A dated, itemized/statement must be provided, as well as an explanation from the doctor as to the need for such devices.

HEALTH & SOCIAL SERVICES TUITION/TEXTBOOK/SUPPLIES PROGRAM

1. Must furnish registration form or class schedule, etc., showing tuition costs and semester attending.
2. Furnish bookstore receipts.
3. Will pay up to \$300.00 a semester for tuition, textbooks, and supplies (if needed for a certain class.)
4. Total accumulation of \$2,400.00 per tribal member.

*For more information and/or address changes please contact
Monica Bettis 8:00 - 4:30, Monday - Friday, (918) 666-2435*

Health & Social Service Program

GENERAL INFORMATION

The Eastern Shawnee Tribe of Oklahoma's Health and Social Service Program is funded entirely by tribal business ventures. This program **IS NOT** government funded. Although these services are for **every tribal member**, regardless of income, age or residence, each household must submit an application to our office. The program will operate on the fiscal year (**October 1 - September 30**), with the exception of school clothing, being (**July 15 - September 30**.) **Receipts must be submitted within thirty (30) days after the fiscal year.** The guidelines and requirements for this program are as follows:

1. Only enrolled members of the Eastern Shawnee Tribe of Oklahoma are eligible to apply and receive services from this program. **Services are for every tribal member regardless of where you reside.**
2. All households must submit an application. Call or write Monica Bettis to obtain one.
3. In order to serve as many tribal members as possible, a maximum amount of payment for each service has been set by the Business Committee.
4. Payments will be made to the vendors when at all possible. However, applicants paying for services at time of service, can be reimbursed upon receipt of a paid invoice. If you have insurance, we will reimburse only the amount that the insurance does not pay.
5. Any person willfully attempting to defraud the Eastern Shawnee Tribe will not be considered for any services of this program.

DENIAL APPEAL

If your request has been denied, you may appeal the decision in accordance with the following procedure:

1. Personal or written appeal to the Program Director for reconsideration. You will have ten (10) working days from the date of the written denial to appeal the decision.
2. If the matter is not resolved to your satisfaction in step one of the appeal, you may submit a written appeal to the Social Service Appeal Board. The Appeal Board will review your request and notify you of their decision within ten (10) working days from the date of your appeal.
3. If the applicant is not satisfied with the decision of the Appeal Board, a written request stating the condition of the appeal may be submitted in writing to the Eastern Shawnee Business Committee for consideration at the next regularly scheduled Business Committee meeting. The applicant may be requested to appear at the Business Committee meeting.

Revised 3/96

SCHOOL CLOTHES

Child must be attending school regularly, Kindergarten through 12th grade. Proof of Enrollment and attendance in school must be provided every year. The full amount of monies allocated for each child must be spent on that particular child only. The maximum amount of funds per child is \$100.00. Receipts submitted for reimbursement on the School Clothing Program must have valid dates of July 15 through September 30. Proof of purchase/receipts, must be submitted within thirty (30) days to the Service Director before payment can be made to the tribal member or vendor. If no proof of purchase is provided, all future requests will be denied.

Letter to the Editor

I have received in the mail an unsolicited letter which describes itself as "The Tribal Way". This news letter is being circulated by individuals claiming they are Tribal members who are dedicated to the truth and the Shawnee way.

I do not think it is the Shawnee way to "character assassinate" other people by providing inaccurate information and fabricate stories that are total untruths.

Apparently, these Tribal members who are writing and sending out "The Tribal Way" do not at-

tend any Business Committee and provide rumors and do not sign meetings and lack complete and accurate information. Nor are they knowledgeable in the Tribe's Constitution and Election Ordinance. you work are not to be trusted to provide you with the truth and usually wouldn't know the truth if they tripped over it.

I have talked with other Tribal members and apparently whoever is printing this letter has access to the Tribal Rolls and addresses. They are using this information for their own personal and political reasons. This is an invasion of every Tribal member's privacy.

From my own past experience, people who circulate information

Jack Ross, EST OTribal member

In Memory of

Ernestine Bradley

MIAMI, Okla. -- Ernestine P. Bradley, 77, 41 N. Miami St. died at 9:15 a.m. Wednesday at a local nursing home after an illness.

Mrs. Bradley was born Nov. 8, 1918, at Wyandotte. She moved to Miami 18 years ago from Great Bend, Kans.. She was a homemaker. She was a member of the Eastern Shawnee Indian Tribe and Central Baptist Church, Great Bend.

She married Virgil C. Bradley on March 20, 1943, in Miami. He died in 1979.

Survivors include two sons, Steven Bradley, Rose Hill, and Dennis C. Bradley, Morgan Mill, Texas; a daughter, Pat Stone, Miami; a brother, Harvey Peacock, Miami; three sisters, Margaret Dry, Collinsville, and Helen Peacock and Elsa Weeks, both of Arlington, Va.; five grandchildren and four great-grandchildren.

NSU honors Students

Northeastern State University students will be honored for their achievements during the annual Awards Assembly Friday, April 26 at 7:30 p.m., at the NSU Center for the Performing Arts.

Students receiving Academic Achievement Awards are: Chad Kropp, Quapaw; Edna Jacobberger, Wyandotte.

A Student Activity award will also be awarded to Chad Kropp, son of Terry and Grace Kropp of Quapaw.



Health & Social Services Titution/Textbook/Supplies Program

- 1). Applicant should be a high school graduate, achieved a G.E.D. certificate, or be at least eighteen (18) years of age.
- 2). Applicant must furnish proof of enrollment, registration from or class schedule by an accredited vocational/technical school, correspondence school, or college.
- 3). All reimbursement requests must be submitted with tuition costs, semester attending, bookstore receipts, and supply receipts (if needed for a certain class.)
- 4). Will pay up to \$300 per semester for tuition, textbooks, and supplies.
- 5). Total accumulation of \$2,400 per tribal member.

For more information please contact Monica Bettis, Program Director at (918) 666-2435 between the hours of 8:00 a.m. - 4:30 p.m. Monday - Friday.

From the Gaming Commissioner's Office

A few Tribal members have made comments concerning the suspension of our Bingo Hall manager, Danny Captain. From their responses and comments, they apparently do not understand the duties of the Tribe's Gaming Commissioner.

As Gaming Commissioner, my job is to enforce the National Indian Gaming Regulatory Act of 1988 and all Federal laws as they pertain to Indian Gaming. Also, I am to enforce Tribal regulations and protect all assets the Tribe earns from its Gaming facilities.

The National Indian Gaming Commission was set up by Congress to oversee Indian Gaming. There are two (2) reasons I had to take action against Mr. Captain. Our Bingo Hall is licensed to play Class II games, only. Mr. Captain, by modifying our video

pull-tab machines, caused those machines to become Class III slot machines. Therefore they were illegal to play in our Bingo Hall. Under Article 2713, Section B-1, the National Indian Gaming Commission has the authority to shut down a Tribe's Gaming operation and fine as much as \$25,000 per violation for playing games not licensed.

The second reason for the Gaming Commission's action is the Tribe is trying to get the land in Seneca, MO approved and put in trust in order to build a Casino. Profits from this Casino would make our Tribe independent from the Federal Government and allow us to provide to our Tribal members unlimited types of benefits. The National Indian Gaming Commission has the authority to

approve or disapprove all management contracts for Gaming operations. If your Tribal Gaming Commissioner fails in his duty to enforce Federal laws and your Tribe's Gaming regulations, what chance do you think we would have getting our land in trust and a management agreement approved? VERY SLIM!

I have attended over eight (8) seminars on enforcing the National Indian Gaming Regulatory Act and the theme is always the same: with the mood in Congress concerning Indian Gaming, they are looking for one major incident in order to change the law. It is extremely important that we comply with all laws that pertain to Indian Gaming.

Jack Ross, Gaming Commissioner

Housing Improvement Program

I would like to encourage all tribal members who live within a fifty (50) mile radius of the Miami Bureau of Indian Affairs who have not had HIP service previously or if it was before October 1, 1986 that you were serviced, and your home

is in need of repairs to request an application for repairs, the program is not for cosmetic renovation but for necessary repairs such as roof, windows, storm doors, bathroom, electrical upgrade to standard, etc.

Funding again was downsized for fiscal year 1996. To date we have completion and another waiting for contractor to start at the end of the third quarter.

Gene Dixon, HIP Coordinator

Self-Determination Act

A major statute of the 1968 CRA was the Indian Self Determination and Education Assistance Act of 1975, passed as Public Law 93-638 (and referred to as 638).

The Act encourages tribes to assume administration responsibility

for federally funded programs designed for their benefit and administered previously by employees of the Bureau of Indian Affairs and Indian Health Service.

Also passed in the late 1970's was the Indian Child Welfare Act

and Indian Religion Freedom Act.

Gene Dixon, HIP Coordinator



Eastern Shawnee 5th Annual

POW WOW

September 20, 21 & 22, 1996

Location:

Eastern Shawnee Tribal Complex
West Seneca, MO

\$10,000.00 in Prize Money!!

Friday & Saturday Nights Grand Entry 7:00 p.m.

Sunday Grand Entry at 2:00 p.m.

Attention!! ESTO Ladies!

Again it is time to think about ESTO Princess Contest!

Crowning will be September 20!!

For tickets and additional info. contact Betty Captain

Tuesday or Thursdays at (918) 666-2435

or write to PO Box 350, Seneca, MO 64865.

Tickets must be turned in by September 16.

Contest Stomp Dance Friday & Saturday Nights

Competition Dancing with Cash Prizes

in excess of \$10,000.00

Food, Concessions, Arts & Crafts Booths!!

Bring your own chairs!

Public Welcome!!

Contract Health Services

Contract Health Monies for 1995-1996 fiscal year

The Contract Health Service dollars, are provided by the Indian Health Service as a supplemental resource to purchase the services of outside providers. The CHS is a supplemental to any insurance and/or ALTERNATE RESOURCES, include, but are not limited to, Medicare, Medicaid, Title 19, Veterans Administration, private health insurance and state programs.

Listed below are the eligibility requirements for tribal members to be able to utilize the Eastern Shawnee

Contract Health Services:

- 1.) Tribal card and/or CDIB card.
- 2.) Resident of one of the following counties in the state of Oklahoma: Craig, Delaware, Mayes, Nowata, Ottawa, Rogers, Tulsa, Wagoner or Washington.
- 3.) Medical referral from an Indian Health Service Unit, either Miami Indian Clinic, Bearskin Health Center or Claremore Indian Hospital.

Our fourth year will be ending July 31, 1996, at that time we will be receiving our next years funding, which will be for 1996-1997.

If you have any questions, please feel free to drop by the office or call me at (918) 666-2435. I will be in the office between 8:00 a.m. and 4:30 p.m.

I would like to mention that Dee Childers, my CHS Director, is now Mrs. Tommy Killion. We want to wish them all the best. Dee will still be here to help with all questions and any problems you might have.

Thank you for the opportunity of serving the Eastern Shawnee Tribal members.

Janie Roark, Medical Records Clerk

From the Library Corner

The Eastern Shawnee tribal library now has a new name!!! On June 28, 1996, at the retirement reception held in the Blue Jacket Center, the ESTO library was dedicated to Chief George Captain and will be known as the "George J. Captain Library". It was with his support and guidance that the library, genealogy and historical departments of the Eastern Shawnee tribe began. It is also his wish that these areas continue to grow and expand. The library staff will proudly continue this effort well into the future.

A lot has been happening since our last issue!

We are still entering data into the Librarians Helpers program for the Charlie Network. Only have 1,550 more books to go!!!

We attended a training session on June 14, 1996, given by John Corbett, the director of Library Technology, State of Oklahoma Department of Libraries given

at the Miami Tribal library. He introduced the Impact System an on-line service that will eventually allow you to access other libraries.

On June 24-26, 1996, we attended the Internet Tribal Librarians Workshop at the Miami Tribal complex given by the University of Oklahoma School of Library and Information. This is an area that we are really excited about entering into. The future is here and we hope someday soon to be able to reach all our tribal members via the world wide web. All the information housed in the tribal library will be at your fingertips. Think of it!!

The Print Shop is still humming along quite nicely. As of now, we design, print and fold approximately 15,000 bingo programs a month. We also design and print any special announcements as needed. Sixty-five color books were made and

donated to the March of Dimes for their children's camp. Almost all mailing comes by way of the library for printing, stuffing and send off.

We are still copying information pertaining to the Shawnee Indians from the Draper manuscripts as part of our historical data collection. We have also had the opportunity to learn how to access vital records from our nations archives and hope soon to add this to the historical section. This along with the genealogy records already on hand, will become a valuable asset to all tribal members and their histories.

We would like to thank Geneva Tichenor for the donation to purchase books.

We sure hope to see more of you or to answer some letters from our out of state members. As always donation of books, history or family information is welcomed. Thank-you.

From the Election Committee

An unsolicited newsletter called "The Tribal Way" has made certain incorrect statements regarding the Election Board. We wish to clarify the circumstances surrounding the Recall Election of May 18, 1996 called by the Business Committee under Article XIII, Section 2 of our Tribe's constitution:

"The eligible voters of the Eastern Shawnee Tribe shall have the right to recall any Business Committee member or elected official by filing a petition with the Secretary of the Business Committee signed by at least fifty (50) eligible voters. Upon receipt of a valid petition, it shall be the duty of the Business Committee to call a special election within thirty (30) days of receipt of the petition. A member or elected official may be recalled; PROVIDED, that at least fifty (50) eligible voters are present and voting at that meeting, with a majority of those present voting in favor of the recall."

First, the definition of an eligible voter according to our election ordinance is an individual of the general council who is registered to vote. Next, the two individuals from the Business Committee who were RECALLED help set the date of May 18th as the day to hold the Recall Election. As you can read from the Constitution Section 2 is referring to a general council meeting where the Recall Election is to be held.

According to our attorney, we held the Recall Election according to the Constitution and our Election Ordinance which was also approved by those two members on the Business Committee who were recalled.

Our advice to the individuals who are involved in writing this newsletter "The Tribal Way" is to read the Constitution and Election Ordinance and become knowledgeable about the facts before they print inaccurate

statements.

Also we would like to point out that under Article XV, Section C of our Election Ordinance states that: "In case the eligible voters of the Eastern Shawnee Tribe recall all or enough of the Business Committee members so that there are not enough members to conduct tribal business with a quorum present, the eligible voters of the Eastern Shawnee Tribe may appoint Business Committee members to hold temporary office until a special election can be held." This is what happened at the General Council meeting of May 18, 1996.

The Election Committee of the Eastern Shawnee Tribe of Oklahoma.

Border Town Vision Clinic

I'm sure you will be happy to learn that as of March 1, 1996, the Eastern Shawnee Business Committee, has raised the ceiling on the vision program. They will now pay \$120 toward the cost of your vision care.

Vision is so important please do not hesitate to get your eyes examined regularly. No only can it

improve your vision, there are certain medical problems that can be detected with an eye exam.

The charge for an eye exam with us is \$40. Single vision frame and lens combination start at \$84, bifocals at \$112, tri-focals at \$134, and no-line bifocals at \$156.

We are continuing to see more tribal members. Please do not

hesitate to call (918) 666-2458 if you have any questions concerning the clinic.

Nancey Mai, Optometrist Assistant

Suspension Hearing for Bingo Manager

**EASTERN SHAWNEE TRIBE
OF OKLAHOMA
GAMING COMMISSION
SUSPENSION HEARING
FOR GAMING LICENSE
FOR DANNY CAPTAIN,
GAMING HALL MANAGER
June 7, 1996, 1:00 p.m.**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The hearing took place at the gaming hall with all parties present. The proceedings were tape recorded and all witnesses sworn to tell the truth. Tribal lawyer Mike McBride III was designated to represent the Gaming Commission. Mr. McBride put on four witnesses. Mr. Captain put on none.

CHARGE 1: MODIFYING THE VIDEO PULL TAB MACHINES CONTRARY TO JUDGE TAH- BONE'S COURT ORDER AND A WRITTEN DIRECTIVE FROM THE GAMING COMMISSIONER, DATED JULY 11, 1995

Answer:

Mr. Captain's defense to this charge was the machines demonstrated to Judge Tah-Bone were not practical or economically feasible to play at our bingo hall. His modification of these machines was minor and therefore inconsequential to the actual operation of these machines. Also, the U.S. Attorney had already made

up his mind to seize these machines regardless of how they were operated. Mr. Rick Clouse testified that he doubted that Mr. Captain was aware that the modification to the machines would change the legal classification.

Commissioners Response:

Mr. Captain in conjunction with others developed and designed these machines to play a certain way. The purpose being to duplicate the play of the Wyoming Lucky Tab II Machines that was before the National Indian Gaming Commission for consideration of approval as Class II machines.

On two (2) different occasions at meetings with Jess Green, our Tribal attorney, which Mr. Captain attended, Mr. Green continuously stressed the importance of just how the machines must operate and the specific legal theory of the game in order to be able to get a favorable ruling from the CFR Court. I, myself discussed with Mr. Captain the Wyoming Lucky Tab II Machine and he stated he was aware of how the machines operated. His assertion that he did not know the consequences of his modification to these machines is not true. Mr. Captain stated he read Judge Tah-Bone's court ruling and material and was fully aware of my letter of July 11, 1995, which both emphasized the importance of how these machines must operate and the Gaming Commission's requirements to

allow operation of the games under order from the CFR Court and the Business Committee.

Mr. Clouse and Mr. Captain both admitted that the machines approved by Judge Tah-Bone and those seized by the U.S. Attorney had been changed and no longer played the games according to Judge Tah-Bone's court order.

At the April 10, 1996 Business Committee meeting, Mr. Laird stated that he had asked the legal opinion of four different attorneys, and they all stated that before these machines were modified we stood a good chance of having the CFR Court ruling affirmed in Federal Court.

It was at the recommendation of our three attorneys that since these machines had been modified, they could no longer mount a legal defense for these machines and suggested that we drop and settle our suit against the U.S. Attorney to avoid criminal liability and to protect the Tribe's assets.

Mr. Captain's claim of only making minor adjustment to these machines is not a practical response and apparently he refuses to accept the consequences of his actions, which became very costly to the Tribe in its creditability and cost of a tremendous amount of money. Mr. Captain's statement that regardless of what type of machines that were in play the U.S. Attorney would have seized them anyway provides no reasonable justification for the substantial

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change of the game.

Mr. Captain's current justification is different than before September 14, 1995 when these machines were seized and is the result of hindsight.

CHARGE 2: CHANGING A PATRONS WINNING POT IN ORDER TO AVOID COMPLETING AN IRS 1099 W2G FORM

Answer:

Mr. Captain acknowledged the Business Committee's directive to comply with the intent of the Federal IRS Winnings Reporting law. Mr. Captain admitted that he changed the pot in order to avoid the intent of the IRS law. Both assistant managers testified that this was unusual behavior and that they had never done it themselves. Mr. Captain claimed that he posted the change prior to the game and announced the change to the patrons, but did not produce any witnesses to verify his claim.

Commissioners Response:

From my own experience the Pick 7 game is a progressive game and management could not predict when the game was going to be won. So why go through such an elaborate procedure to change the pot downward (by one dollar) on that particular day? Mr. Captain's action violated the spirit and the intent of Tribal and Federal law regarding IRS reporting requirements. Mr. Captain changed

the amount of the pot after the fact in order to assist a patron from reporting their income.

CHARGE 3: ACCEPTING PERSONAL CHECKS DESPITE A BUSINESS COMMITTEE ORDER

Answer:

Mr. Captain admitted that he accepted a personal check on Mrs. Belvins, because she was a good customer. Therefore he can make exceptions to the above orders when he feels it is justified.

Mr. Captain stated that the Business Committee had modified the check cashing policy of October 18, 1990, but did not produce any evidence to back up his claim. The consequences of Mr. Captain's ignoring the bingo hall check cashing policy cost the Tribe \$450.00 in actual cost not including bank fees.

Commissioners Response:

Mr. Captain's attitude toward the Gaming Commissioner is one of extreme hostility instead of seeing the Commissioner as an individual who helps prevent trouble at the bingo hall and is charged with the responsibility of protecting the Tribe's gaming assets, which should be his primary concern also. He sees me as an intruder into his private and personal domain.

Mr. Captain refuses to accept the responsibility of his actions and

wants to blame the Gaming Commissioner, the U.S. Attorney and finally the poor equipment and the design of the machine as being responsible for his predicament.

Mr. Captain's motives in developing the pull tab machines were neither selfish nor for personal gain and his intentions were to help the Tribe's bingo hall earn more profits. Therefore, his actions in this area are commendable. However, one cannot break Federal laws and Tribal regulations with impunity regardless of how honorable one's intentions are. We are all accountable to comply with Federal and Tribal laws. We cannot pick and choose the ones we want to obey.

Mr. Captain is no different than the rest of us. I feel that it is extremely important that Mr. Captain be held accountable for his actions, but because of his unselfish motives in this situation, I feel that he deserves leniency. Therefore it is my judgment that Mr. Captain's license to work at the bingo hall shall be suspended for a period of thirty (30) days, effective June 15, 1996 and ending July 14, 1996.

*Jack Ross, EST Gaming
Commissioner*