

HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE GRANTING A SUITABILITY WAIVER FOR CASE NO. WV08-003 RESOLUTION 4-08-08 G

WHEREAS, the Ho-Chunk Nation Legislature (hereinafter Legislature), as a governing body of the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe, entered into the Tribal/State of Wisconsin Gaming Compact of 1992 [hereinafter Compact], and on May 11, 1999, adopted by Resolution 5-11-99 L, the *Ho-Chunk Nation Amended and Restated Gaming Ordinance* (hereinafter *Gaming Ordinance*); and

WHEREAS, the Ho-Chunk Nation Gaming Commission [hereinafter Gaming Commission], in accordance with the *Gaming Ordinance*, Section 807, shall be responsible for enforcing this Ordinance, and may impose penalties for violations of this Ordinance, any Order of the Commission, or License condition in accordance with Chapter 18 of this Ordinance; and

WHEREAS, on February 27, 2008 the Gaming Commission held a Preliminary Waiver Hearing, Case No. WV08-003, for Joseph A. Penland and found that:

- 1) Mr. Penland provided dispositions for all charges/convictions, along with proof of compliance with any court ordered conditions or judgments; and
- 2) Mr. Penland provided letters of reference/recommendations attesting to his good character and financial responsibility; and
- 3) Based on the testimony and exhibits offered by Joseph Penland, the Gaming Commission finds that Mr. Penland is suitable to hold a gaming license; and
- 4) The Gaming Commission recommends to the Ho-Chunk Nation Legislature that Joseph Penland be granted a waiver so that he may obtain a gaming license.

WHEREAS, on April 8, 2008, the Legislature reviewed Preliminary Waiver Hearing Case No. WV08-003 for Joseph A. Penland; and having considered the Gaming Commission's recommendation in that hearing held February 27, 2008 finds that:

- 1) Joseph Penland has demonstrated on record before the Gaming Commission evidence of sufficient rehabilitation and present fitness to hold a gaming license.
- 2) The Gaming Commission recommends to the Ho-Chunk Nation Legislature that Joseph Penland be granted a waiver so that he may obtain a gaming license.
- 3) The Legislature shall grant a waiver by Legislative resolution to Joseph Penland.

NOW THEREFORE BE IT RESOLVED that the Ho-Chunk Nation Legislature, pursuant to the standards set forth in the *Ho-Chunk Nation Amended and Restated Gaming Ordinance*, finds that:

Joseph A. Penland has demonstrated evidence of sufficient rehabilitation and present fitness to hold a license under the standards set forth in Section 1203 (b) of the *Gaming Ordinance*, and a waiver is hereby granted.

However, the following conditions shall be placed on Mr. Penland's license, which shall be in effect for no less than two years from the effective date of his license:

- Conditions:**
1. Continue to comply with any and all court ordered obligations; and
 2. No new criminal convictions in any jurisdiction.

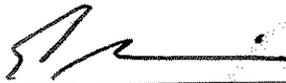
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BE IT FURTHER RESOLVED that the Applicant/Licensee's failure to comply with any applicable laws pertaining to gaming conducted by the Ho-Chunk Nation will result in the revocation of their license pursuant to the *Ho-Chunk Nation Gaming Ordinance*, or termination of employment pursuant to the *Ho-Chunk Nation Personnel Policies and Procedures*.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **8th day of April, 2008**, that foregoing resolution adopted at said meeting by an affirmative vote of **6 members, 4 opposed, and 1 abstaining**, pursuant to the authority of Article V, Section 2 (a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Elliott Garvin, Tribal Secretary

4-8-08

Date