



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
GRANTING A SUITABILITY WAIVER
FOR CASE NO. WV08-004
RESOLUTION 4-29-08 G**

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorized expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulation conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the Legislature adopted an *Amended and Restated Gaming Ordinance* (hereinafter "Gaming Ordinance") by Resolution 5/11/99 L; and
- WHEREAS,** Chapter 12, Section 1203(a)(iv) of the *Gaming Ordinance* grants the Legislature the authority to waive by legislative resolution any requirements set forth in Section 1203(a)(iv) for any applicant when the applicant has demonstrated on the record before the Ho-Chunk Nation Gaming Commission ("Gaming Commission") evidence of sufficient rehabilitation and present fitness to hold a license; and
- WHEREAS,** Chapter 8, Section 807 of the *Gaming Ordinance* provides the Gaming Commission the power and responsibility to enforce this Ordinance, and to ensure compliance with this Ordinance, the Indian Gaming Regulatory Act, the Compact, any licenses issued, and any Orders of the Commission or Legislature; and

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, on March 20, 2008 the Gaming Commission convened Preliminary Waiver Hearing Case No. WV08-004, for Evan A. Logan and found that:

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

WHEREAS, on April 29, 2008 the Legislature reviewed Preliminary Waiver Hearing Case No. WV08-004 for Evan A. Logan; and having considered the Gaming Commission's recommendation in that hearing held March 20, 2008, finds that:

- 1) Evan Logan 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 Evan Logan be granted a waiver so that he may obtain a gaming license.
- 3) The Legislature will grant a waiver by Legislative resolution to Evan Logan.

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 Evan A. Logan 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.

BE IT FURTHER RESOLVED, that the failure to comply with any applicable laws pertaining to gaming conducted by the Ho-Chunk Nation will result in the revocation of the 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 Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **29th day of April, 2008**, that foregoing resolution adopted at said meeting by an affirmative vote of **5 members, 1 opposed, and 2 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

4-29-08

Date