



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE GRANTING A SUITABILITY WAIVER FOR CASE NO. WV08-008 RESOLUTION 7-08-08 D

- 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(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* (5 HCC § 1) (hereinafter "Gaming Ordinance"), last amended by Legislative Resolution 1-28-08 D; and
- WHEREAS,** Section 17(c)(4) of the *Gaming Ordinance* grants the Legislature the power to waive by legislative resolution any requirements set forth in Section 17(c)(2) 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. The recommendation to grant a waiver will be submitted by the Gaming Commission to the Legislature for their consideration and final decision; and
- WHEREAS,** Section 14 of the *Gaming Ordinance* grants the Gaming Commission the power and responsibility to enforce this Ordinance, and to ensure compliance with this Ordinance, the *Indian Gaming Regulatory Act* (25 U.S.C. §2701 *et seq.*), the Compact, any licenses issued, and any orders of the Commission or Legislature; and

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WHEREAS, on June 18, 2008 the Gaming Commission convened Preliminary Waiver Hearing Case No. WV08-008 for Kevin B. Funmaker and found that:

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

WHEREAS, on July 8, 2008, the Legislature reviewed Preliminary Waiver Hearing Case No. WV08-008 for Kevin Funmaker; and having considered the Gaming Commission's recommendation in that hearing held June 18, 2008, finds that:

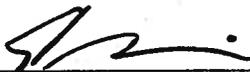
- 1) Kevin Funmaker has demonstrated on record before the Gaming Commission evidence of sufficient rehabilitation and present fitness to hold a gaming license.
- 2) The Gaming Commission recommends to the Legislature that Mr. Funmaker be granted a waiver so that he may retain his gaming license.
- 3) The Legislature will grant a waiver by Legislative resolution to Kevin Funmaker.

NOW THEREFORE BE IT RESOLVED that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, and pursuant to the standards set forth in the *Amended and Restated Gaming Ordinance*, hereby grants a suitability waiver to Kevin B. Funmaker. However, as a condition to holding his gaming license Mr. Funmaker must continue to comply with all court ordered obligations.

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 gaming 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 10 members, of whom 8 constituting a quorum were present at a meeting duly called and convened and held on the 8th day of July, 2008, that foregoing resolution adopted at said meeting by an affirmative vote of 7 members, 0 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

7-8-08

Date