



October 15, 2019

Oklahoma Indian Gaming Association is officially transmitting this letter in response to Attorney General Hunter, on the behalf of the 30 Tribal Nations who have drafted and signed it.

Sincerely,

A handwritten signature in blue ink that reads "Matthew L. Morgan". The signature is written in a cursive style and is set against a light blue rectangular background.

Matthew L. Morgan, Esq.
Chairman, Oklahoma Indian Gaming Association

October 15, 2019

Attorney General Mike Hunter
Office of the Oklahoma Attorney General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Hunter:

Thank you for your letter dated October 3, in which you said “the issue of how the gaming compacts are renewed must be resolved.” As we have stated, we understand our compacts as automatically renewing. However, the apparent impasse on this issue continues to bar any hope for what may otherwise be a productive intergovernmental discussion.

We accordingly invoke Part 12.1 of our compacts with the goal of seeking an amicable and voluntary resolution, if possible. This letter is notice that the Tribes intend to secure the proper interpretation of Part 15.B of our compacts. You will find accompanying this notice a summary analysis of that provision, annotated to include key relevant facts.

Due to logistical constraints, it will be impossible for us to join you on Oct. 17. However, we invite you to meet with us on the afternoon of Oct. 28 in Shawnee so that you can lay out the State’s position and we can determine, first, whether there truly is a dispute and, second, what is our best path forward. The Oklahoma Indian Gaming Association is coordinating a meeting for that date and will reach out to your office with details.

Sincerely,

The Undersigned Tribes

Compact Part 15.B. (annotated)

This compact shall have a term which will expire on January 1, 2020, and at that time, if—

- (1) organization licensees¹ or others²
- (2) are authorized to conduct electronic gaming in any form other than pari-mutuel wagering on live horse racing³
- (3) pursuant to any—
 - a. governmental action of the state⁴ or
 - b. court order⁵
- (4) following the effective date of this compact⁶,

the compact shall automatically renew for successive additional fifteen-year terms.

¹ “Organization licensees” are entities licensed by the Oklahoma Horse Racing Commission to conduct electronic gaming pursuant to the State-Tribal Gaming Act. Presently, there are two: **(i)** Global Gaming Solutions, operating Remington Park; and **(ii)** Cherokee Nation Businesses, operating Will Rogers Downs.

² The compact does not define “others,” but in context, it should be understood as anyone other than “organization licensees.”

³ Note expansive scope—i.e., “*any form* other than . . .” (emphasis added). Some argue renewal requires approval of some form of electronic gaming that was *not authorized as of the effective date of the compact*. This argument is not supported by the compact’s text. Moreover, it would seem to posit as prerequisite to renewal some action by the Oklahoma Legislature that would breach State’s exclusivity obligation.

⁴ Note expansive scope—i.e., “*any* governmental action of the state . . .” (emphasis added). *See* comment at n.3. As a general matter, “governmental action of the state” would appear to include the following: **(i)** annual electronic gaming license renewals for Remington Park and Will Rogers Downs (2005-2018), with 2020 race year operations obtaining preliminary approvals on Aug. 22, 2019, and final approvals likely as soon as Oct. 17, 2019; **(ii)** promulgation of regulations governing issuance of race track electronic gaming licenses (2005, 2006, 2008, 2009, and 2013); and **(iii)** Governor Fallin’s March 3, 2017, concurrence in Shawnee trust acquisition two-part determination; **(iv)** H.B. 1836, enacted into law Apr. 26, 2017 (authorizing expanded hours for organization licensee electronic gaming operation).

⁵ As a general matter, “Court order” would appear to include *Iowa Tribe v. Oklahoma*, Civ. No. 1379 (W. Dist. Okla., Apr. 18, 2016) (entering judgment and order on arbitral award authorizing Oklahoma Tribe to engage in the international play of on-line gaming as “covered game” under its gaming compact with Oklahoma).

⁶ Each compact has its own “effective date,” as determined by reference to Part 15.A: **(i)** Tribal execution of the model compact; **(ii)** DOI Sec’y’s approval of same, with publication of same in the Federal Register; and **(iii)** Tribal payment of the “start-up assessment” due pursuant to Part 11.C. The first four compacts went into effect in early 2005, and the most recent was sometime after June 2018).

Name	Title	Tribe
Jeri Blong Jackson ^{See}	for Chief Hopkin	Cherokee Nation
Greg P. Alford ^{Tribe}	Chief	Seminole Nation
Bill Ansatubby	Governor	Chickasaw Nation
James R. Dyer	Principal Chief	Muscogee (Creek) Nation
Angy Batten	Cherokee Nation	Chief
Lyn Hym	CHIEF	PEORIA TRIBE
Wesley Adams?	Chief	ARTT
Lynna Williams	Raw Nation	Chairwoman
Don Wass	Governor	Cheyenne and Arapaho Tribes
Rhonda Abbott	Vice-Chairwoman	Kiowa
Ry J. Ligon	Chairman	Ponca Enterprise Gaming
John Storton UR	Chairman	Otoe - Missouri Tribe & Treaty
Ethel E. Cook	Chief	Ottawa
Glennia J. Wallace	Chief	Eastern Shawnee
Douglas Lankford	Chief	Miami Tribe
J.C. Bean	Quapaw	Representative
Billy French	Chief	Wyandotte Nation
L. J. H.	Chairman	the Caddo Nation of Oklahoma

