



THE
MUSCOGEE
NATION

DAVID W. HILL
PRINCIPAL CHIEF

DELL BEAVER
SECOND CHIEF

Office of Public Gaming
8330 S. Riverside Parkway | Tulsa, OK 74137
T 918.995.8400 | F 918.299.3700

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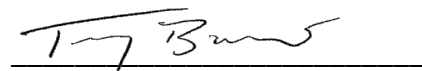
**NOTICE OF POSSIBLE VIOLATION FOR CHARITABLE BINGO ACTIVITY
WITHIN THE MUSCOGEE CREEK NATION RESERVATION**

The National Indian Gaming Commission (NIGC) and the Muscogee Creek Nation (MCN) Office of Public Gaming (OPG) have concluded that all forms of Class II gaming, when conducted within reservation boundaries, regardless of whether they are conducted for commercial, governmental, or charitable purposes, are subject to the regulatory provisions of the Indian Gaming Regulatory Act (IGRA).¹ NIGC representatives have informed the MCN Office of Public Gaming (OPG) that the charitable bingo games offered at MCN community centers and other locations within the MCN violate the IGRA's prohibition on unregulated gaming.

In addition to federal law restrictions, the current version of the MCN Gaming Code is more restrictive than the IGRA. The Gaming Code states that the MCN "shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation" authorized under the Gaming Code. MCNCA Title 21, § 1-105(A). Furthermore, § 1-105(B) says that "[t]he [MCN] shall not allow or authorize individually owned gaming within the jurisdictional boundaries of the Nation." Thus, while the IGRA authorizes a tribe to provide for the licensing or regulation of class II gaming activities owned by any person or entity other than the tribe, as long as the non-tribal operator complies with various licensing and regulatory requirements, the current MCN Gaming Code prohibits such conduct. Therefore, non-tribally owned charitable bingo operations are not permitted at any location within the MCN under current law.

Any unlicensed bingo games, whether commercial or charitable, anywhere within the MCN, are in violation of IGRA and the Gaming Code. Operators of unlawful gaming in violation of IGRA regulations are subject to civil penalties of up to \$25,000 per violation. 25 U.S.C. § 2713(a). MCN law establishes criminal penalties for engaging in, soliciting, or inducing another to engage in unlicensed gambling, including fines and incarceration for each violation. MCNCA Title 21, § 7, and MCNCA 14, § 1-601. The Gaming Code directs the OPG to "[p]rovide referrals and information to the appropriate law enforcement officials when such information indicates a violation of tribal [or] federal . . . statutes, ordinances, regulations, codes or resolutions." MCNCA Title 21, § 2-101(I)(20).

All operators or potential operators of charitable bingo within the MCN reservation must cease and desist from engaging in this activity. At this time, all charitable bingo and other Class II games cannot be offered until the MCN enacts amendments to the Gaming Code to license, audit, regulate, and operate the games in compliance with the current MCN Gaming Code and IGRA.



Tracy Burris, Executive Director

¹ NIGC Bulletin No. 98-1, 1 (Jan. 14, 1998).