

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155

Telephone: 920-869-4364 • Fax: 920-869-4040

**Special Business Committee Meeting
Gaming Commission Notification of Suspensions
Norbert Hill Center
September 26, 2001
1:30 p.m.**

Present: Gerald Danforth - Chair, Tina Danforth - Vice Chair, Judy Cornelius - Treasurer, Julie Barton - Secretary, Paul Ninham, Sandra Ninham, Eugene Metoxen, Vince DelaRosa David Bischoff

Agenda:

1 Gaming General Manager Memorandum - September 26, 2001

MOTION BY JULIE BARTON TO ACCEPT DAVID WEBSTER'S MEMORANDUM OF SEPTEMBER 26, 2001 FOR INFORMATION, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

2. Response to the Gaming Commission letter regarding notice of suspension of licenses or contract

MOTION BY JULIE BARTON TO REQUEST A NOTICE FROM THE ONEIDA GAMING COMMISSION IF THE GAMING COMMISSION OFFICIALLY ADOPTED THE POSITION AS A BODY TO SUSPEND THE LICENSE OF THESE INDIVIDUALS AND BY WHAT AUTHORITY, WITH A RESPONSE BACK IN 24 HOURS, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

For the Record, Tina Danforth stated that the correspondence back to the Business Committee requesting specific authority of their action be sent by the Gaming Commission's chairman.

3. Request a meeting with the Gaming Commission

MOTION BY PAUL NINHAM TO DIRECT THE CHAIR TO REQUEST A MEETING WITH THE GAMING COMMISSION FOR THURSDAY, SEPTEMBER 27, 2001, 4:30 P.M., SECONDED BY JULIE BARTON. MOTION CARRIED UNANIMOUSLY.

4. Alternatives

MOTION BY TINA DANFORTH TO DIRECT THE LAW OFFICE TO PROVIDE THE BUSINESS COMMITTEE WITH A DRAFT BY SEPTEMBER 27, 2001, 12:00 P.M. WITH ALTERNATIVES TO SEEK AN INTERVENTION OR RESCINDING OF DELEGATED AUTHORITY OR OTHER FEASIBLE OPTIONS, SECONDED BY JUDY CORNELIUS. MOTION CARRIED UNANIMOUSLY.

5. Letter to Pat Bero and David Webster

MOTION BY JULIE BARTON TO DIRECT THE CHAIR TO SEND A LETTER TO PAT BERO AND DAVID WEBSTER, UPDATING THEM ON THE CURRENT SITUATION, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

6. Approval to forward letters to State Regulatory Bodies and NIGC

MOTION BY DAVID BISCHOFF TO APPROVE THE CHAIR SENDING LETTERS TO THE STATE REGULATORY BODIES AND NIGC INFORMING THEM OF THE CURRENT MATTER, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVID BISCHOFF TO RECESS UNTIL THE CHAIR RECONVENE'S THE SPECIAL MEETING, SECONDED BY JULIE BARTON. MOTION CARRIED UNANIMOUSLY.

Reconvened at 3:55 p.m. - No roll call taken

MOTION BY JULIE BARTON TO ADD THE APPEAL REQUEST TO THE SPECIAL MEETING AGENDA, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

7. Filing Appeal Request

MOTION BY JULIE BARTON TO FILE AN INITIAL REQUEST FOR APPEAL, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

Recessed at 4:05 p.m.

MOTION BY DAVID BISCHOFF TO RECESS UNTIL RECONVENED BY THE CHAIR, SECONDED BY JUDY CORNELIUS. MOTION CARRIED UNANIMOUSLY.

Reconvened by the Chair on September 27, 2001

Present: Gerald Danforth, Julie Barton, David Bischoff, Sandra Ninham, Eugene Metoxen, Vince DelaRosa and Paul Ninham

For the record, Tina Danforth was excused due to a conflict of interest and not notified when action was being taken.

8. Legal Counsel for the Oneida Gaming Commission

MOTION BY SANDRA NINHAM TO APPROVE THE ATTORNEY CONTRACT FOR HENRY BUFFALO, SECONDED BY EUGENE METOXEN. MOTION CARRIED UNANIMOUSLY.

9. Appointing Eric McLester as interim as Interim Gaming General Manager

MOTION BY PAUL NINHAM TO APPOINT ERIC MCLESTER AS THE GAMING GENERAL MANAGER ON A TEMPORARY BASIS, SECONDED BY JULIE BARTON. EUGENE METOXEN ABSTAINED. MOTION CARRIED.

Public Relations Statement

MOTION BY EUGENE METOXEN TO APPROVE THE CHAIR, TREASURER AND BOBBIE WEBSTER TO PREPARE A PUBLIC RELATION STATEMENT, SECONDED BY SANDRA NINHAM. MOTION CARRIED UNANIMOUSLY.

Procedural Exception

MOTION BY JULIE BARTON TO GRANT A PROCEDURAL EXCEPTION FOR ADMINISTRATIVE LEAVE WITH PAY FOR THE EFFECTED EMPLOYEES PENDING

THE APPEALS COMMISSION DECISION AND/OR MEETING BETWEEN THE ONEIDA BUSINESS COMMITTEE AND THE ONEIDA GAMING COMMISSION THAT RESOLVES THIS PROBLEM, SECONDED BY PAUL NINHAM. VINCE DELAROSA, SANDRA NINHAM OPPOSED. DAVID BISCHOFF ABSTAINED. MOTION CARRIED.

12. Vice Chair's September 27, 2001 memorandum stating three issues of concern

MOTION BY DAVID BISCHOFF TO ACCEPT THE MEMORANDUM AS INFORMATION AT THIS TIME, SECONDED BY JULIE BARTON. MOTION CARRIED UNANIMOUSLY.

13. Gaming General Manager Memorandum of September 26, 2001

MOTION BY JULIE BARTON TO ACCEPT THIS REQUEST FOR INTERVENTION AS INFORMATION AT THIS TIME, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

4. Interim Liaison to Gaming

MOTION BY JULIE BARTON TO ASSIGN PAUL NINHAM AS THE INTERIM LIAISON TO GAMING, SECONDED BY SANDRA NINHAM. PAUL NINHAM, DAVID BISCHOFF ABSTAINED. MOTION CARRIED.

15. Point of Contact for Pat Bero

MOTION BY SANDRA NINHAM TO ASSIGN DAVID BISCHOFF AS THE POINT OF CONTACT FOR CONSULTANT PAT BERO TO DRAFT ASAP, THE DETAILS OF THE IMMEDIATE STEPS THAT HAVE TO BE ACCOMPLISHED WITHIN THE NEXT TWO WEEKS, SECONDED BY JULIE BARTON. DAVID BISCHOFF ABSTAINED. MOTION CARRIED.

Recessed at 4:20 p.m.

MOTION BY JULIE BARTON TO RECESS UNTIL RECONVENED BY THE CHAIR, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

Reconvened on September 28, 2001

Present: Gerald Danforth, Eugene Metoxen, Paul Ninham, Julie Barton, David Bischoff,

Sandra Ninham, Vince DelaRosa, Excused - Tina Danforth - on approved travel

16. Gaming Commission Request for information - September 24, 2001

MOTION BY DAVID BISCHOFF TO GRANT THE GAMING COMMISSION ACCESS TO ITEMS 1,2,3, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

17. Copy of 33 Minute Video Tape of June 8th incident

MOTION BY PAUL NINHAM TO HAVE THE LAW OFFICE OBTAIN A REPORT FROM API AND GRANT ACCESS , SECONDED BY JULIE BARTON. MOTION CARRIED UNANIMOUSLY.

18. API investigator notes and interviews conducted by API

MOTION BY JULIE BARTON THAT IN LIGHT OF THE FACT THE BUSINESS COMMITTEE DOES NOT HAVE THE ITEMS REQUESTED IN ITEMS FIVE AND SIX, THE BUSINESS COMMITTEE CANNOT GRANT THAT ACCESS, SECONDED BY JUDY CORNELIUS. MOTION CARRIED UNANIMOUSLY.

19. Unclear of general catch-all request

MOTION BY DAVID BISCHOFF TO INFORM THE GAMING COMMISSION THAT IT IS VAGUE AND UNCLEAR, CAN'T BE RESPONDED TO, SECONDED BY SANDRA NINHAM. MOTION CARRIED UNANIMOUSLY.

20. Review of the Appeals Commission decision

MOTION BY DAVID BISCHOFF TO ACCEPT THE DECISION, SECONDED BY SANDRA NINHAM. MOTION CARRIED UNANIMOUSLY.

21. Review of the Law office analysis of Business Committee Actions

MOTION BY SANDRA NINHAM TO RECOGNIZE THAT DAVID WEBSTER DOES NOT HAVE ACCESS TO THE ONEIDA GAMING FACILITIES, AND CONSEQUENTLY CANNOT PERFORM THE DUTIES AND RESPONSIBILITIES

CONTAINED WITHIN HIS EMPLOYMENT AGREEMENT, THIS AGREEMENT, THEREFORE, IS AUTOMATICALLY TERMINATED UNDER SECTION 12-A., SECONDED BY EUGENE METOXEN. JUDY CORNELIUS, PAUL NINHAM OPPOSED. JULIE BARTON, DAVID BISCHOFF ABSTAINED. MOTION CARRIED.

For the Record, Judy Cornelius opposed due to the fact that the suspension of licenses was initiated by illegal actions of the Oneida Gaming Commission. Those actions violate several laws of the Oneida Nation and includes the due process which allows an employee to know specifically, what they are being charged with, prior to being suspended and or terminated.

For the Record, Paul Ninham concurred with the treasurer's statement.

For the Record, Julie Barton abstained because she was uncertain of the clarification of our laws that applied to due process in this case.

For the Record, David Bischoff abstained due to the unclear and vagueness of the interpretation of the law on both sides.

MOTION BY SANDRA NINHAM TO SUSPEND WITHOUT PAY, THE ASSISTANT GENERAL MANAGER OF OPERATIONS, DAVID WEBSTER, SECONDED BY EUGENE METOXEN. JUDY CORNELIUS, PAUL NINHAM OPPOSED. JULIE BARTON, DAVID BISCHOFF ABSTAINED.

For the Record, Judy Cornelius opposed again, due to the fact that the suspension of licenses was initiated by illegal actions of the Oneida Gaming Commission. Those actions violate several laws of the Oneida Nation and includes the due process which allows an employee to know specifically, what they are being charged with, prior to being suspended and or terminated.

For the Record, Paul Ninham again concurred with the treasurer.

22. Notice to interim Gaming General Manager, Eric McLester of rescinding September 27, 2001 action regarding procedural exceptions

MOTION BY DAVID BISCHOFF TO NOTIFY ERIC MCLESTER THAT NOTIFICATION HAS BEEN RECEIVED BY THE ONEIDA APPEALS COMMISSION THAT IT HAS ACCEPTED APPELLATE REVIEW OF THE DECISION TO DENY A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, THE BUSINESS COMMITTEE ACTION OF SEPTEMBER 27, 2001 HAS CONSEQUENTLY EXPIRED, SECONDED BY SANDRA NINHAM. JUDY CORNELIUS OPPOSED. MOTION CARRIED.

For the Record, Judy Cornelius was opposed for the same reasons stated above.

23. Public Relation Position Paper

MOTION BY JULIE BARTON TO APPROVE THE PUBLIC RELATIONS POSITION PAPER, SECONDED BY PAUL NINHAM. VINCE DELAROSA ABSTAINED. MOTION CARRIED.

Recessed at 5:00 p.m.

MOTION BY PAUL NINHAM TO RECESS UNTIL RECONVENED BY THE CHAIR ON MONDAY, OCTOBER 1, 2001, 9:30 A.M., SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

Reconvened on October 1, 2001: No action taken at this time.

Present on October 1, 2001: Gerald Danforth, Julie Barton, David Bischoff, Tina Danforth, Judy Cornelius, Paul Ninham, Eugene Metoxen, Sandra Ninham, Vince DelaRosa - Excused - Tina Danforth - on approved travel

For the record, Tina Danforth wanted the minutes to reflect that she submitted a memorandum regarding Gaming Commission Issues that wasn't acted upon.

Reconvened on October 5, 2001

Present: Gerald Danforth, Julie Barton, David Bischoff, Paul Ninham, Eugene Metoxen

24. Procedural Exception Request from Interim Gaming General Manager

MOTION BY PAUL NINHAM TO DENY THE PROCEDURAL EXCEPTION REQUEST FROM THE INTERIM GAMING GENERAL MANAGER DATED OCTOBER 4, 2001, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

25. Notice to NIGC

MOTION BY EUGENE METOXEN TO DIRECT PAUL NINHAM TO PROVIDE A COPY OF ATTORNEY CARLTON'S LEGAL OPINION TO THE INTERIM GAMING GENERAL MANAGER FOR INFORMATION ON BEHALF OF THE EFFECTED EMPLOYEES, SECONDED BY DAVID BISCHOFF. PAUL NINHAM ABSTAINED. MOTION CARRIED.

26. Interim Gaming General Manager Contract

MOTION BY JULIE BARTON TO APPROVE THE INTERIM GAMING GENERAL MANAGER CONTRACT, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

27. API Report

MOTION BY SANDRA NINHAM TO DIRECT THE LAW OFFICE TO CONTACT LEGAL COUNSEL TO THE GAMING COMMISSION IN REGARDS TO THE API REPORT, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

28. Special Meeting Minutes of September 26, 2001

MOTION BY PAUL NINHAM TO ADOPT THE SPECIAL MEETING MINUTES OF SEPTEMBER 26, 2001, SECONDED BY JULIE BARTON. MOTION CARRIED UNANIMOUSLY.

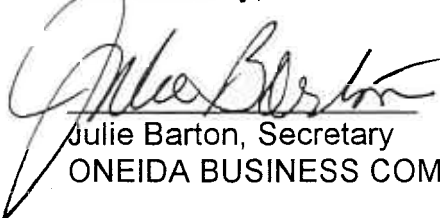
29. Retro Approval to David Webster - September 28, 2001

MOTION BY JULIE BARTON TO RETRO APPROVE THE LETTER TO DAVID WEBSTER DATED SEPTEMBER 28, 2001, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

Recess\Adjourn

MOTION BY PAUL NINHAM TO ADJOURN, SECONDED BY DAVID BISCHOFF. MOTION CARRIED UNANIMOUSLY.

Submitted by,



Julie Barton, Secretary
ONEIDA BUSINESS COMMITTEE