

Downstream Authority of the Quapaw Tribe of Oklahoma Regular Meeting  
March 26, 2019

**Meeting Called to Order:** 11:00 am

|                   |                         |         |
|-------------------|-------------------------|---------|
| <b>ROLL CALL:</b> | John Berrey, Chairman   | Present |
|                   | Larry Ramsey, Secretary | Present |
|                   | Marilyn Rogers, Member  | Present |
|                   | Tamara Reeves, Member   | Present |

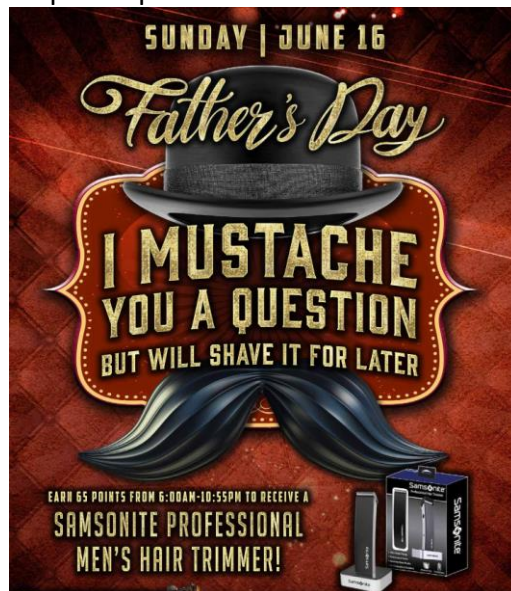
**DECLARATION OF QUORUM:** announced by Larry Ramsey

Jani

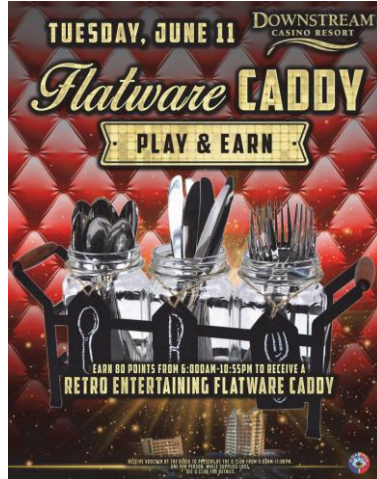
- Update
  - Submitted Entertainment MICS draft to Steve Ward
  - Prize Claim and tort claim dispute forms
    - Updated forms attached
    - Okay per DDA
  - Change in Oklahoma tax laws
    - Have received several calls from players about the change of not deducting loses from wins
    - Actual change is for professional gamblers
      - Business expenses cannot be deducted.
  - Spa
    - Gratuity letter given to all team members (see attached)
    - Signage will be added to the front desk about gratuity
  - Signage
    - Back of house to front of house
      - If you see something say something
      - Everyone's responsibility to keep clean
    - Front of House
      - No conceal carry allowed on front doors
  - Craps toke
    - Manager wants to be able to use his discretion to make changes on toke rates – per DDA must use set guidelines.
    - Manager to speak to DDA and GM to justify and changes outside the approved
  - Table Games
    - Shift managers have been rotated
    - Management is working 4/10 hour days instead of 5/8 hour days
  - Attendance Policy
    - Changes to be made
      - No points for doctor's notes
      - Proposed a dealer vacation account program (similar to a Christmas Club account) Jani to put together more details to represent to DDA
  - Red Oak Remodel
    - On schedule

- Anticipated opening is 4/10
- Monetary Donations
  1. Leffen Center Walk for Autism - \$250 - YES
  2. Joplin Workshops
    - a. Computers - \$3,796.68 - YES
  3. Community Food Bank of Eastern Ok – beef - YES
  4. Quapaw Quarter Association
    - a. Tour of homes - \$2500 - \$1,000 approved
    - b. Preservation Conversation Lecture Series - \$2000 - \$1,000 approved
  5. Children’s Center of Joplin - \$500 – YES
  6. Area Agency on Aging (Pine Bluff) Bass Tournament - \$500 – YES
  7. University of Arkansas Basketball banquet - \$500 – YES
  8. Cornell Complex - \$2,500-\$250,000 – NO
  9. NAFOA Coffee - \$750 – YES
    - a. 300 of the 2.2 ounce packs for the goody bags at \$2 each =\$600
    - b. 14 of the 12 ounce bags of Tribal Soul coffee for @ a wholesale cost of \$7.50 per bag =\$105
  10. Joplin MS – water, 10 cases – YES
  11. Documentaries/Websites -\$375,000 – ON HOLD
    - a. QCC/ Quapaw Nation/Quapaw Casino - \$43,000
    - b. Tar Creek - \$100,000
    - c. Short films (10 total) - \$50,000
    - d. Downstream & Saracen Website - \$62,000
    - e. Saracen Casino - \$120,000
  12. Butler Community College Football (Billie Ellick) - \$525 - \$250 approved

- Marketing
  - Newsletter – attached
    - Change EGM to slot, approved as presented
  - Artwork
    - Father’s Day
      - 5 options presented - #3 choice



- Flatware Caddy
  - 4 options presented - #4 choice



- Splish Splash into Cash
  - 4 options presented – requested new options
- Super Sunday
  - 4 options presented - #3 choice



Adjourn 1:26pm



### PATRON TORT CLAIM FORM

Patrons of Downstream Casino Resort who have a claim for personal injury or property damage arising out of an incident at the resort may file a claim by using this form.

1. **Patron Making Claim:** Name: \_\_\_\_\_  
(First) (Middle) (Last)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

2. **Date of Incident:** \_\_\_\_\_ **Time of Incident:** \_\_\_\_\_

3. **Place/Location of Incident:** \_\_\_\_\_

4. **Facts/Circumstances Supporting Claim (use reverse side if necessary):** \_\_\_\_\_

5. **Identity of All Persons with Knowledge Relevant to the Claim (use reverse side if necessary):**

| Name/Title | Address | Telephone |
|------------|---------|-----------|
| _____      | _____   | _____     |
| _____      | _____   | _____     |
| _____      | _____   | _____     |
| _____      | _____   | _____     |

7. **Amount of Claim:** \_\_\_\_\_

8. **Factual Basis for Amount of Claim:** \_\_\_\_\_

#### SIGNATURE AND VERIFICATION:

By signing below, the undersigned claimant declares, under penalty of perjury, that the above and forgoing information is true and correct to the best of his/her knowledge:

\_\_\_\_\_  
**Name (Printed):** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

*Your claim may be denied if it does not contain all legally required information.*

**How to File a Tort Claim.** You must submit a written claim conforming with applicable law to the General Manager of Downstream Casino Resort or to the Quapaw Nation Gaming Agency before the legal deadline. Prize claims may be delivered or mailed to either the General Manager of Downstream Casino Resort, the Quapaw Nation Gaming Agency, or both at the following:

*General Manager  
Downstream Casino Resort  
69300 E. Nee Road  
Quapaw, Oklahoma 74363*

*Director  
Quapaw Nation Gaming Agency  
PO Box 405  
Quapaw, Oklahoma 74363*

If the claim is mailed, the envelope should bear in large letters the words "NOTICE OF TORT CLAIM."

**Representative of Patron Making Claim (if any):**

Name: \_\_\_\_\_  
(First) (Middle) (Last)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**5. Facts/Circumstances Supporting Claim (continued from front side):**

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**6. Identity of All Persons with Knowledge Relevant to the Claim (continued from front side):**

| Name/Title | Address | Telephone |
|------------|---------|-----------|
| _____      | _____   | _____     |
| _____      | _____   | _____     |
| _____      | _____   | _____     |

**Additional Information About Claim:**

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## TORT CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE

If you are a patron of Downstream Casino Resort ("resort") and you have a claim for personal injury or property damage arising out of incidents occurring at the resort, you may file a claim in accordance with applicable law.

**1. Report Injuries or Property Damage Immediately.** If you are injured or if your property is damaged, you should contact a casino supervisor immediately, and before you leave the premises. This will give the resort an opportunity to assist you promptly.

**2. Your Right to File a Tort Claim.** If the resort's staff are unable to resolve the incident to your satisfaction, you have a right to file a tort claim in accordance with Quapaw Nation law and the Oklahoma Tribal-State Gaming Compact.

**3. Requirements for a Tort Claim.** Claims for personal injury or property damage must be made in writing. To file a tort claim, you may use a Tort Claim form provided by the resort upon request, or you may provide the information required by law in writing. A tort claim must include:

- a. Date, time, place, and circumstances of the incident upon which the claim is based;
- b. Identity of any persons known to have information regarding the incident, including employees and other witnesses;
- c. Amount of your claim, and the basis for such amount;
- d. Your name, address, and telephone number, and the same information for any representative you authorize to act or settle the claim on your behalf; and
- e. Your signature, under oath, verifying that the information you provide is true and correct.

*Your claim may be denied if it does not contain all legally required information.*

**4. How to File a Tort Claim.** You must submit a written claim conforming with applicable law to Downstream Casino Resort or to the Quapaw Nation Gaming Agency before the legal deadline. Tort claim notices may be delivered or sent to the General Manager of Downstream Casino Resort, the Director of the Quapaw Nation Gaming Agency, or both at:

*General Manager  
Downstream Casino Resort  
69300 E. Nee Rd.  
Quapaw, OK 74363*

*Director  
Quapaw Nation Gaming Agency  
PO Box 405  
Quapaw, OK 74363*

If the claim is mailed, the envelope should bear in large letters the words "NOTICE OF TORT CLAIM."

**5. Deadline for Filing a Tort Claim.** A tort claim must be filed within one (1) year of the date of the event which allegedly caused the loss. *Your failure to file a notice of tort claim within one year will forever bar your claim.* Any judgment on claims filed more than ninety (90) days after the incident will be reduced by ten percent (10%).

**6. Limitations on Tort Claims.** Any award made on a tort claim will be limited to the liability insurance limits of the coverage maintained by the gaming facility for personal injury and property damage claims. No tort claim may be paid in excess of such insurance limits. Claims may be made only by the patron actually claiming to have been injured. Tort claims are not assignable.

## **7. Determination of Your Claim;**

**Appeals.** The resort will investigate your claim with the assistance of its insurance carrier, and will notify you of its determination. Tort claims shall be deemed denied if you are not notified within ninety (90) days of filing, unless all parties agree in writing to an extension. As a condition for prosecuting a tort claim, a claimant must agree to appear to be interviewed or deposed. You may have legal counsel present. You may file a judicial proceeding in the Quapaw Nation courts appealing the final determination of a tort claim, but only if you follow all requirements under law. The Quapaw Nation courts are the exclusive forum for appeals relating to tort claims. Any judicial proceeding must be filed within 180 days after the denial of your claim. This deadline cannot be extended.

The Compact is available at: National Indian Gaming Commission: [www.nigc.gov](http://www.nigc.gov)



## **TORT CLAIM POSTING TORT CLAIM PAMPHLET**





## **Downstream Casino Resort Risk Management**

### **Tort Claim Notice Procedures:**

#### **Upon receipt of a Notice of Tort Claim:**

- Immediately (within five (5) business days, if possible) the Risk Manager will forward the Notice of Tort Claim to the liability insurance provider handling the claim. The Risk Manager must maintain a record of the transmittal to the insurer.
  - If no insurance claim has previously been filed, the Risk Manager will follow the steps for filing a Guest Claim in the Risk Management Guest Claim Processing procedure, and include the Notice of Tort Claim. This procedure includes, but is not limited to, forwarding the insurance provider a copy of any incident reports and surveillance video, as applicable, as soon as reasonably possible.
  - The Risk Manager must maintain a record of the transmittal to the insurer.
- Within 48 hours of receipt of a Notice of Tort Claim, forward a copy of the Notice of Tort Claim to both the QNGA and OMES (Oklahoma Office of Management and Enterprise Services):
  - **OMES Gaming and Compliance Unit**  
2401 N Lincoln Blvd, Oklahoma City, OK 73105, **Phone:** 405-522-8055
    - Send all notices by email to: [tribalgaming@omes.ok.gov](mailto:tribalgaming@omes.ok.gov)
  - The Risk Manager must maintain a record of the transmittals to the QNGA and the OMES.
  - Note: Forward only the Notice of Tort Claim to the QNGA and the OMES; all other documents, video and communications may be released only to the insurer and legal counsel.
- If the Notice of Tort Claim was served on the QNGA: The QNGA is responsible for forwarding a copy of the Notice of Tort Claim to OMES. Follow up with QNGA management to ensure that this occurred and forward it to OMES if it did not.
- Within five (5) days of the Resort's receipt of a claim, mail to the claimant (with delivery confirmation) an approved form letter confirming receipt of the claim, and enclose the approved Tort Claim Pamphlet.
- Work with the insurance company to respond to any requests by the claims adjuster for additional information, and to assist in engaging qualified legal defense for the claim who has experience in Indian country and casino torts.
- Work closely with the insurance provider and assigned legal counsel to gather/supply documents, arrange/schedule interviews/depositions, and otherwise assist as needed.
- As requested and as necessary, provide the General Manager and the QNGA with relevant claim updates and judicial proceeding decisions.

Print on Letterhead

Date

Guest Name

Address

City, State, Zip

Dear Mr. or Ms. Guest,

Downstream Casino Resort received your Tort Claim Notice on \_\_\_\_\_. Enclosed, please find a Downstream Casino Resort Tort Claim Pamphlet for your information.

Best regards,

Melissa Wakefield  
Risk Manager



March 22, 2019

Dear Nee' Spa Team:

Following discussions with many of the Nee' Spa team members, the DDA has decided to step in and assist with the gratuity situation with our guests who receive services on a comp basis.

Effective April 1, 2019, a 15% gratuity will be added to "comp" services for our Nee' Spa guests. Please note that the automatic addition of the 15% gratuity is on the value of the COMP provided – and not on the cost of the services. The gratuity is not to be added to purchase of product.

If a comp is issued under an Executive Charge, there is already a commission added as well as a gratuity added (usually 20%) so the additional 15% gratuity is not necessary when it's already being charged – but again, does not apply to product purchased under an Executive Charge.

Nee' Spa guests who are utilizing a "coupon" for spa services, are not eligible for the 15% added gratuity. Those guests are fully responsible for gratuity on their discounted service. The coupons are part of the monthly mailers and the coupons are not part of the Player Development comps.

To assist our guests in remembering that gratuity is not included in the cost of the service, we will add language to the Spa Services Menu and also place signage at the Spa Receptionist desk where it is clearly visible stating:

*"Thank you for allowing us the privilege of serving you. Please remember that a gratuity showing your appreciation to your technician, is not included in your bill. The receptionist will gladly provide the recommended gratuity percentage for your convenience. Both cash and credit card are acceptable for gratuity."*

Additionally, we will automatically add a 15% forced gratuity to all team member services bills when they check out with the Spa receptionist. Thank you for all you do!!