



July 14, 2017

Eric P. Nelson
Rosenstein, Fist & Ringold
Park Centre
525 S. Main, Suite 700
Tulsa, Oklahoma 74103

Re: Embers Grill and Related Development

Dear Mr. Nelson,

Rumors continue to circulate about your client procuring and placing gaming machines into service at the Embers Grill. Speculation has been fueled by representatives of Mr. Bruner and the Embers Grill about the possibility of gaming and recruitment of employees with prior gaming experience.

On July 18, 2017, the City Council will discuss a draft Resolution expressing their objection to gaming at this location and noting the Council's intention to take all actions reasonably necessary to prevent gambling at this location. Approval of a refined Resolution will likely be considered by the Council in their meeting of August 1, 2017.

It is my understanding that the Muscogee Creek Nation has taken the position that they have jurisdiction of this land due to the fact that it is a Creek Nation Allotment. Any attempts to game without the specific approval of this Tribe is likely to be swiftly addressed not only by the Creek Nation, but also by the City of Broken Arrow. It is also my understanding from the City's outside sovereignty attorney that the City would have the ability to bring an action for injunctive relief should that become necessary.

City Staff has devoted a number of hours responding to requests for information, meeting with you and your client, and discussing the proposed development with Mr. Bruner's representatives. You and your client both represented that no gaming would occur at this location unless it was approved through all legal channels. In my opinion, the application for gaming submitted to the National Indian Gaming Commission flies in the face of these representations, particularly because the Muscogee Creek Nation Gaming Commission has not authorized gaming at this location.

I would appreciate any information that you can provide that your client will not game on this Allotment. The City remains willing to assist with any development that does not involve gaming. Thank you for your cooperation in this regard.

Very Truly Yours,

A handwritten signature in cursive script that reads "Beth Anne Childs".

Beth Anne Childs
City Attorney

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