

**NATIONAL
INDIAN
GAMING
COMMISSION**

AUG 17 1999

William Walksalong, President
Northern Cheyenne Tribal Council
P.O Box 128
Lame Deer, Montana 59043

Dear President Walksalong:

This letter constitutes formal approval by the Chairman, National Indian Gaming Commission (NIGC) for the revised gaming ordinance of the Northern Cheyenne Tribe, Ordinance # 22(96), adopted on August 19, 1996.

Under the Indian Gaming Regulatory Act (IGRA), the Chairman, NIGC, is directed to review tribal gaming ordinances for compliance with the requirements of the IGRA and the regulations which implement the statute. The scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Please note also that the ordinance is approved for gaming only on Indian lands as defined in IGRA.

In a letter dated December 7, 1993, the Chairman, NIGC, noted his approval of the Tribe's initial gaming ordinance, Ordinance # 13 (93). By its terms, the revised gaming ordinance becomes effective upon approval by the Chairman, NIGC, whereupon the initial ordinance is deemed repealed and entirely replaced by the revised gaming ordinance. Under NIGC regulation, a tribe is to submit any amendment to a gaming ordinance within 15 days of its adoption. This revised ordinance appears to have been first provided to the NIGC, along with copies of gaming audits for the years 1993, 1994, and 1996, under cover of your letter dated October 31, 1997, although receipt of this revised ordinance is not confirmed. Submission of the audits rather than the revised ordinance appears to have been the thrust of the letter. In any event, an action to review and approve the revised ordinance was not undertaken at the NIGC, a matter recently brought to the attention of my staff. We have now accomplished this review.

IGRA contemplates ordinance review and decision by the Chairman within 90 days of the submission of a gaming ordinance. Any such ordinance not acted upon at the end of the 90-day period shall be considered to have been approved by the Chairman, to the extent that the ordinance is consistent with the IGRA. See 25 U.S.C. § 2710 (e). Assuming the Tribe's letter of October 31, 1997, constitutes a "submission" of the ordinance, the Tribe could have treated the revised ordinance as approved as of February 1, 1998. For our mutual purposes, the actual effective date of approval may not have significant consequence as both the revised ordinance and the original ordinance which it replaced comply with the provisions of IGRA and permit Class II and Class III gaming activity.

I seek your clarification on two issues related to the revised ordinance.

First, under NIGC regulations as found at 25 C.F.R. §§ 519.1 and 522.2, a tribe is to designate an agent for service of any official determination, order, or notice of violation and should include information regarding that designation with its submission of a gaming ordinance. The Tribe's initial gaming ordinance designates the Chairman, Northern Cheyenne Gaming Commission as the agent for such service. The revised ordinance does not contain the designation. Our intention is to continue to treat the gaming commission chairman as the designated agent. However, I ask that you affirm this designation in a response letter or provide designation of a new agent.

Second, although the revised ordinance contains the necessary provision regarding the conduct of independent audits, it does not contain specific language regarding the submission of these audit reports to the NIGC. Compare 25 C.F.R. § 522.4(3) with Section 505 of the revised ordinance. Submission of annual audits is covered in NIGC regulations and is a requirement with which the Tribe is familiar. I ask you pursue a technical amendment to the ordinance to cover this minor point and that you provide a copy of that technical amendment when it is adopted.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Montie R. Deer". The signature is written in a cursive, flowing style.

Montie R. Deer
Chairman

Copy to:
Chairman, Northern Cheyenne
Gaming Commission

TRIBAL COUNCIL OF THE NORTHERN CHEYENNE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA

ORDINANCE NO. 22 (96)

ORDINANCE OF THE NORTHERN CHEYENNE TRIBAL COUNCIL PROVIDING FOR REPEAL OF THE TRIBAL GAMING ORDINANCE (ORDINANCE NO. 13(93)) AND ADOPTION OF A REVISED TRIBAL GAMING ORDINANCE AUTHORIZING AND REGULATING CLASS II AND CLASS III GAMING ACTIVITIES WITHIN THE TRIBE'S JURISDICTION.

WHEREAS, the Tribal Council of the Northern Cheyenne Tribe is the governing body of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, by authority of the Amended Constitution and By-Laws of the Northern Cheyenne Tribe;

WHEREAS, Class II and Class III gaming on the Reservation has been authorized, regulated and operated by the Tribe through the Northern Cheyenne Reservation Gaming Commission ("Tribal Gaming Commission"), under Ordinance No. 13(93), and any amendments thereof;

WHEREAS, in performing its responsibilities over the past several years, the Tribal Gaming Commission has concluded that thorough revision of the existing Tribal Gaming Ordinance is necessary and, to that end, has carefully prepared the attached Revised Tribal Gaming Ordinance and recommended its adoption by the Tribal Council; and

WHEREAS, the Tribal Council has reviewed the attached Revised Tribal Gaming Ordinance, is satisfied with its terms, and has concluded that it should be adopted.

THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. The attached Ordinance, hereafter to be known as the "Revised Tribal Gaming Ordinance," is hereby approved and adopted.
2. The Revised Tribal Gaming Ordinance shall be submitted for approval to the Chairman of the National Indian Gaming Commission.
3. The Revised Tribal Gaming Ordinance shall be effective upon its approval by the Chairman of the National Indian Gaming Commission, whereupon Ordinance No. 13(93), and any amendments thereof, and any other Tribal ordinance or resolution, or portion thereof, inconsistent with the Revised Tribal Gaming Ordinance, shall be deemed repealed and entirely replaced by the Revised Tribal Gaming Ordinance.

ORDINANCE NO. 22 (96)
PAGE 2.

CERTIFICATION

PASSED, ADOPTED AND APPROVED by vote of the Northern Cheyenne Tribal Council by 13 votes for passage and adoption and no votes against passage and adoption with 1 abstention this 19th day of August, 1996.

Llevando Fisher
Llevando Fisher, Chairman
Northern Cheyenne Tribal Council

ATTEST:

Debbie BearQuiver
Debbie BearQuiver, Secretary
Northern Cheyenne Tribal Council
nk1010p00010000
gms0002.700

NOTED . . . 9-12-96
Mary Ann Beaumont
SUPERVISOR

40111111
NORTHERN CHEYENNE TRIBAL COUNCIL

AUG - 2 1999

NORTHERN CHEYENNE TRIBE

REVISED TRIBAL GAMING ORDINANCE

FINAL

TABLE OF CONTENTS

SECTION	PAGE
CHAPTER 1: LEGISLATIVE FINDINGS AND PURPOSE	1
SECTION 101. Authority	1
SECTION 102. Findings	1
1. Self-determination	1
2. Economic Pressures	1
3. Gaming as an Economic Enterprise	1
SECTION 103. Purpose	1
CHAPTER 2: GENERAL PROVISIONS	2
SECTION 201. Definitions	2
1. Applicable Law	2
2. Chairperson; Vice-Chairperson	2
3. Class I Gaming	2
4. Class II Gaming	2
5. Class III Gaming	2
6. Commissioner	2
7. Compact	2
8. Gaming Manager	2
9. Gaming Operation	3
10. IGRA	3
11. Key Employee	3
12. Management Contract; Management Contractor	3
13. National Gaming Commission	4
14. Net Revenues	4
15. Ordinance	4
16. Primary Management Official	4
17. Reservation	4
18. State	4
19. Tribal Council	4
20. Tribal Gaming Commission; Commission	4
21. Tribe	4
CHAPTER 3: AUTHORIZATION OF TRIBAL GAMING	5
SECTION 301. Tribal Gaming Authorized	5
SECTION 302. Tribe to Be Sole Gaming Proprietor	5
SECTION 303. Separate License for Each Location	5
SECTION 304. Negotiation of Compact Authorized	5
SECTION 305. Compliance with Law; Incorporation of Compact	5
1. Applicable Law	5
2. Incorporation of Compact	5

CHAPTER 4: TRIBAL GAMING COMMISSION 5

SECTION 401. Tribal Commission Established 5

SECTION 402. Structure of Tribal Commission 5

 1. Number and Appointment 5

 2. Qualifications 6

 3. Term -- Current Commissioners 6

 4. Term -- Future Commissioners 6

 5. Removal and Replacement 6

 6. Chairperson and Vice-Chairperson 6

 7. Registered Agent 6

 8. Gaming Manager 6

SECTION 403. Powers and Duties of Tribal Commission 7

 1. Oversight 7

 2. Inspection 7

 3. Protection of Public Health, Safety, and the Environment 7

 4. Resolution of Complaints 7

 5. Investigations 8

 6. Background Investigations; Gaming Licenses 8

 7. Coordination with Other Agencies 8

 8. Coordination with Private Entities 8

 9. Regulations 8

 10. Compact 8

 11. Establishment of List of Barred Persons 9

 12. Technical Standards 9

 13. Penalties 9

 14. Legal Remedies 9

 15. Emergency Action by Commissioners 9

 16. Gaming Development 9

SECTION 404. Tribal Commission Operations 9

 1. Quorum and Voting 9

 2. Recusal 10

 3. Chairperson 10

 4. Vice-Chairperson 10

 5. Meetings; Removal for Non-Attendance 10

 6. Committees 11

 7. Commissioners' Fees and Expenses 11

 8. Deposit of Funds 11

 9. Checks, Etc. 11

 10. Contracts 11

 11. Insurance 11

 12. Fiscal Year 11

 13. Books and Records 11

SECTION 405. Powers and Duties of Gaming Manager 12

 1. Day-to-Day Management 12

2. Oversight	12
3. Licensing	12
4. Hire, Supervise and Fire	12
5. Purchasing	12
6. Planning	12
7. Reporting	12
8. Patron Disputes	12
9. Hearings	12
10. Emergency Orders	13
CHAPTER 5: FINANCIAL MATTERS	13
SECTION 501. Application of Net Revenues	13
1. Youth, Elderly, Health and Education	13
2. Capital Costs and Reserve Accounts	13
3. No Per Capitas	14
SECTION 502. Annual Budgets	14
SECTION 503. Deposit of Receipts	15
1. Daily	15
2. Weekly	15
SECTION 504. Quarterly Reports to Council	15
SECTION 505. Audits	15
CHAPTER 6: BACKGROUND INVESTIGATIONS FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES	15
SECTION 601. Required Background Investigations	16
SECTION 602. Statement of Responsibilities	16
SECTION 603. Notices on Application Forms	16
SECTION 604. Notices to Existing Employees	17
SECTION 605. Information from Applicants	17
SECTION 606. Rules Regarding Background Investigations	18
1. Confidentiality of Third Party Sources	18
2. Retention of Records	18
3. Content of Investigative Report	18
SECTION 607. Eligibility Determinations	19
SECTION 608. Reporting to the National Commission	19
1. Notification Regarding Background Investigations and Eligibility Determinations	19
2. Procedure Following Decision to Hire Key Employee or Primary Management Official	19
CHAPTER 7: LICENSES	21
SECTION 701. Licenses	21
SECTION 702. Background Investigations	21
SECTION 703. Licensing Decision	21

SECTION 704. Work Permits 21
SECTION 705. Licensing of Vendors, Etc 21

CHAPTER 3: HEARINGS AND APPEALS 21
SECTION 801. Licensing Decisions 21
SECTION 802. Patron Disputes Regarding Particular Wagers 22
SECTION 803. Appeal to Tribal Court 22
SECTION 804. Confidential Information 22
SECTION 805. Hearing Procedures 23

CHAPTER 9: PROHIBITED ACTS AND PENALTIES 23
SECTION 901. Prohibited Acts 23
SECTION 902. Penalties 24

CHAPTER 1: LEGISLATIVE FINDINGS AND PURPOSE

SECTION 101. Authority. The Northern Cheyenne Tribe is a sovereign, federally-recognized Indian tribe. The Northern Cheyenne Tribal Council is authorized under Tribal law to promulgate Tribal ordinances. This Ordinance is enacted on the basis of the Tribe's inherent sovereign powers, and the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq. Upon approval of this Ordinance by the Chairman of the National Indian Gaming Commission, this Ordinance shall supersede and replace Tribal Ordinance No. 13(93), which has served as the Tribe's Class II and Class III gaming ordinance since its enactment on June 22, 1993, and subsequent approval by the Chairman of the National Indian Gaming Commission.

SECTION 102. Findings.

1. Self-determination. An explicit goal of federal Indian policy, as enunciated among other places in the Indian Gaming Regulatory Act, is to promote tribal economic development, self-sufficiency, and strong tribal government. The Tribe is deeply committed to these values.

2. Economic Pressures. The Tribe needs additional revenues to assist it in meeting its governmental responsibilities.

3. Gaming as an Economic Enterprise. Class II and Class III Gaming are appropriate subjects for a Tribal enterprise because:

a. Congress has found that Indian tribes have the right to regulate Class II and Class III Gaming activity on Indian lands if the gaming activity is not specifically prohibited by federal law and is conducted within a state which does not, as a matter of criminal law and policy, prohibit such activity. 25 U.S.C. § 2701(5).

b. Congress has provided a statutory basis for the operation of Class II and Class III Gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal government. 25 U.S.C. § 2702(1).

c. Montana law is not directly applicable on the Reservation, but federal law depends in part on certain policies underlying state gaming laws. Tribal gaming operations would not conflict with federal law.

SECTION 103. Purpose. The purpose of this Ordinance is to provide for the sound regulation of all Class II and Class III Gaming activities within the Tribe's jurisdiction, to prevent improper or unlawful conduct in the course of such activities, and to promote Tribal economic development, self-sufficiency, and strong Tribal government. This Ordinance does not apply to Class I Gaming.

CHAPTER 2: GENERAL PROVISIONS

SECTION 201. Definitions. For purpose of this Ordinance:

- 1. Applicable Law.** "Applicable Law" means IGRA, the regulations promulgated by the National Gaming Commission, any other lawfully applicable federal law or regulation, this Ordinance, any regulations or orders of the Tribal Gaming Commission, any other lawfully applicable Tribal law, and the Compact.
- 2. Chairperson; Vice-Chairperson.** "Chairperson" means the Commissioner chairing the Tribal Gaming Commission, and "Vice-Chairperson" means the Commissioner serving as vice-chairperson of the Tribal Gaming Commission.
- 3. Class I Gaming.** "Class I Gaming" has the meaning set forth in IGRA at 25 U.S.C. § 2703(6) and 25 CFR § 502.2. As currently defined, it means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations. Such gaming is not regulated by this Ordinance.
- 4. Class II Gaming.** "Class II Gaming" has the meaning set forth in IGRA at 25 U.S.C. § 2703(7) and 25 CFR § 502.3. In general, as currently defined it includes gaming such as bingo, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo. It also includes certain card games (although not blackjack (21) or other "banking" card games) to the extent such games are played in conformity with State law.
- 5. Class III Gaming.** "Class III Gaming" has the meaning set forth in IGRA at 25 U.S.C. § 2703(8) and 25 CFR § 502.4. As currently defined, it includes all forms of gaming that are not Class I or Class II gaming.
- 6. Commissioner.** "Commissioner" means a member of the Tribal Gaming Commission.
- 7. Compact.** "Compact" means any Class III Gaming compact as described in IGRA at 25 U.S.C. § 2710(d) between the Tribe and the State, and any renewal, extension or amendment thereof, which is in force under IGRA, including (without limitation) the compact currently in force entitled AGREEMENT BETWEEN THE NORTHERN CHEYENNE TRIBE AND THE STATE OF MONTANA CONCERNING CLASS III GAMING, executed on 9-28-93 and approved by the Assistant Secretary of the Interior for Indian Affairs on 12-13-93, which has subsequently been renewed on three occasions and, absent further renewal, will expire on 2-28-97. If there is no Compact in force and the Secretary of the Interior prescribes procedures under which Class III Gaming may be conducted on the Reservation as provided in IGRA at 25 U.S.C. § 2710(d)(7)(B)(vii) (or any amendment or successor thereof), all references to "Compact" in this Ordinance shall mean such Secretarial procedures.
- 8. Gaming Manager.** "Gaming Manager" means the day-to-day manager of all Class II and Class III Gaming Operations on the Reservation as provided in this Ordinance.

9. Gaming Operation. "Gaming Operation" means each site, including all related improvements, facilities and equipment, that is licensed by the Tribe for the operation of Class II or Class III Gaming on the Reservation. Under this Ordinance a Gaming Operation must be wholly-owned by the Tribe and operated by the Tribe directly or by a Management Contractor retained by the Tribe.

10. IGRA. "IGRA" means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq., including any amendments thereof.

11. Key Employee. "Key Employee" means:

a. A person who performs one or more of the following functions in a Class II or Class III Gaming Operation on the Reservation:

- i. bingo caller;
- ii. counting room supervisor;
- iii. chief of security;
- iv. custodian of gaming supplies or cash;
- v. floor manager;
- vi. pit boss;
- vii. dealer;
- viii. croupier;
- ix. approver of credit; or
- x. custodian of gambling devices including persons with access to cash and accounting records within such devices;

b. If not otherwise included, any other person whose total cash compensation with respect to the Gaming Operation is in excess of \$30,000 per year; or

c. If not otherwise included, the four most highly compensated persons in the Gaming Operation.

12. Management Contract; Management Contractor. "Management Contract" means any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor, which provides for the management of all or part of a Class II or Class III Gaming Operation on the Reservation. "Management Contractor" means a contractor

or subcontractor under a Management Contract.

13. National Gaming Commission. "National Gaming Commission" means the National Indian Gaming Commission established by IGRA at 25 U.S.C. § 2704.

14. Net Revenues. "Net Revenues" means gross revenues of a Class II or Class III Gaming Operation, including gross revenues from gaming and gross revenues from tobacco, food and beverage sales and any other commercial activities at the Gaming Operation, and interest and other earnings on such revenues, less: (a) amounts paid out as or for prizes; (b) total gaming-related operating expenses, excluding management fees (if any); and (c) total operating expenses of all other ancillary commercial activities.

15. Ordinance. "Ordinance" means this Tribal Gaming Ordinance, including any amendments hereof.

16. Primary Management Official. "Primary Management Official" means a person who performs one or more of the following functions in a Class II or Class III Gaming Operation on the Reservation:

- a. any person having management responsibility for a Management Contract;
- b. any person who has authority (i) to hire or fire gaming employees; or (ii) to set up working policy for the Gaming Operation; or
- c. the chief financial officer or other person who has financial management responsibility with respect to the Gaming Operation.

17. Reservation. "Reservation" means the Northern Cheyenne Indian Reservation, including any lands which may hereafter be added thereto, and any other lands on which the Tribe may lawfully regulate or conduct a Class II or Class III Gaming Operation under the Applicable Law.

18. State. "State" means the State of Montana, and its authorized officials, agents, and representatives.

19. Tribal Council. "Tribal Council" means the Northern Cheyenne Tribal Council.

20. Tribal Gaming Commission; Commission. "Tribal Gaming Commission" and "Commission" each means the Northern Cheyenne Gaming Commission established by this Ordinance.

21. Tribe. "Tribe" means the Northern Cheyenne Tribe, and its authorized officials, agents, and representatives.

CHAPTER 3: AUTHORIZATION OF TRIBAL GAMING

SECTION 301. Tribal Gaming Authorized. The Tribal Council hereby authorizes one or more Tribally-owned Gaming Operations on the Reservation to offer all forms of Class II and Class III Gaming which are lawful, or which may become lawful, under Applicable Law.

SECTION 302. Tribe to Be Sole Gaming Proprietor. The Tribe, rather than individual Tribal members or others within the jurisdiction of the Tribe, shall have the sole proprietary interest in and responsibility for the conduct of any Class II or Class III Gaming Operation on the Reservation. This provision shall not preclude the Tribe from entering into a lawful Management Contract under 25 U.S.C. § 2711 in connection with such a Tribally-owned Gaming Operation.

SECTION 303. Separate License for Each Location. The Tribal Gaming Commission shall issue a separate license to each Class II or Class III Gaming Operation allowed to operate on the Reservation.

SECTION 304. Negotiation of Compact Authorized. The Tribal Gaming Commission is authorized to negotiate with the State for the renewal, extension, amendment, replacement, or establishment of any Compact with the State, provided that any Compact, or renewal, extension or amendment thereof, must be specifically approved by the Tribal Council.

SECTION 305. Compliance with Law; Incorporation of Compact.

1. Applicable Law. All Class II and Class III Gaming Operations on the Reservation shall be conducted in accordance with all Applicable Law. This Ordinance (which is part of Applicable Law) shall be construed in a manner which conforms to all other Applicable Law.

2. Incorporation of Compact. The terms of the Compact are hereby incorporated into this Ordinance. In the event of any inconsistency between any provisions of the Compact and this Ordinance, the Compact shall govern.

CHAPTER 4: TRIBAL GAMING COMMISSION

SECTION 401. Tribal Commission Established. The Tribal Council hereby establishes a Tribal governmental agency to be known as the Northern Cheyenne Gaming Commission, which shall be responsible for the successful, safe, lawful, and honest operation of Class II and Class III Gaming Operations on the Reservation.

SECTION 402. Structure of Tribal Commission.

1. Number and Appointment. The Tribal Gaming Commission shall consist of five Commissioners. Each Commissioner shall be appointed by the Tribal President with the concurrence of the Tribal Council. The Tribal President and Tribal Vice-President shall be *ex officio*, non-voting members of the Tribal Gaming Commission.

2. Qualifications. Each Commissioner must be a member of the Tribe. Two Commissioners must be members of the Tribal Council, and the other three Commissioners must be residents of the Reservation who are not members of the Tribal Council. Best efforts shall be made to appoint one Commissioner from each of the five Reservation districts. Each Commissioner shall be a person of great integrity, deeply committed to the best interests of the Tribe, and capable through background, experience and/or education to competently perform the duties of office. Hereafter, before appointing a person as Commissioner under subsection 4 or 5 below, to assure that the person is qualified the Tribal Council shall inquire into the person's background, experience, education, criminal record (if any), reputation, habits and associations, by such means as the Council considers warranted and appropriate.

3. Term -- Current Commissioners. The current Commissioners shall serve until the regular Tribal election of 1996 and until their successors are appointed.

Section 402(4) is amended to read:

4. Term -- Future Commissioners. All Commissioners shall serve for four year, staggered terms, and until their successors are appointed. Each Commissioner shall sit until their term of office has expired or they are otherwise removed. Upon expiration of his or her term of office another member of the Tribal Council may be appointed or the same Council member may be re-appointed if he or she retains his or her seat on the Council. After the regular Tribal election of 2000 and after the regular election every four years thereafter, three Commissioner seats shall be declared open and appointments made to those seats. Two Commissioner seats shall be declared open and appointments made after the Tribe's 2002 election and every four years thereafter.

5. Removal and Replacement. A Commissioner may be suspended or removed at any time, without a hearing, by concurrence of the Tribal President and the Tribal Council for any reason they deem sufficient in their discretion. If a seat on the Commission becomes vacant due to removal, resignation, death, or any other reason, a replacement shall be appointed for the remainder of the replaced person's term.

6. Chairperson and Vice-Chairperson. From among the Commissioners, the Tribal Gaming Commission shall designate a Chairperson and Vice-Chairperson of the Commission. The Chairperson and Vice-Chairperson shall serve at the pleasure of the Commission.

7. Registered Agent. The Chairperson of the Tribal Gaming Commission shall be the agent for service of process pursuant to 25 CFR § 522.2(g).

8. Gaming Manager. The Tribal Gaming Commission shall appoint a Gaming Manager, who shall report to the Commission and the Tribal Council, and shall have the powers and duties described in section 405 and elsewhere in this Ordinance. The Gaming Manager shall be a salaried employee whose salary shall not be based on a percentage of gaming revenues. The

Gaming Manager may be terminated at any time for cause by the Tribal Gaming Commission subject to and in accordance with all applicable provisions of the Tribe's Personnel Policies.

SECTION 403. Powers and Duties of Tribal Commission. The Tribal Gaming Commission shall have the following powers and duties:

1. Oversight. The Tribal Gaming Commission shall have primary responsibility for oversight of Class II and Class III Gaming Operations on the Reservation. The Commission shall supervise the Gaming Manager and any Management Contractor, and shall report to the Tribal Council.

2. Inspection. The Tribal Gaming Commission may employ inspectors (all of whom shall be licensed as gaming employees under this Ordinance) who may be present at any Class II or Class III Gaming Operation on the Reservation during any hours of operation, and who shall be under the supervision of the Commission and (as determined by the Commission) the Gaming Manager, and shall not be under the supervision of any Management Contractor. Such inspectors shall have unfettered access to all areas and aspects of the Gaming Operation at all times, including locked or secured areas. Personnel employed by the Gaming Operation or a Management Contractor shall provide such inspectors immediate access to all such areas on request at any time. Such inspectors shall report to the Tribal Gaming Commission regarding any failure by the Gaming Operation to comply with any Applicable Law.

3. Protection of Public Health, Safety, and the Environment. The Tribal Gaming Commission shall assure that the construction, maintenance, and operation of any Class II or Class III Gaming Operation on the Reservation shall at all times be conducted and maintained in a manner which adequately protects public health, safety, and the environment, and complies with all Applicable Law. In particular, the Commission shall prepare a plan for the protection of public safety and the physical security of patrons in each Gaming Operation, setting forth the respective responsibilities of the Commission, the security department of the Gaming Operation, any Tribal police agency, and if appropriate, any federal, state, or local police agency. The Tribal Gaming Commission shall review and approve floor plans and surveillance systems for each Gaming Operation on the Reservation and may confer with other governmental or private parties regarding the adequacy of such plans and systems. The Commission shall enforce the health and safety standards applicable to the Gaming Operation in accordance with this Ordinance. A Gaming Operation must obtain a certificate of compliance, which shall be issued by the Tribal Gaming Commission upon a determination that the Gaming Operation complies with such standards.

4. Resolution of Complaints. All written complaints from any person regarding any aspect of a Class II or Class III Gaming Operation on the Reservation shall be reviewed by the Tribal Gaming Commission and the complaint file shall be retained for at least 5 years. The Tribal Gaming Commission, including on-site inspectors, may assist in seeking agreed resolution of any complaint. The Commission may receive any complaint from an employee of the Gaming Operation or any member of the public who claims to be adversely affected by an act or omission of the Gaming Operation or any person associated with it which is alleged to be

unlawful, negligent or otherwise improper and may require such remedial action as it deems appropriate to bring the Gaming Operation into compliance. The Tribal Gaming Commission may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful to resolve such complaint, provided that the Commission shall hold hearings on licensing disputes and patron disputes regarding particular wagers as provided in sections 801 and 802.

5. Investigations. The Tribal Gaming Commission may on its own initiative investigate any aspect of a Class II or Class III Gaming Operation on the Reservation to protect the public interest in the integrity of such gaming activities and to prevent or remedy improper or unlawful conduct in the course of such gaming activities. The Commission shall investigate any report of a failure of the Gaming Operation to comply with Applicable Law, and may require the Gaming Operation to take any corrective action the Commission may determine appropriate. The Tribal Gaming Commission may compel any licensee or person employed by or doing business with the Gaming Operation to appear before it and to provide such information, documents, or other materials as may be in their possession or control to assist in any such investigation.

6. Background Investigations; Gaming Licenses. The Tribal Gaming Commission shall conduct, or have conducted, any background investigations required or permitted under Applicable Law, and shall issue, suspend, and revoke all licenses pertaining to Class II or Class III Gaming on the Reservation.

7. Coordination with Other Agencies. The Tribal Gaming Commission shall coordinate its activities and cooperate with other relevant agencies, including the National Gaming Commission and other federal agencies, and any agencies of the State with which the Tribe cooperates pursuant to the Compact. The Tribal Gaming Commission may provide any information to such agencies which must or may be provided under Applicable Law.

8. Coordination with Private Entities. The Tribal Gaming Commission shall supervise, oversee, and, to the extent appropriate, coordinate its activities with, any Management Contractor, and any other contractors, vendors, suppliers, or other private entities with any involvement in any aspect of a Class II or Class III Gaming Operation on the Reservation.

9. Regulations. The Tribal Gaming Commission may promulgate, review, and revise as necessary regulations, rules, and procedures to govern and facilitate the operation and management of Class II or Class III Gaming Operations on the Reservation in accordance with Applicable Law. Such regulations, rules, and procedures shall be subject to rescission or amendment by the Tribal Council.

10. Compact. The Tribal Gaming Commission shall take all actions necessary to assure that Class III Gaming on the Reservation is conducted in compliance with the Compact and that the responsibilities and duties of the Tribe and Tribal Gaming Commission set forth in the Compact are met.

11. Establishment of List of Barred Persons. The Tribal Gaming Commission may bar any person from working or gaming in a Class II or Class III Gaming Operation on the Reservation if in the view of the Commission such person's history, associations, reputation, habits, or behavior poses a threat to the integrity of such gaming activities, or to the safe and lawful operation of those activities. This list may be shared with other public or private agencies under subsections 7 and 8 above.

12. Technical Standards. Consistent with Applicable Law, the Tribal Gaming Commission may promulgate, review, and revise as necessary technical standards and rules for each Class II and Class III game of chance operated on the Reservation.

13. Penalties. The Tribal Gaming Commission may impose penalties for violations of this Ordinance or the Compact in accordance with chapter 9 of this Ordinance.

14. Legal Remedies. The Tribal Gaming Commission may in its own name bring any civil action or criminal complaint in the courts of the Tribe, a state, or the United States to enforce the provisions of Applicable Law or to enjoin or otherwise prevent any violation of Applicable Law. However, the Tribe, the Tribal Gaming Commission, and any of their respective officials, agents, and representatives acting within their authority shall retain sovereign immunity from suit in any court or tribunal, including immunity from counterclaims, except as expressly provided otherwise in this Ordinance.

15. Emergency Action by Commissioners. If emergency action is required to protect the public interest in the integrity of Class II or Class III Gaming Operations on the Reservation, or preserve the safe and lawful conduct of such operations, and there is insufficient time to convene a meeting of the Tribal Gaming Commission, the Chairperson, or two Commissioners acting in the absence of the Chairperson, may issue in the name of the Commission any order which the Commission has the power to issue to any gaming employee, Management Contractor, gaming patron, or other person within the jurisdiction of the Tribe, to take or refrain from any action as may be required to protect such public interest or preserve such safe and lawful operations. The Tribal Gaming Commission shall review such emergency order at its earliest opportunity and confirm, modify or vacate it. An unreviewed emergency order shall lapse within 10 days, or a lesser period as specified in the order, and must so state.

16. Gaming Development. The Tribal Gaming Commission shall have primary responsibility for procuring and developing proposals and plans for the expansion of existing Gaming Operations and the establishment of new Gaming Operations on the Reservation, provided that no such plan or proposal may be committed to or implemented without the prior approval of the Tribal Council on such terms and conditions as the Council may stipulate. Upon approval of such plan or proposal, the Tribal Gaming Commission shall oversee and report to the Council on its execution.

SECTION 404. Tribal Commission Operations.

1. Quorum and Voting. Three Commissioners shall constitute a quorum. The

warranted by the Commission.

6. Committees. The Tribal Gaming Commission may from time to time establish committees of Commissioners having such responsibilities as the Commission may determine, provided that the Commission shall not delegate its powers or duties to any committee, Commissioner, employee or agent.

7. Commissioners' Fees and Expenses. At rates set by the Tribal Gaming Commission in line with generally prevailing rates for service on Tribal commissions or boards, a fee shall be paid and out-of-pocket expenses shall be reimbursed to the Commissioners for in-person participation at Commission meetings or other functions or activities of or on behalf of the Commission (including travel time on the same day to off-Reservation sites). Such fees and expenses shall not be paid, however, to any Commissioner who is receiving compensation for the time spent or expense reimbursement as a member of the Tribal Council or as an employee of or contractor to the Tribal Gaming Commission or the Tribe.

8. Deposit of Funds. Until remitted to the Tribal Treasurer, all funds of the Tribal Gaming Commission not otherwise invested or employed shall be deposited in interest-bearing bank or investment accounts. Each account shall be in the name of the Tribal Gaming Commission.

9. Checks, Etc. All checks, drafts, other orders for payment of money, notes or other evidences or indebtedness, and securities or other valuable instruments, issued in the name of or payable to the Tribal Gaming Commission, shall be signed or endorsed on behalf of the Commission by the Chairperson or Gaming Manager, provided the Commission may adopt more stringent signing or endorsement procedures.

10. Contracts. When authorized by the Tribal Gaming Commission, the Chairperson or Gaming Manager may, in the name and on behalf of the Commission, enter into contracts or execute and deliver other legal instruments. Such authorization may be general or confined to specific transactions.

11. Insurance. The Tribal Gaming Commission shall procure and maintain fire, theft and casualty insurance on valuable Tribal property involved in Class II or Class III Gaming Operations on the Reservation, general liability insurance, and other appropriate insurance, in such amounts and with such deductibles as the Commission determines prudent in light of the costs thereof and funds available to pay such costs.

12. Fiscal Year. The fiscal year of the Tribal Gaming Commission shall be the same as the fiscal year of the Tribe.

13. Books and Records. The Tribal Gaming Commission shall assure that all financial books and records, minutes, and other material books, records, documents, correspondence and contracts of the Commission, are competently and securely maintained at the headquarters of the Commission. All such materials shall be made available at any reasonable time for inspection

and copying by any Commissioner, and any duly authorized representative of the Tribal President or Tribal Council. Upon terminating office or employment, a Commissioner, Gaming Manager, and employee and agent of the Tribal Gaming Commission shall turn over to his/her successor or the Chairperson or Gaming Manager, in good order, all monies, books, records, minutes, documents, contracts, or other property of the Commission in his/her custody or control.

SECTION 405. Powers and Duties of Gaming Manager. Subject to the supervisory authority and direction of the Tribal Commission and its Chairperson, the Gaming Manager shall have the following powers and duties with respect to Class II and Class III Gaming Operations on the Reservation, in addition to such other powers and duties as may be set forth in this Ordinance or other Applicable Law, or assigned by the Tribal Gaming Commission or the Tribal Council:

1. Day-to-Day Management. The Gaming Manager shall manage the day-to-day activities of the Gaming Operations, in a manner which assures that all aspects of such operations comply with Applicable Law, including any necessary or appropriate coordination with the State, the National Gaming Commission, or other government agencies.

2. Oversight. The Gaming Manager shall oversee the proper generation of revenues, making of expenditures, and keeping of books and records of the Gaming Operations.

3. Licensing. The Gaming Manager shall conduct or arrange for background investigations, and make recommendations to the Tribal Gaming Commission regarding its grant or denial of any license.

4. Hire, Supervise and Fire. The Gaming Manager shall hire, supervise, train, and discharge employees, at pay scales and other forms of compensation or benefits approved by the Tribal Gaming Commission, provided that Primary Management Officials may be hired and discharged only with the prior approval of the Commission.

5. Purchasing. The Gaming Manager shall purchase and sell personal property used or to be used in the Gaming Operations, within specified limits approved by the Tribal Gaming Commission.

6. Planning. The Gaming Manager shall assist with planning, budgeting, expansion, and development of the Gaming Operations.

7. Reporting. The Gaming Manager shall report frequently to the Chairperson and regularly to the Tribal Commission with respect to all material aspects of the Gaming Operations; and, as directed or otherwise required, report to the Council regarding the Gaming Operations.

8. Patron Disputes. The Gaming Manager shall attempt to resolve gaming patron disputes, and shall remove or arrange for the removal of disruptive or disorderly persons from Gaming Operation premises.

9. Hearings. If delegated the authority to do so by the Tribal Gaming Commission, the

General Manager shall conduct hearings, investigations, or inquiries. In connection therewith, the Gaming Manager shall have authority to compel the production of any information or documents and otherwise exercise the investigatory powers of the Commission.

10. Emergency Orders. If emergency action is required to protect the public interest in the integrity of the Gaming Operations, or preserve the safe and lawful conduct of such operations, and there is insufficient time under section 403.15 to convene a meeting of the Tribal Gaming Commission, locate the Chairperson, or locate two Commissioners, the Gaming Manager may issue in the name of the Commission any order which the Commission has the power to issue to any gaming employee, Management Contractor, gaming patron, or other person within the jurisdiction of the Tribe, to take or refrain from any action as may be required to protect such public interest or preserve such safe and lawful operations. The Tribal Gaming Commission shall review such emergency order at its earliest opportunity and confirm, modify or vacate it. An unreviewed emergency order shall lapse within 10 days, or a lesser period as specified in the order, and must so state.

CHAPTER 5: FINANCIAL MATTERS

SECTION 501. Application of Net Revenues. Net revenues from all Class II and Class III Gaming Operations on the Reservation shall be applied as follows:

1. Youth, Elderly, Health and Education. 50% of the Net Revenues for each fiscal year shall be used to fund Tribal youth, elderly, health, and education programs. At any time during the fiscal year the Tribal Council may direct that 50% of accrued and unallocated Net Revenues be made available for use in such programs. Promptly after the close of each fiscal year, the Tribal Gaming Commission shall assure that 50% of the total Net Revenues for the fiscal year have been made available for use in such programs. All such allocations made during or after the close of the fiscal year shall be accompanied by a report to the Tribal Council describing how the sum was calculated and containing sufficient information to enable verification of the calculation. The Tribal Council shall allocate this entire annual sum among the four programs, in such relative proportions as the Tribal Council considers appropriate.

2. Capital Costs and Reserve Accounts. The remaining 50% of the Net Revenues for each fiscal year shall be allocated by the Tribal Gaming Commission among the following uses, in such relative proportions as the Commission considers appropriate:

- a. Pay as they become due costs ("Capital Costs") for the following:
- acquisition by purchase, lease or other means of machines, devices, equipment, fixtures, sites, buildings, and other facilities for use in the Gaming Operations
 - upgrading, expansion or repair of such items
 - planning and implementing expansion of existing or development

of new Gaming Operations provided such expansion or development has been approved by the Tribal Council as required by section 403.16

b. Fund a Capital Costs Reserve Account as a reserve for the payment of future Capital Costs.

c. Fund an Operating Costs Reserve Account as a reserve for the payment of future operating costs of the Gaming Operations ("Operating Costs").

3. No Per Capitas. Under no circumstances shall any Net Revenues from Class II or Class III Gaming Operations on the Reservation be used to fund per capita payments.

SECTION 502. Annual Budgets. Before the close of each fiscal year, the Tribal Gaming Commission shall present to the Tribal Council for approval a proposed budget for Class II and Class III Gaming Operations on the Reservation for the coming fiscal year. Without limitation, the budget shall project the following for the coming fiscal year, with accompanying explanations:

- Net Revenues
- Operating Costs
- Capital Costs
- gross amount to be available for youth, elderly, health and education programs under section 501.1
- deposits in the Operating Costs Reserve Account and balance at end of coming fiscal year
- deposits in the Capital Costs Reserve Account and balance at end of coming fiscal year
- any other information necessary to enable the Council to understand and analyze the proposed budget and approve a budget.

Once a budget is approved, the Tribal Gaming Commission and Gaming Manager shall assure that it is followed to the fullest extent possible. The Commission may propose that the Council approve modifications of the approved budget to accommodate changed or unanticipated circumstances, or to otherwise make the budget realistic in light of actual and projected performance of the Gaming Operations during the fiscal year, provided that the Commission may increase any line item in the approved budget by up to 10% without Tribal Council approval, so long as the Commission makes compensating decreases in other line items.

SECTION 503. Deposit of Receipts. The Tribal Gaming Commission and Gaming Manager shall assure that:

1. Daily. All revenues from Class II and Class III Gaming Operations on the Reservation are deposited on a daily basis in interest-bearing bank or investment accounts in the name of the Tribal Gaming Commission or the Tribe, and that a daily report itemizing each such deposit is provided to the Tribal Treasurer and, on written request, to the Tribal Council or the Tribal President.

2. Weekly. No less frequently than weekly, all sums in such accounts, less amounts withheld to cover reasonable immediate cash needs, are paid to the Tribal Treasurer who shall credit and apply such funds in accordance with the allocations made under section 501.1 and 501.2 .

SECTION 504. Quarterly Reports to Council. Promptly after the end of each quarter of the fiscal year, the Chairperson, Gaming Manager, and Tribal Treasurer shall jointly prepare a written report on Class II and Class III Gaming Operations and present it to the Tribal Council and the Tribal President. Without limitation, each report shall provide the following information for the quarter and fiscal year to-date in reasonable detail and with accompanying explanations:

- Net Revenues
- Operating Costs
- Capital Costs
- sums deposited in and current balance of Operating Costs Reserve Account
- sums deposited in and current balance of Capital Costs Reserve Account
- any other information necessary to adequately describe the performance of the Gaming Operations during the reporting period.

SECTION 505. Audits. Separate and apart from any audit of other Tribal operations, all Class II and Class III Gaming Operations on the Reservation shall be audited annually by an independent certified public accountant as required under 25 CFR § 522.4(b)(3). Copies of the annual audit shall be provided to the Tribal Council, the Tribal President, and each Commissioner. All gaming-related contracts that result in purchase of supplies, services, or concessions for \$25,000 or more in any year shall be specifically included within the scope of such audit. The audit shall include (without limitation) a profit and loss statement and an inventory of all machines, devices, equipment, and fixtures involved in the Gaming Operations. The audit shall be completed by July 30 of each year. The Tribal Gaming Commission or Tribal Council may call for special audits at any time.

**CHAPTER 6: BACKGROUND INVESTIGATIONS FOR
PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES.**

SECTION 601. Required Background Investigations. All Primary Management Officials and Key Employees of any Class II or Class III Gaming Operation on the Reservation, including the Gaming Manager, shall be subject to background investigations as required by Applicable Law. A background investigation shall be conducted at the outset of employment, and shall be ongoing. The Tribal Gaming Commission may, pursuant to Compact or other agreement, accord responsibility to the State or some other entity with respect to background investigations. Otherwise, the Tribal Gaming Commission shall be directly responsible for such investigations.

SECTION 602. Statement of Responsibilities. The Tribe shall bear ultimate responsibility for background investigations, and shall make eligibility determinations under section 607. Once a Gaming Manager has been fully investigated and appointed, the Tribal Commission may delegate to the Gaming Manager the duty of conducting or causing to be conducted background investigations regarding other Key Employees and Primary Management Officials, subject to the review and approval of the Tribal Commission.

SECTION 603. Notices on Application Forms. Any application form for a Key Employee or Primary Management Official shall include the following privacy notice and a notice regarding penalties for false statements:

In compliance with the Privacy Act of 1974 the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701, et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a Gaming Operation on the Northern Cheyenne Reservation. The information will be used by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by the Northern Cheyenne Tribe or the National Indian Gaming Commission in connection with the hiring and firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with the Northern Cheyenne Tribe or a Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in the Northern Cheyenne Tribe's being unable to hire you as a Primary Management Official or Key Employee in gaming on the Northern Cheyenne Reservation. The disclosure of your social security number is voluntary. However, failure to supply your social security number may result in errors in processing your application.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also you may be punished by fine or imprisonment for your false statement under 18 U.S.C. § 1001.

otherwise listed pursuant to subsection 8 or 9 above, the criminal charge, the name and address of the court involved and the date and disposition.

11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted.

12. A photograph.

13. Any other information the Tribal Gaming Commission or Tribal Council deems relevant.

14. Fingerprints certified as adequate by a professional law enforcement agency. The Tribal Gaming Commission shall arrange for the obtaining and processing of fingerprints through the Bureau of Indian Affairs' Police Department facilities at Lama Deer, Montana.

SECTION 606. Rules Regarding Background Investigations.

1. **Confidentiality of Third Party Sources.** The Tribe, the Tribal Gaming Commission, and all affiliated agents and employees shall keep confidential the identity of each person interviewed in the course of a background investigation.

2. **Retention of Records.** The Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for at least 3 years from the later of the date made or date of termination of employment. Such records shall be made available on request of the Tribal Council or the National Gaming Commission.

3. **Content of Investigative Report.** Background investigations must be of sufficient quality to enable the Tribal Gaming Commission to make a determination under section 607. All relevant information submitted by the applicant should be verified by written or oral communication and noted in the report. The investigation must include a thorough inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations. It must also include interviews with a sufficient number of knowledgeable people such as former employers, personal references, and others referred to in order to provide a basis for the Tribal Gaming Commission to make a finding concerning the eligibility for employment in a Gaming Operation on the Reservation. The disposition of all potential problem areas noted and disqualifying information obtained must be thoroughly documented. An investigative report shall include:

- a. a statement of all steps taken in conducting the background investigation;
- b. a statement of the results obtained;
- c. a statement of the conclusions reached by the investigator; and

- d. the bases for those conclusions.

SECTION 607. Eligibility Determinations.

1. The Tribal Gaming Commission shall carefully review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the person's eligibility for a position as a Key Employee or Primary Management Official in Class II or Class III Gaming Operations on the Reservation. If the Tribal Gaming Commission in the course of this review determines that such involvement may pose a threat to the public interest or to the effective regulation of such gaming, or might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of such gaming, no Class II or Class III Gaming Operation on the Reservation may employ that person as a Key Employee or Primary Management Official.

2. No Class II or Class III Gaming Operation on the Reservation may employ as a Key Employee or Primary Management Official a person who has supplied materially false or misleading information or who has omitted material information required by Applicable Law.

SECTION 608. Reporting to the National Commission.

1. Notification Regarding Background Investigations and Eligibility Determinations. The Tribal Gaming Commission shall forward to the National Gaming Commission the following with respect to all persons investigated as candidates for Key Employee or Primary Management Official:

- a. all application information described in section 604;
- b. the investigative report described in section 606.3;
- c. the Tribal Gaming Commission's eligibility determination described in section 607; and
- d. a notification of the Tribal Gaming Commission's hiring decision.

2. Procedure Following Decision to Hire Key Employee or Primary Management Official.

a. When a Key Employee or Primary Management Official begins work in a Class II or Class III Gaming Operation on the Reservation, the Tribal Gaming Commission shall:

- (1) forward to the National Gaming Commission a completed application for employment that contains the notices and information listed in 25 CFR §§ 556.2 (privacy notice), 556.3 (notice regarding false statements), and 556.4 (background investigations); and

(2) conduct a background investigation under 25 CFR part 556 and sections 601 - 607 of this Ordinance to determine the eligibility of the Key Employee or Primary Management Official for continued employment in a Gaming Operation.

b. Upon completion of a background investigation and a determination of eligibility for employment in a Class II or Class III Gaming Operation on the Reservation, the Tribal Gaming Commission shall forward a report under 25 CFR § 556.5(b) and section 606.3 of this Ordinance to the National Gaming Commission within 60 days after the person begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Gaming Commission. A Gaming Operation regulated under this Ordinance shall not employ a Key Employee or Primary Management Official who does not have a license after 90 days.

c. During a 30-day period beginning when the National Gaming Commission receives a report submitted under subsection 608.2.b, the Chairman of the National Gaming Commission may request additional information from the Tribal Gaming Commission concerning a Key Employee or Primary Management Official who is the subject of such report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

d. If, within the 30-day period described in the subsection 2.c above, the National Gaming Commission notifies the Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or Primary Management Official for whom the Tribal Gaming Commission has provided the required application and investigative report to the National Gaming Commission, the Tribal Gaming Commission may go forward and issue a license to such applicant.

e. If, within the 30-day period described in subsection 2.c above, the National Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a Key Employee or Primary Management Official for whom the Tribal Gaming Commission has provided the required application and investigative report to the National Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

f. If, after the issuance of a gaming license, the National Gaming Commission notifies the Tribal Gaming Commission that it has received reliable information indicating that a Key Employee or Primary Management Official is ineligible for employment under Applicable Law, the Tribal Gaming Commission shall suspend the gaming license of such person and give the licensee written notice of the suspension and proposed revocation of the license. The Tribal Gaming Commission shall notify the licensee of the time and place for a hearing on the proposed revocation of license. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate the license. The Tribal Gaming Commission shall notify the National Gaming Commission of its decision.

CHAPTER 7: LICENSES

SECTION 701. Licenses. All employees in a Class II or Class III Gaming Operation on the Reservation shall be required to obtain a Tribal license as a gaming employee from the Tribal Gaming Commission, and for that purpose the Commission shall conduct or cause to be conducted background investigations of all such employees and shall deny or revoke such license for any employee whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of such gaming on the Reservation, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of such gaming.

SECTION 702. Background Investigations. Before issuing a license to an employee in a Class II or Class III Gaming Operation on the Reservation, the Tribal Gaming Commission shall forward the results of any background investigation to the National Gaming Commission.

SECTION 703. Licensing Decision. If the Tribal Gaming Commission determines, on the basis of a background investigation and such other information as it may obtain, that the applicant is qualified for a gaming employee license, the Commission may, but shall not be required to issue such license. The Commission, at its sole discretion, may impose any qualification for or conditions on such license it deems appropriate, or may refuse to issue such license despite an applicant's qualifications.

SECTION 704. Work Permits. All persons who are not gaming employees but work at any facility on the Reservation where authorized Class II or Class III Gaming occurs or is supervised or administered, must obtain a non-gaming work permit from the Tribal Gaming Commission. Such work permits shall be issued upon determining that the employee is not a threat to the effective regulation of Class II and III Gaming on the Reservation and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of such gaming. All applicants for work permits shall provide all information, if any, required of them in the Compact.

SECTION 705. Licensing of Vendors, Etc. Any person or entity proposing to sell, lease, or otherwise provide electronic games of chance, other gaming devices, or gaming services to for a Class II or Class III Gaming Operation on the Reservation must obtain a license to do so from the Tribal Gaming Commission. The standards with respect to such licenses shall be the same as those applicable to gaming employees, except that if applicant is a corporation, trust, or partnership, applications must be made by any person or entity holding 10% or more of any beneficial or legal interest in such entity.

CHAPTER 8: HEARINGS AND APPEALS

SECTION 801. Licensing Decisions. Any person whose application for a gaming-related license required by this Ordinance is denied, or whose license has been suspended or revoked, may obtain a hearing before the Tribal Gaming Commission by written request submitted within 15 days following receipt of notice of the action of the Commission. The Commission shall

SECTION 805. Hearing Procedures. The Tribal Gaming Commission, Tribal Council, Tribal Court, and Tribal Appellate Court, may adopt such additional procedures and rules for the conduct of hearings as they deem necessary or convenient so long as they are consistent with this Ordinance and other Applicable Law.

CHAPTER 9: PROHIBITED ACTS AND PENALTIES

SECTION 901. Prohibited Acts. It shall be a violation of this Ordinance for any person within the Tribe's jurisdiction to engage in the following conduct in connection with Class II and Class III Gaming on the Reservation:

1. Conduct or participate in a Gaming Operation other than one licensed by the Tribe.
2. Receive, distribute, apply, or divert any property, funds proceeds, or other assets of a Gaming Operation to the benefit of any person except as authorized by this Ordinance or other Applicable Law.
3. Tamper with any equipment used in the conduct of a Gaming Operation, or do any other act in connection with a Gaming Operation with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming Operation.
4. Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.
5. Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge not available to all players of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or to aid anyone in acquiring such knowledge.
6. Claim, collect, or take, or attempt to claim, collect or take, money or anything of value in or from a gaming device, machine, or dispenser with intent to defraud, without having made a wager, or to claim, collect, or take an amount greater than the amount won.
7. Place, increase, or reduce a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting, pressing, and pinching bets.
8. Manipulate, with the intent to cheat, any component of an electronic gaming device, machine, or dispenser in a manner contrary to the designed and normal operational purpose for the component.
9. Use legal tender or tokens other than those approved by the Tribal Gaming Commission, or use legal tender of a denomination not authorized for use in a gaming device.
10. Possess or use any device or means to cheat while at a Gaming Operation.

11. Behave in a threatening, disorderly, or disruptive manner or disturb the peace at a Gaming Operation.

12. Engage in gaming if under the age of 21, or assist, permit, or facilitate gaming by such person.

SECTION 902. Penalties. Any person within the jurisdiction of the Tribe who violates this Ordinance or other Applicable Law controlling Class II or Class III Gaming on the Reservation shall be subject to civil penalties including: exclusion from employment or other involvement in Gaming Operations on the Reservation; denial, suspension, or revocation of a Tribal gaming license; exclusion from attendance at Gaming Operations on the Reservation; if a non-member of the Tribe, exclusion from the Reservation; and/or a civil fine of not more than \$5,000 for each violation. The Tribal Gaming Commission shall have the jurisdiction to impose such civil penalties, except that exclusion from the Reservation must be pursued in Tribal Court as provided in the Tribal Law & Order Code. In addition, persons subject to the criminal jurisdiction of the Tribe shall be subject to criminal prosecution in Tribal Court or other courts of competent jurisdiction for offenses committed under Applicable Law.

* * * * *