July 10, 2009

Via U.S. Mail and Facsimile

Kelly Haney, Principal Chief
Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74850
Fax: 405-257-7209

Elizabeth Homer
Homer Law
1730 Rhode Island Ave. NW, Ste. 501
Washington, DC 20036
Fax: 202-955-5605

Re: Amendment called the Seminole Nation Public Gaming Act of 2009

Dear Chief Haney and Ms. Homer:

On June 17, 2009, Ms. Homer, on behalf of the Seminole Nation of Oklahoma (Nation), requested that the Chairman of the National Indian Gaming Commission (NIGC or Commission) review and approve the Seminole Nation Public Gaming Act of 2009 (gaming ordinance). The Nation amended the gaming ordinance on June 6, 2009, via Resolution No. TO 2009-08. In this amendment, the Nation replaced the old gaming ordinance with the new and updated version.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) or the Commission's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

Philip N. Hogen
Chairman

SEMINOLE NATION PUBLIC GAMING ACT OF 2009

JUN 18 2009

SEMINOLE NATION CODE OF LAWS
TITLE 15

GENERAL PROVISIONS

Section 1. Title.

This Act shall be cited as the "Seminole Nation Public Gaming Act of 2009."

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 2. Authority.

The Nation is empowered to enact this Act pursuant to the Constitution of the Seminole Nation, Art. V, Sec. (a) & (d).

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 3. Findings.

The General Council finds that:

(a) The present needs of the Seminole people include employment and training, health care, education opportunities, nutrition, mental health, juvenile services, housing, planning and development, legal services, senior citizen programs and social services which are not presently being met in sufficient quantity by United States government agencies;

(b) The Seminole Nation desires to be self-sufficient in its internal affairs, as reliance upon federal resources has been adverse to the quality of life within this nation in both the recent and far past;

(c) The Seminole Nation wishes to promote its economic development, self-sufficiency, and capacity for self-governance;

(d) The regulation of public gaming within the Seminole Nation is in the interest of the Seminole people and their health and welfare;

(e) Public gaming operations have been introduced to the Seminole Nation, and it is of vital interest to the public health, safety and welfare of the Seminole people that the Nation regulated public gaming in a manner commensurate with the interests of the Seminole people; and

(f) The Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701 *et seq.*, recognizes the authority of the Seminole Nation to regulate gaming within its borders.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 4. Purposes.

The purposes of this Act are to:

(a) Promote the public health, safety, welfare, and standard of living of the Seminole people by regulation of public gaming activities and to generate revenue for self-perpetuation and essential governmental services;

(b) Promote economic development, self-sufficiency, and a strong government for the Seminole Nation;

(c) Establish the legal and regulatory framework for the regulation, control, and licensing of all classes of gaming activities within the jurisdiction of the Seminole Nation, including Class I, II, and III gaming activities;

(d) Establish the powers and authority of the Seminole Nation Gaming Agency, as successor in interest to the Seminole Nation Gaming Commission, and create the position of Chief Gaming Regulator to supervise, direct, and lead the SNGA, which shall serve as the primary regulator of the Seminole Nation's gaming activities, and which shall have the power and authority to:

(1) License the Nation's gaming facilities, employees, vendors, and financers;

(2) Monitor and regulate all gaming activities conducted within the jurisdiction and authority of the Nation;

(3) Adopt and implement such rules and regulations as may be necessary to carry out the purposes of this Act;

(4) Conduct investigations and sanction violations of the gaming laws and regulations of the Seminole Nation;

(5) Conduct hearings; and

(6) Establish a schedule of fees and monetary penalties;

(e) Establish the Seminole Nation Office of Gaming Appeals and the position of Chief Administrative Law Judge to hear appeals of SNGA –

(1) Licensing decisions;

(2) Enforcement actions;

(3) Directives issued to licensees;

(4) Approvals of licensee actions;

(5) Denials of requests; and

(6) Actions taken on patron complaints;

(f) Ensure that Seminole Nation gaming laws are fully and fairly enforced in accordance with principles of fundamental fairness and due process of law in relation to all persons involved in gaming activities under the jurisdiction of the Nation; that the Seminole Nation's gaming activities are conducted fairly and honestly by both gaming operators and players; and that such gaming activities remain free from corrupt, incompetent, unconscionable, and dishonest persons and/or practices;

(g) Establish as a matter of law that a Seminole Nation License to operate a gaming activity is a revocable privilege, not a right or property interest;

(h) Ensure that such gaming activities are carried out in conformity with the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701 et seq. and any Tribal-State Gaming Compact with the State of Oklahoma as may presently be in effect or be executed hereafter;

(i) Ensure that revenues from the operation of the Seminole Nation's regulated gaming activities are used only for authorized purposes; and

(j) Ensure that the Seminole Nation is the primary beneficiary of the revenues derived from the Nation's gaming activities.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 5. Definitions.

For the purpose of this Act –

(a) Chief. "Chief of or Principal Chief" means the Principal Chief of the Seminole Nation.

(b) Chief Gaming Regulator. "Chief Gaming Regulator" means the official who directs the SNGA and performs the duties of the Chief Gaming Regulator established by this Title, including issuing regulations implementing this Act which govern the actions of any gaming operations licensed under this Act.

(c) Collateral Agreement. "Collateral Agreement" means any contract, whether or not in writing that is related, either directly or indirectly, to a management contract or to any rights, duties or obligations created between a Nation (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

(d) Compact. "Compact" means an effective Tribal-State Gaming Compact between the Seminole Nation and the State of Oklahoma pursuant to the terms and conditions of 25 U.S.C. §2710(d).

(e) Covered Game. "Covered Game" shall have the same meaning under this Title as defined under the Compact.

(f) Covered Game Employee. "Covered Game Employee" shall have the same meaning under this Title as defined under the Compact.

(g) Gaming. "Gaming" means all forms of Class I, Class II, or Class III Gaming, as defined in IGRA (25 U.S.C. §2703(6-8)).

(h) Gaming Enterprise. "Gaming Enterprise" means the entity established to manage and operate the Nation's gaming and gaming-related activities under Title 8 of the Seminole Nation Code.

(i) Gaming Facility. "Gaming Facility" means each economic entity that the Seminole Nation operates for Class II or III Games authorized under IGRA or the Compact and this Title, including all gaming facilities.

(j) Gaming Financer. "Gaming Financer" means a person or entity providing financing to the Enterprise as described in Part 10.C.1 of the Compact and excepting persons or entities excluded under Part 10.C.3 or Part 10.C.4, who requires a License under the terms of the Compact. Provided, this term shall also include any person or entity employed, retained, or engaged to procure financing or provide development services.

(k) Gaming Goods. "Gaming Goods" means any items or supplies used for or in conjunction with games and gaming and the security for such games and shall include, but not be limited to, the Games themselves (including gaming machines, gaming tables, cards, chips, dice, etc.); machines that count, weigh, or otherwise are used to process currency, chips, gaming tickets, gift cards, and other items of monetary value on the gaming floor or in backroom operations including currency and ticket counters, ticket redemption units, ticket and currency kiosks, and bill breakers; software and computer hardware that controls such games and/or that monitors or accounts for money and tickets for one or more games or that tracks players; security equipment such as surveillance cameras, recording equipment, key security systems, etc.; and the parts and supplies for such games, machines, items, and systems.

(l) Gaming Operation. "Gaming Operation" means the Gaming Enterprise together with the SNDOC Board of Directors; and those officers and employees of the SNDOC Central Services Center who provide administrative and managerial services to the Gaming Enterprise; and the gaming facilities.

(m) Gaming Vendor. "Gaming Vendor" means any person or entity that:

(1) Manufactures, sells, or supplies gaming equipment any gaming equipment or parts or provides goods, or services for the gaming activities at the Gaming Enterprises, including accounting services and financing, but excluding certified public accountants or attorneys and their firms to the extent that they are providing services covered by their professional licenses;

(2) Provides any other goods and services to or related to the Gaming Operation which person or entity is determined by regulations authorized under this Title to be a Gaming Vendor; or

(3) Otherwise meets the description under Part 10.B.1 of the Compact for requiring a License; and

(4) Provides development and/or construction services in relation to a gaming facility licensed or required to be licensed by this Title.

(5) A person or business entity engaged by the Seminole Nation under a Management Contract is also a Gaming Vendor.

(n) General Council. "General Council" means the General Council of the Seminole Nation.

(o) Hearing de Novo. "Hearing De Novo" means a new hearing or a hearing for the second time contemplating an entire trial in the same manner in which the matter was originally heard with, in addition, a review of previous hearings.

(p) IGRA. "IGRA" means the Federal Indian Gaming Regulatory Act of 1988, 25U.S.C. §2701, *et seq.*

(q) Indian Lands of the Seminole Nation. "Indian Lands of the Seminole Nation" means all lands of the Seminole Nation that meet the definition of Indian lands as defined in 25 U.S.C. §2703(4).

(r) Key Employee. "Key Employee" means:

(1) A person who performs one or more of the following functions at a Gaming Enterprise:

(A) Bingo Caller;

(B) Counting room supervisor;

(C) Chief of security;

(D) Custodian of gaming supplies or cash;

(E) Floor manager;

(F) Pit Boss;

(G) Dealer;

(H) Croupier;

(I) Approver of credit; or

(J) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) A person or entity that is a Covered Employee;

(3) If not otherwise included, any other person employed by the Gaming Enterprise whose total cash compensation is in excess of $50,000 per year;

(4) If not otherwise included, the four most highly compensated persons in the Gaming Enterprise;

(5) Any person employed by SNDOC who has substantial responsibilities related to the Gaming Enterprise; or

(6) Any person or entity providing services requiring: 1) access to sensitive or restricted areas of a gaming facility; 2) actual or remote access to a gaming system, gaming accounting system, and/or player tracking system; 3) access to the internal components of gaming machines; and/or

(7) Any other person or entity designated a Key Employee by regulation issued pursuant to this Title.

(s) License. "License" means a revocable privilege granted by authority of the Seminole Nation Gaming Agency to do an act or series of acts, which without permission, would be unlawful under this Act. It is a permission granted by the SNGA to an instrumentality of the Seminole Nation to operate gaming establishments or to a person or entity to be employed by or to conduct business with such gaming establishments under the jurisdiction of the Seminole Nation.

(t) Licensee. "Licensee" means the holder of a License issued by SNGA under this Title.

(u) Management Contract. "Management Contract" means any contract, subcontract, or agreement collateral thereto between the Seminole Nation and a third-party contractor or between a Seminole Nation contractor and a subcontractor if such contract or agreement provides for the management of all or part of a Gaming Enterprise. Any person or entity operating under a Management Contract shall also be deemed a Gaming vendor under this Title.

(v) Nation. "Nation," when used alone or as "Seminole Nation" means the Seminole Nation of Oklahoma.

(w) National Indian Gaming Commission or NIGC. "National Indian Gaming Commission," or "NIGC," means the federal agency established by the IGRA.

(x) Net Win. "Net Win" means Adjusted Gross Gaming Revenues less amounts paid out as, or paid for prizes.

(y) Net Revenues. "Net Revenues" shall have the same meaning as that defined in Section 2703(a) of the Indian Gaming Regulatory Act.

(z) Non-gaming Vendor. "Non-gaming Vendor" means a provider of services or goods to a Gaming Enterprise or those components of SNDOC providing administrative or other services to or on behalf of the Gaming Enterprise that are not directly related to or used in connection with gaming activities or the handling, processing, and/or accounting of cash or cash equivalents from the gaming activities, but excluding goods and services provided by a publicly regulated utility company. Examples of such goods and services include, but are not limited to, providers of: uniforms or laundry services; food, beverages and goods; cleaning supplies and services; general purpose equipment or items such as light bulbs, vacuum cleaners, and decorations; and entertainment services. Goods and services provided by Non-gaming Vendors explicitly exclude goods and services provided by Gaming Vendors.

(aa) Patron. "Patron" means any person on the premises of a gaming facility for the purpose of playing games authorized under IGRA or the Compact.

(bb) Patron Dispute. "Patron Dispute," for purposes of this Act, shall mean a dispute between a patron and a Gaming Enterprise, such as a dispute over the amount of a prize or a dispute over access of the Gaming Enterprise or a game within the Gaming Enterprise, but shall not mean a tort claim for personal injury or property damage against a Gaming Enterprise.

(cc) Primary Management Official. "Primary Management Official" means:

(a) The person having management responsibility for a management contract;
(b) Any person employed by the Gaming Enterprise, Gaming Facility, or SNDOC or under a contract who has authority to:

(A) Hire, fire, direct, supervise, and/or discipline employees of a Gaming Enterprise, Gaming Facility, or SNDOC or of the contractor performing services for the Gaming Operation;

(B) Establish, approve, and/or implement policy for the Gaming Operation;

(C) Supervise, direct, or operate gaming activities, including any person with authority to direct the placement or removal of games on or from a Gaming Facility; and

(D) Supervise, direct, or oversee the financial affairs and activities of the Gaming Operation; and

(c) The chief financial officer or other person who has financial management responsibility as an employee of SNDOC or the Gaming Enterprise, or under a contract providing services to the Gaming Enterprise.

(dd) Principal. "Principal" means, with respect to any Gaming vendor or Gaming Financer, its sole proprietor or any partner, trustee, beneficiary, or shareholder holding five percent or more of its beneficial or controlling ownership, either directly or indirectly, or any officer, director, primary management employee including its Chief Financial Officer or other person who has financial management responsibility as an employee or under contract, or key employee thereof.

(ee) Secretary. "Secretary" means the Secretary of the Department of the Interior.

(ff) Seminole Nation Court. "Seminole Nation Court" means a court established by the Seminole Nation to exercise criminal and/or civil jurisdiction over actions arising in Indian Country within the Seminole Nation, or until such court is established, the court of Indian offenses established by the Department of the Interior for the Seminole Nation. (See 25 C.F.R. 11.100(a)(12)(iv) (2008)).

(gg) SNDOC. "SNDOC" means the Seminole Nation Department of Commerce including its Commissioners, Central Services Center, and Enterprises as established under Title 8 of the Seminole Nation Code.

(hh) SNGA. "SNGA" means the Seminole Nation Gaming Agency established pursuant to this Act.

(ii) SNOGA. "SNOGA" means the Seminole Nation Office of Gaming Appeals established by this Act.

(jj) State Compliance Agency (or SCA). "State Compliance Agency" (or "SCA") shall mean the State of Oklahoma's Office of State Finance.

(kk) This Title. "This Title" (or, "this Title") used in the text of this Title means Title 15 of the Seminole Nation Code of Laws, as it may, from time to time, be amended or the Title renumbered.

(ll) Tribal Compliance Agency (TCA). "Tribal Compliance Agency" (TCA) under the Compact shall be the Seminole Nation Gaming Agency and the Seminole Nation Office of Gaming Appeals.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 92-1, March 7, 1992; Amended by Law No. 94.2, February 24, 1994.]

Section 6. Interpretation of Act.

The provisions of this Act, being necessary for the welfare of the Seminole Nation and its inhabitants, shall be liberally construed to effect the purposes and objects thereof. Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 7. Severability.

The provisions of this Act are severable and if any part or provision hereof shall be held void by a court of competent jurisdiction, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 8. Repeal of Inconsistent Legislation.

This Act revokes, supersedes, and replaces the Seminole Nation Ordinance 91-12, as amended, in its entirety. All other laws of the Seminole Nation inconsistent with the provisions of this Act and existing as of the effective date of this Act are hereby repealed, including all inconsistent laws, ordinances, and resolutions. Repeal by this Act of any law, ordinance, or resolution shall not have the effect of reviving any prior law, ordinance, or resolution heretofore repealed or suspended by such repealed code.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Law 94-2, February 24, 1994 ("Any provision in Title 15 which is inconsistent with this amendment is hereby repealed. This Law shall be effective upon date of passage.")]

Section 9. Codification.

This Act is hereby codified as Title 15 of the Seminole Nation code of Laws and may be recodified as necessary to the extent the Seminole Nation Code of laws is recodified.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 10. Effective Date of Act.

This Act shall become effective as a replacement for the Seminole Nation Ordinance 91-12, as codified as Title 15 of the Seminole Nation Code of Laws and any amendments to Title 15 enacted prior to the date of this Act immediately upon its approval by the Chairman of the NIGC.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 11. Proprietary Interest.

The Seminole Nation shall have sole proprietary interest and responsibility for the conduct of gaming activities conducted on the Indian Lands of the Seminole Nation.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 12. Classes of Games Authorized.

(a) Class I, II, and III gaming are hereby authorized to be conducted upon Indian Lands of the Seminole Nation, provided that Class III gaming shall be permitted only if, and only to the extent, authorized by a duly executed Tribal-State Gaming Compact(s) and/or amendment(s) thereto between the Nation and the State of Oklahoma approved by the Secretary of the Department of the Interior.

(b) No Class III gaming activities may be conducted on Indian Lands of the Seminole Nation in the absence of a valid, approved Compact or in contravention of such Compact.

Section 13. Regulation of Gaming.

All gaming activities of the Seminole Nation and all related activities undertaken in connection with such gaming activities shall be regulated by the Seminole Nation Gaming Agency, an independent regulatory agency of the Seminole Nation.

Section 14. Use of Gaming Revenue.

(a) Net revenues from Class II and Class III gaming shall be used only for the following purposes:

(1) To fund the Nation's government operations and programs;

(2) To provide for the general welfare of the Nation and its members;

(3) To promote the Nation's economic development activities;

(4) To donate to charitable organizations; and

(5) To help fund operations of local government agencies.

(b) Restrictions.

The Nation's gaming revenues may be expended for the purposes specified in subsection (a) of this Section 14 only if administered by a governmental department, division, component, agency, and/or other governmental instrumentality of the Seminole Nation as authorized by the Nation's law(s) and/or as appropriated by the General Council. The Nation's gaming revenues shall not be subject to distribution to individual members on a per capita basis, provided that, nothing in this section shall be construed to prevent the Nation from disbursing grants, scholarships, or providing other benefits or services administered by the Nation to qualified members. Provided further, nothing in this Act shall be construed to limit the authority of the Seminole Nation or any governmental instrumentality of the Seminole Nation to make any purchase of any kind or to

save, deposit, or invest any portion of the Nation's gaming revenues in any authorized savings and/or investment fund, account, or program.

Section 15. Management Contracts.

No management contract may be executed by or on behalf of the Seminole Nation with any third-party unless authorized by a duly adopted resolution of the General Council and in full compliance with all applicable provisions of IGRA, particularly, 25 U.S.C. Section 2711 and regulations issued pursuant thereto.

Section 16. Internal Revenue Code and Other Applicable Federal Laws.

In addition to its authority to enforce compliance with this Title and regulations issued hereunder, the SNGA is hereby delegated the authority to monitor, enforce, and sanction violations of all federal laws and regulations applicable to the Nation's gaming activities including, without limitation, the pertinent provisions of Title 25 of the United States Code and the Code of Federal Regulations, the Internal Revenue Code and Title 31 of the U.S. Code and Code of Federal Regulations, among others.

Section 17. Designation of Agent for Service of Process.

The Chief Gaming Regulator of SNGA is hereby designated as agent for service of any official determination, order, or notice of violation of this Title or of IGRA. The address, phone number, and fax number of the Chief Gaming Regulator shall be published and continuously made available on the website of the SNGA and/or Nation. The Chief Gaming Regulator shall promptly report and provide copies of any such service to the Chief and/or General Council as appropriate.

Section 18. Compliance with Compact.

The SNGA is hereby delegated the authority to monitor, enforce, and sanction violations of the terms and conditions of the Nation's gaming Compact(s).

Section 19. Consent to Jurisdiction.

(b) Consent. Any person who:

(1) Applies for and/or is granted a License under this Title;

(2) Applies for employment in any Gaming Facility Licensed and/or regulated under this Title;

(3) Enters into any contract, engagement, or agreement related to gaming regulated under this Title; or

(4) Participates in any gaming activity authorized by this Title or enters onto the premises of any Gaming Facility licensed under this Title –

is subject to the civil jurisdiction of the Nation, SNGA, and the Seminole Nation Court and a person's performance of any of these acts shall constitute consent to the Nation's exercise of such jurisdiction.

(c) Limitation. Nothing in this Section shall limit the jurisdiction of the Nation, the SNGA, or the Seminole Nation Court under any circumstances not explicitly contemplated in this Title nor shall

this Title be construed to waive, in whole or in part, the Nation's sovereign immunity from unconsented suit.

Section 20. Noncompliance.

Failure to comply with any of the requirements of this Title, or the regulations promulgated hereunder shall constitute a violation of this Title.

CHAPTER ONE

SEMINOLE NATION GAMING AGENCY AND SEMINOLE NATION OFFICE OF GAMING APPEALS

Section 101. Establishment of Seminole Nation Gaming Agency; Successor in Interest; Structure.

(a) SNGA Established. In order to provide for comprehensive and effective regulation of the Nation's Gaming activities, there is hereby established the Seminole Nation Gaming Agency.

(b) Successor in Interest to the Seminole Nation Gaming Commission. The Seminole Nation Gaming Agency shall be the successor in interest to the Seminole Nation Gaming Commission. All staff, assets, liabilities and contractual obligations of the Seminole Nation Gaming Commission are hereby transferred to and assumed by the Seminole Nation Gaming Agency, and nothing in this Act shall be construed to alter any lawful contractual obligations authorized by the Seminole Nation Gaming Commission under prior law. All regulations approved by the Seminole Nation Gaming Commission approved under prior law shall continue in force under SNGA until amended or withdrawn by the Chief Gaming Regulator in accordance with this Title.

(c) Organizational Structure. SNGA shall have separate divisions for Licensing, Compliance, Audit, and Surveillance, and such other units as necessary, which shall report to the Chief Gaming Regulator and which shall have the responsibilities set out in this subsection and such other responsibilities as may be assigned to them by the Chief Gaming Regulator.

(1) Licensing Division. The Licensing Division shall have responsibility for administering the licensing, registration and permitting programs of the Seminole Nation for gaming facilities, individuals, and entities pursuant to this Title, IGRA, and the Compact, including the conduct of background investigations for License applicants, continuous review of licensees, and ensuring that all suitability standards required of licensees are met and maintained.

(2) Compliance Division. The Compliance Division shall have authority to monitor and investigate compliance with this Act, including:

(A) Monitoring, inspecting, and investigating known or suspected violations of this Act and regulations promulgated pursuant thereto or other applicable laws as well as the Compact(s);

(B) Conducting or causing to be conducted inspections and investigations related to the health, safety, and environmental protection of patrons, staff, facilities, and the external environment;

(C) Monitoring the installation, use, and operation of games, gaming systems and gaming equipment; and

(D) Carrying out other functions and responsibilities as directed or assigned by the Chief Gaming Regulator.

(3) Audit Division. The Audit Division shall have responsibility for:

(A) Conducting financial and other audits to ensure compliance with all financial and operational requirements for Gaming activities of the Seminole Nation such as those included in this Title, IGRA, Title 31 of the United States Code, SNGA regulations, and the Compact;

(B) Assuring that all necessary external audits are performed annually or at such other periods as may be required;

(C) Reviewing all audit reports and the financial controls in place in such gaming operations;

(D) Reporting all violations and material weaknesses to the Chief Gaming Regulator for appropriate action; and

(E) Carrying out other functions and responsibilities as directed or assigned by the Chief Gaming Regulator.

(4) Surveillance Division. The Surveillance Division shall have the responsibility for conducting a continuous surveillance program at all gaming operations licensed under this Title including the designation of locations and operation of continuous camera coverage of gaming operations, the recording of such camera coverage, the operation of any rooms designated for surveillance over gaming activities, the conduct of surveillance investigations, and the conduct of such other surveillance as may be appropriate. Such surveillance program shall comply with all terms and reporting requirements related to surveillance provisions of this Title, IGRA, and the Compact.

(d) Employment Limitations. Persons employed by the Seminole Nation Gaming Agency shall:

(1) Undergo a background investigation and meet the same suitability criteria as that applicable to key employees;

(2) Be independent of SNDOC and the Gaming Enterprise. Officials and employees of the SNGA may not be employed by SNDOC or the Gaming Enterprise nor shall they participate in any gaming activities, including promotional activities; and

(3) Have no financial interest in the operation of a licensee under this Act or in any contract entered into between the Gaming Operation and another party.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 102. Establishment, Appointment, Term, and Qualifications of the SNGA's Chief Gaming Regulator; Acting Chief Gaming Regulator.

(a) Establishment of the Position of Chief Gaming Regulator, Grade Level, and Term of Office. There is hereby established the position of Chief Gaming Regulator within the Seminole Nation Gaming Agency.

(1) The occupant of the position of Chief Gaming Regulator shall direct and manage the SNGA.

(2) The Chief Gaming Regulator shall be established as a grade 15 position, and shall be compensated in accordance with the pay schedule established under Title 11, Section 202 of the Seminole Nation of Oklahoma Code. The initial step shall be as established by the Chief.

(3) The term of office of the Chief Gaming Regulator shall be five years.

(b) Designation of First Chief Gaming Regulator. The incumbent of the position of Chairman of the Seminole Nation Gaming Commission on the date of enactment of this Section is hereby re-titled the Chief Gaming Regulator and shall serve the first term in the position of Chief Gaming Regulator.

(c) Subsequent Nominations and Appointment of Chief Gaming Regulators. Subsequent appointments to the position of Chief Gaming Regulator shall be by nomination by the Chief, subject to confirmation by resolution duly adopted by the General Council. The Chief Gaming Regulator shall serve until his or her successor is confirmed by resolution duly adopted by the General Council.

(d) Qualifications of Nominees for the Position of Chief Gaming Regulator. To be eligible for appointment as Chief Gaming Regulator, a nominee shall:

(1) Based on a combination of experience and education, be considered to be capable of performing the duties of the position;

(2) Be at least twenty-five years of age at the time of appointment;

(3) Never have been convicted on any crime of moral turpitude, including, but not limited to, fraud, theft, bribery, or embezzlement, regardless of the degree of the offense, by any court of law;

(4) Never have been convicted of any felony offense by any court of law;

(5) Never have been found culpable for any gaming offense by any regulatory jurisdiction;

(6) Have no pecuniary interest in any gaming management contract between the Nation and a third party, or in any entity that provides gaming equipment or supplies to a Facility licensee.

(e) Acting Chief Gaming Regulator.

(1) If the Chief Gaming Regulator position becomes vacant for any reason, including, but not limited to retirement, removal pursuant to Section 104 of this Title, resignation, disability, or death, the Chief shall designate an official of the SNGA to serve as Acting Chief Gaming Regulator until a new Chief Gaming Regulator is nominated and appointed to the position of Chief Gaming Regulator in accordance with the provisions of this Section.

(2) If the Chief Gaming Regulator is suspended pursuant to Section 104, the Chief shall designate an official of the SNGA to serve as Acting Chief Gaming Regulator during the suspension of the Chief Gaming Regulator and shall provide written notification to the General Council of such measure stating grounds for suspension.

(3) An Acting Chief Gaming Regulator shall have all powers of Chief Gaming Regulator while serving in such capacity.

(f) Termination of Seminole Nation Gaming Commission and Commissioners. Upon the effective date of this Act, the Seminole Nation Gaming Commission shall be abolished and replaced by the Seminole Nation Gaming Agency. At such time, the positions of Chairman and Associate Commissioners shall also be abolished and the persons occupying such positions shall be relieved of their duties, provided that the person occupying the position of Chairperson shall immediately assume the title of Chief Gaming Regulator and shall undertake all duties and functions pursuant to the position.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 2001-12, December 1, 2001; Amended by Law No. 2003-32 December 6, 2003; Amended by Law No. 2003-24 December 16, 2003; Amended by Ordinance No. 2004-31, December 4, 2004; Amended by Ordinance No. 2007-02, March 3, 2007]

Section 103. Outside Employment and Activities of the Chief Gaming Regulator.

The Chief Gaming Regulator may not hold any other tribal position except temporary duties assigned by Executive Order to be performed without increase in compensation. Subject to approval of the Chief, the Chief Gaming Regulator may be engaged in a business or employment outside the Nation, provided that the Chief Gaming Regulator shall not engage in any business which is subject to provisions of this Title or which has commerce with any licensee under this Title.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 104. Removal or Suspension of the Chief Gaming Regulator; Acting Chief Gaming Regulator.

(a) Cause Required. A Chief Gaming Regulator may only be removed for cause, which shall include: failure to carry out SNGA duties, excessive use of intoxicants or controlled substances, use of office for personal gain, violation of this Title or other law or regulation of the Nation or of IGRA, or any misconduct or gross neglect of duty reflecting adversely on the dignity and integrity of the Seminole Nation or its government. Only the General Council shall have the authority to remove the Chief Gaming Regulator, provided that the removal process may be commenced upon recommendation of the Chief, provided further that the Chief may suspend a Chief Gaming Regulatory pursuant to Subsection (f) of this Section.

(b) Removal Authority. The Chief Gaming Regulator may be removed from office prior to the end of any term when the General Council by majority vote removes said Chief Gaming Regulator for any of the following reasons:

(1) Failure to carry out his or her SNGA responsibilities,

(2) Excessive use of intoxicants or controlled substances,

(3) Use of office for personal gain,

(4) Violation of this Title or other law or regulation of the Nation or of IGRA, or

(5) Any misconduct or gross neglect of duty reflecting adversely on the dignity and integrity of the Seminole Nation or its government.

(c) Mandatory Removal. The Chief Gaming Regulator shall be removed by the General Council and the position deemed immediately vacant if the Chief Gaming Regulator is:

(1) Convicted by a court of law of any felony,

(2) Convicted for any misdemeanor offense involving a crime of moral turpitude,

(3) Found by any gaming jurisdiction to be culpable for any gaming offense, or

(4) Found to be ineligible for a gaming License under this Title.

(d) Due Process for Removal. In any removal process, a Notice of Proposed Removal shall be provided to the Chief gaming Regulator at least fourteen days in advance of the date set for the General Council's meeting to take action on such removal, and shall set forth, in particular, the basis for such proposed action with sufficient specificity as to permit the preparation of an answer to such allegation(s). The respondent shall have the right to be represented by legal counsel at respondent's own expense and shall be permitted to speak and offer relevant evidence in his or her own defense. The General Council's decision shall be final and unappealable.

(e) Continuing Duty to Report. The Chief Gaming Regulator shall serve under a continuing duty to apprise the Chief and the General Council of any charge, arrest, or conviction that occurs during his or her term of office.

(f) Suspension. The Chief Gaming Regulator may be suspended, with or without pay, by the Chief for up to ninety (90) days for any reason that could subject the Chief Gaming Regulator to removal as provided in Sections 104(b) or (c).

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 2004-04, January 17, 2004]]

Section 105. Duties and Authorities of the Chief Gaming Regulator.

(a) Responsibilities. The Chief Gaming Regulator shall:

(1) Administer and Enforce This Title. Be charged with the responsibility of administering and enforcing the provisions of this Title.

(2) Direct and Manage SNGA. Direct and manage the SNGA and its staff and administer the resources of the SNGA.

(3) Monitor and Enforce Compliance. Monitor and enforce compliance with all laws and regulations applicable to the Nation's gaming activities.

(4) Issue Regulations. Have the authority and responsibility for issuing regulations to implement all provisions of this Title for the purposes and in the manners provided in Section 107 of this Title, which authority and responsibility may not be further delegated.

(5) Resolve Patron Disputes.

Investigate, determine the validity of, and order action on the part of the Enterprise or deny action to a patron in a patron dispute other than one involving a prize claim, which order or denial shall be final action on behalf of the Seminole Nation and may not be appealed to the Seminole Nation Court or SNOGA.

(6) Resolve Patron Disputes Over Prizes.

Investigate, determine the validity of, and order action granting to a patron claimant the just and reasonable compensation for the amount of a prize not previously paid to a patron by the Enterprise in the case of a prize claim not resolved by the Enterprise within seventy-two hours of the filing of the prize claim where the prize earned was not awarded, the amount earned was not awarded, or the right to receive a refund or other compensation was infringed upon by the Gaming Operation, or order the denial of such a claim on behalf of the Enterprise. Provided further that:

(A) Such actions by the Chief Gaming Regulator shall be in accord with the Compact(s) for any games covered by the Compact(s);

(B) The Chief Gaming Regulator shall promulgate regulations for this purpose, which regulations shall be consistent with the Compact for all games covered under the Compact;

(C) Failure on the part of a claimant to file a timely claim or follow the procedures provided in the Compact or the regulations promulgated under this subsection shall constitute mandatory grounds for denying a prize claim; and

(D) A decision of the Chief Gaming Regulator denying a prize claim by a patron shall be deemed a denial of the prize claim by the Enterprise and may be appealed by a patron whose claim is denied to SNOGA.

(7) Issue Subpoenas and Compel Testimony. Issue subpoenas to compel testimony and to obtain records and things as needed for investigations or civil violation hearings.

(8) Designate a Deputy Chief Gaming Regulator. Designate an employee of the SNGA, as a collateral duty, to serve as Deputy Chief Gaming Regulator, who shall assume the duties of the Chief Gaming Regulator when the Chief Gaming Regulator is: 1) on leave or travel; 2) recused from dealing with a particular matter; or 3) otherwise unavailable. The Deputy Chief Gaming Regulator, for such time and with such authority and responsibilities as may permissibly be delegated by the Chief Gaming Regulator, shall assume the functions and responsibilities of the Chief Gaming Regulator.

(9) Make Employment Decisions. Employ such persons as may be necessary and are within the approved budget of the SNGA, assign them responsibilities, and delegate them authority to act. The authority to employ persons shall include the authority to hire, terminate, suspend, discipline and take other personnel actions commensurate with managing a staff of employees consistent with the Seminole Nation of Oklahoma Code.

(10) Classify and License Games. Classify and license Class I, II, or III games.

(11) Develop and Administer the SNGA Budget. Develop and recommend the budget for operations of the SNGA to the Chief and the General Council, and administer the financial affairs of the agency in accordance with appropriate governmental accounting standards.

(12) Write Checks. Have check writing authority, provided that any checks so written in an amount exceeding $500.00 shall require the signature of the Chief Gaming Regulator and the Deputy Chief Gaming Regulator, further provided that no signatory on any check shall also prepare such check. The Chief Gaming Regulator shall institute a system of accounting consistent with generally accepted government accounting principles to ensure that the total amount of expenditures by the SNGA shall not exceed the annual budget level approved by the General Council.

(13) Secure Legal and Other Services. Employ or contract for legal and other services by providers of the Chief Gaming Regulator's choosing.

(14) Assess and Collect Licensing Fees. Assess and collect licensing fees, which shall be retained and used by the SNGA to offset its expenses.

(15) Assess and Impose Fines. Assess and impose fines for violations of this Act or non-compliance with regulations issued pursuant hereto, provided that the proceeds from an imposed fine shall be deposited into the general fund of the Seminole Nation.

(16) Observe Gaming Activities. The Chief Gaming Officer and such staff and attorneys of the SNGA as he or she may designate or direct shall have the authority to observe all Gaming-related activities at Licensed facilities under this Title in order to provide oversight of all gaming activities under this Title, to assure financial accountability, and to assure compliance with IGRA, this Title, and SNGA regulations. Interference with the monitoring functions of the SNGA shall be deemed a substantial violation of this Act.

(17) Hold Public Hearings, Take Sworn Testimony, and Take Other Legal Acts. The Chief Gaming Officer and such staff and attorneys of the SNGA as may be designated by the Chief Gaming Officer shall have the authority to hold public hearings, take sworn testimony and do any other legal act in furtherance of the SNGA's duties.

(18) Seek Comity With Other Court Jurisdictions. The Chief Gaming Officer is empowered to seek comity and enforcement of the orders of the SNGA by the courts of any jurisdiction whose assistance may be required to give effect to such orders. The Chief Gaming Officer is also empowered to issue orders to enforce the lawful orders of other gaming regulatory agencies and the courts.

(19) Perform Other Duties. Perform all duties and responsibilities that are deemed by the Chief Gaming Regulator as necessary to carry out the provisions of this Title, the SNGA's regulations, IGRA, the terms of the Compact, and all other activities as are consistent with the power and authority delegated to the Chief Gaming Regulator and the SNGA under this Title.

(20) Exercise Authorities of the SNGA. The Chief Gaming Officer is empowered to exercise the authorities granted to the SNGA.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 2001-12, December 1, 2001; Amended by Law No. 2004-05, March 6, 2004]

Section 106. Duties and Authorities of the Seminole Nation Gaming Agency.

In addition to the duties and authorities of the Chief Gaming Regulator in Section 105 of this Title, the SNGA shall regulate all gaming activities on the Indian Lands of the Seminole Nation and enforce the provisions of this Title. Commensurate with these responsibilities, the SNGA shall have the following powers, duties, and responsibilities:

(a) License. To –

(1) Prepare, print, distribute, and process applications for and issue Licenses to gaming facilities, employees, and vendors;

(2) Establish a schedule of fees for gaming Licenses, and collect such fees;

(3) Approve or deny any License application;

(4) Revoke, limit, condition, suspend, or restrict any License; and

(5) Make a finding of suitability or approval of a License, provided that--

the SNGA shall accord all licensees due process of law prior to the issuance of a final order of denial, revocation, or suspension;

(b) Review. To –

(1) Obtain and review any and all gaming contracts, records, and documents and anything else necessary and pertinent to the financial accountability of licensees or enforcement of any provision of gaming contracts, agreements, IGRA, this Title, and other applicable laws of the Seminole Nation.

(2) Obtain and review any reports prepared or caused to be prepared by SNDOC related to the Gaming Operation, including all financial statements, performance reports, income and expense statements, reports, and documentation, and any other record, document, or file related to the Gaming Operation.

(3) Review, and as necessary, approve operational plans, policies, and procedures of the Gaming Operation including plans for promotions, marketing, player tracking, advertising and any other programs of the Gaming Operation.

(c) Monitor, Inspect, and Regulate. To –

(1) Monitor and regulate the conduct of all licensees, and

(2) Inspect and examine all premises where gaming is conducted or gaming devices or equipment is stored and/or serviced.

(d) Surveillance. To –

(1) Operate a program of continuous surveillance at all gaming operations licensed under this Title including designation the locations and operation of continuous camera coverage of gaming operations, the recording of such camera coverage, the operation of any rooms designated for surveillance over gaming activities, the conduct of surveillance investigations, and the conduct of such other surveillance as may be necessary and appropriate.

(2) Charge the entire cost of the surveillance program, including personnel and equipment costs, in the form of a fee assessment against the Gaming Operation.

(e) Investigate. To conduct such investigations as may be needed to carry out the purposes of this Title including the conduct of background investigations to determine the suitability of gaming License applicants and the investigation of any suspected violations of this Title, IGRA, the Compact, and all applicable laws, rules and regulations. In carrying out its investigative function the SNGA -

(1) May audit, inspect, examine, and photocopy an applicant's or licensee's papers, books, and records, including financial records, employment history, and any and all other information the Agency deems necessary to determining the suitability of applicants and the continuing suitability of licensees; and

(2) Shall refer any criminal activity it uncovers to the appropriate law enforcement agency for prosecution;

(f) Sanction and Enforce. To impose fines or otherwise sanction violations of this Title and enforce its terms by means of appropriate orders and/or directives, provided that the Agency shall accord all licensees due process of law prior to the issuance of a final order of denial, revocation, or suspension;

(g) Audit. To conduct such audits as may be needed for the proper control and financial oversight of gaming activities, including financial and operational audits; and

(1) Ensure that an annual independent financial audit is performed and timely submitted to the NIGC and SCA; and

(2) Ensure that an annual independent operational audit conducted pursuant to agreed upon procedures in relation to the Gaming Operation's compliance with the internal control standards established by SNGA, applicable NIGC regulations, and the Compact;

(h) Conduct Hearings. To conduct hearings, issue subpoenas, take testimony, and render decisions concerning –

(1) Licensing matters;

(2) Patron disputes;

(3) Exclusion matters;

(4) Enforcement matters;

(5) Disciplinary actions related to the SNDOC staff;

(6) Evidentiary matters; and

(7) Such other matters as necessary and appropriate to the discharge of its duties;

(i) Issue Orders and Citations. To issue orders and citations compelling action;

(j) Assess Civil Penalties. To assess civil Penalties.

(k) Monitor and Regulate Games. To monitor, regulate, classify, and establish technical standards for games, gaming activities, and gaming equipment;

(l) Appear in Legal Proceedings. To appear before the Office of Gaming Appeals and the Seminole Nation Court in any proceeding to which the Agency is a party or witness;

(m) Grant Approvals for Operating Policies and Procedures of Gaming Activities. To approve or disapprove all operating policies and procedures of the Seminole Nation's gaming activities;

(n) Resolve Patron Disputes. To resolve patron disputes such as those over casino access and prize claims, but not tort claims.

(o) Address Patron Gaming Problems. to make determinations regarding the exclusion of, or other actions related to, persons determined by the Gaming Operations to have a compulsive gaming problem.

(p) Provide for Intergovernmental Cooperation.

To enter into cooperative agreements or other arrangements with other governmental entities, including but not limited to tribal, state, and federal agencies, or to contract with private entities or institutions for the performance of functions or activities related to the regulation of gaming such as health and safety inspections, environmental review, and other technical services, provided that the Agency shall not waive or purport to waive any jurisdiction of the nation or the Nation's sovereign immunity from unconsented suit.

(q) Perform Other Responsibilities.

Perform any and all duties and responsibilities that are deemed by the Chief gaming Regulator as necessary to carry out the provisions of this Title and the Seminole Nation of Oklahoma Code, the SNGA's regulations, IGRA, the terms of the Compact, and all other applicable laws and regulations; and handle such other matters and conduct such other activities as are consistent with the power and authority delegated to the Chief Gaming Regulator and the SNGA under this Title.

Section 107. Issuing, Revising, and Withdrawing Regulations.

(a) Promulgate Regulations. The Chief Gaming Regulator shall promulgate regulations as necessary to administer the provisions of this Title.

(b) Regulatory Scope. The scope of the rulemaking authority of the Chief Gaming Regulator shall include the authority to promulgate rules and regulations –

(1) Necessary for the orderly transaction and conduct of SNGA operations;

(2) Establishing standards and procedures for the licensing and/or registration of persons and entities including, but not limited to, the issuance, suspension and revocation of Licenses under this Title;

(3) Establishing standards and procedures for the licensing and regulation of games to be used at a licensed Facility;

(4) Adding categories of employees, other persons, or entities to the list of positions classified as Key Employees or entities classified as Gaming Vendors;

(5) Governing the conduct and operation of gaming and gaming-related activities such as, but not limited to, the award of prizes, internal control standards, technical standards, installation of equipment, and classification of games;

(6) Governing inspections, investigations, and enforcement actions;

(7) Establishing fees for licensing;

(8) Establishing fines and other sanctions, and taking such other actions as may be necessary to enforce SNGA regulations, this Title, IGRA, regulations of the NIGC, and the Compact;

(9) Establishing procedures for hearings conducted by the SNGA;

(10) Establishing procedures for service of process;

(11) Establishing procedures for appeals of regulations promulgated by SNGA pursuant to this Section;

(12) Governing the handling and disposition of Patron Disputes;

(13) Governing the exclusion of Patrons to Gaming Operations or portions thereof;

(14) Governing programs for addressing compulsive gaming;

(15) Governing the protection and relationship of Gaming Operations and their employees with vendors and contractors;

(16) Governing promotional activities, advertising, player tracking, and other marketing activities;

(17) Necessary to protect the security, public health, and safety of gaming patrons, employees, and other persons while on the premises of gaming operations on Indian Lands of the Seminole Nation; and

(18) Addressing such other issues and matters as are necessary to fulfill the purposes of this Title and the duties and functions of the SNGA as provided for herein.

(c) Rulemaking Procedure. The Chief Gaming Regulator shall adhere to the following procedures when promulgating regulations under this Title.

(1) Standard Rulemaking Procedure.

(A) Prior Notice. In adopting, amending, or repealing any regulations under this Title other than emergency, mandatory, minor or interpretive regulations, the Chief Gaming Regulator shall give prior notice of the proposed action by posting such notice on its website along with a copy of the text of the proposed regulations.

(B) Comment. There shall be a thirty (30) day period during which any Nation member or an affected person or entity may submit written comments to the SNGA on the proposed rule.

(C) Promulgation. Upon receipt and review of comments, if any, the Chief Gaming Regulator may promulgate the regulation as a final regulation in its original or amended form, or may withdraw the proposed regulation.

(i) Such final regulation shall be made available to the public on the website of the SNGA and/or the Nation.

(ii) The Chief Gaming Regulator may stay the implementation of a final regulation for good cause shown.

(iii) If the proposed regulation is withdrawn, it shall be removed from the website.

(2) Emergency Rulemaking Procedure.

In the event the Chief Gaming Regulator concludes that promulgating a regulation is sufficiently urgent that the requirements of the Standard Rulemaking Procedure would result in damage to the interests to the Seminole Nation or violation of this Title, IGRA, or the Compact, the Chief Gaming Regulator may promulgate a regulation as an interim final regulation without prior notice or may shorten the period for comment as he or she deems necessary.

(3) Mandatory Compliance Rulemaking Procedure.

In the event of a change in applicable Seminole Nation law; applicable federal statutes or regulations; or the execution of a new; modified or revised Compact requires an urgent change in Seminole Nation gaming regulations for the Seminole Nation gaming activities to be in compliance, the Chief Gaming Regulator may promulgate a compliant regulation as an interim final regulation without prior notice, or may shorten the period for prior notice as he or she deems necessary to comply with the change. Such interim final regulation shall be made available for written comment by licensees for a period of not less than thirty (30) days.

(4) Minor Rulemaking Procedure.

The Chief Gaming Regulator may make technical corrections or minor amendments to the SNGA regulations without prior notice, but such minor amendments under this procedure must have de minimus effect. Such final technical corrections or minor

amendments shall be made public in the same manner as under the Standard rulemaking Procedure before the rule shall be deemed final.

(5) Interpretive Rulemaking Procedure.

The Chief Gaming Regulator may issue regulations without prior notice giving his or her interpretation of regulations issued under this Section, IGRA, or the Compact. Such interpretive regulations shall be made public in the same manner as under the Standard Rulemaking Procedure.

(6) Interim Final Regulations.

When exercising the rulemaking authority pursuant to paragraphs (2)-(4) of this subsection, the Chief Gaming Regulator shall issue such regulation in the form of an interim final regulation. An interim final regulation shall be enforceable immediately upon its publication on the website, however, that the SNGA shall accept written comments for a period of not less than thirty (30) days from the date of publication before the rule may be deemed final.

(d) Regulatory Effect.

Regulations promulgated under this Title shall bind all persons, organizations, or vendors licensed under this Title within the scope of their License; gaming activities operated by SNDOC; all visitors, guests and patrons of a gaming facility; and all persons employed by the Gaming Operation. Failure to comply with any regulation of the SNGA shall constitute a violation of Seminole Nation law and subject the violator to fines, penalties, or other sanctions.

(e) Standard of Review.

The SNOGA and the Seminole Tribal Court shall give deference to the regulations and/or challenged actions or decisions made pursuant thereto, unless the regulation and/or challenged action or decision is:

(1) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(2) Contrary to the Constitution of the Seminole Nation or any right, power; privilege, or immunity under Seminole Nation law; or

(3) In excess of the authority delegated by this Title.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 2001-12, December 1, 2001; Amended by Law No. 2004-05, March 6, 2004]

Section 108. Confidentiality of SNGA Records.

(a) Use of Confidential and Proprietary Information. Confidential and proprietary information collected by the SNGA in the performance of its investigative or regulatory functions, as specified in this Section, may be used only for official purposes by the SNGA.

(b) Disclosure of Confidential Information. Confidential information may not be disclosed to any entity other than a law enforcement agency, the NIGC, the State of Oklahoma, or another gaming regulatory agency except pursuant to a lawful court order unless the applicant or licensee files a written waiver of confidentiality with SNGA.

(c) Confidential Records. The following types of records shall be deemed confidential:

(1) Tax returns of individual applicants or licensees;

(2) Gaming License application forms;

(3) Credit reports and financial history records of individual applicants or licensees;

(4) Health and medical records of individual applicants or licensees;

(5) Social security and driver's license numbers of individual applicants or licensees;

(6) Marketing, financial, or sales data, the disclosure of which may be harmful to the competitive position of SNDOC or the Gaming Enterprise, SNGA licensees or persons seeking or doing business with SNDOC or the Gaming Enterprise, provided that no financial information shall be withheld from the General Council;

(7) Audit work papers, worksheets and auditing procedures used by the SNGA, its agents or employees; and

(8) Such other documents, information, or records as the SNGA may specify by regulation.

(d) Privileged Communications.

Communications between the Chief Gaming Regulator and the staff of the SNGA relating to licensing, disciplining of licensees, or violations by licensees are privileged and confidential if made lawfully and in the course of and in furtherance of the business of the SNGA on gaming, except pursuant to court order after an in-camera review. The Chief Gaming Regulator or any member of the staff of the SNGA may claim this privilege.

(e) Limitations.

No Chief Gaming Regulator or member of the staff of the SNGA shall:

(1) Disclose confidential information except to other gaming regulatory agencies or law enforcement agencies;

(2) Hold financial interests in or transact business with the gaming enterprise in conflict with the conscientious performance of their duties as regulators;

(3) Use their office or position for private gain; or

(4) Fail to disclose any conflict of interest to the SNGA or fail to recuse oneself from any participation in such matter.

(f) Breach.

Any Chief Gaming Regulator or SNGA staff member who intentionally breaches the SNGA's duty of confidentiality; uses confidential information for any improper purpose; or otherwise breaches the official's ethical duties may be subject to removal from office or termination from employment with the SNGA.

Section 109. Right to Appeal SNGA Actions.

(a) Unless otherwise specified in this Title, any action or decision of the Chief Gaming Regulator or the SNGA, other than:

(1) Issuing, revising, or withdrawing a regulation, or

(2) A personnel action of the Chief Gaming Office or SNGA with regard to an employee of SNGA –

is subject to appeal to the Seminole Nation Office of Gaming Appeals as provided in Section 111 of this Title and subsequently, subject to the limits in Section 111, the Seminole Nation Court. Notice of appeal to the Seminole Nation Office of Gaming Appeals or Seminole Nation Court shall be filed in writing with the SNGA and with the persons designated by such Office or Seminole Nation Court for receiving appeals and according to the procedures and policies of SNOGA or the Seminole Nation Court.

(b) Failure to timely file an appeal as specified in this Title shall render the Chief Gaming Regulator, SNGA's, SNOGA's or the Seminole Nation Court's action or decision final and not subject to further appeal or consideration.

(c) Objection by an employee of the SNGA to a personnel action of the Chief Gaming Officer or the SNGA may be raised by such employee in accordance with Section 105 of Title 11 of the Seminole Nation Code and such regulations and procedures of the Personnel Board of the Seminole Nation.

Section 110. Establishment of Seminole Nation Office of Gaming Appeals; Scope of Jurisdiction.

(a) There is hereby established the Seminole nation Office of Gaming Appeals as an independent administrative law tribunal of the Seminole Nation.

(b) SNOGA shall have appellate jurisdiction over final actions and decisions of the Chief Gaming Regulator or SNGA or actions or decision unlawfully withheld under this Title including, but not limited to, licensing decisions, enforcement actions taken, directives issued to licensees, approvals of licensee actions, and licensee requests denied, except that SNOGA shall not have jurisdiction over appeals of and actions taken on:

(1) Chief Gaming Regulator decisions to issue, revise, or withdraw a regulation; or

(2) A personnel action of the Chief Gaming Regulator for an SNGA employee.

(c) In furtherance of its jurisdictional responsibilities, SNOGA shall:

(1) Develop rules and procedures consistent with this Title, including but not limited to Section 111, for processing, hearing, and rendering decisions on appeals subject to its

jurisdiction. Such rules and procedures of shall be adopted and published by the Chief Administrative Law Judge on the website of the Nation and/or the SNGA;

(2) Receive, process, hear, remand, decide, dismiss, and/or otherwise dispose of appeals made by the Gaming Operation, individual licensees, vendor licensees, registrants, or permittees; and patrons and other persons or entities;

(3) Render written decisions on matters coming before it for disposition; and

(4) Maintain, or cause to be maintained, a permanent system of records of cases and matters.

(d) SNOGA shall be led and managed by a Chief Administrative Law Judge, who shall be appointed for such term as may be agreed to by the Chief and the appointee, not to exceed a five-year term, subject to the approval of the General Council, and may be employed or retained by contract or employed on a part time, full time, or intermittent basis as the work and approved budget shall dictate and as agreed to in writing by the Chief and the appointee.

(1) The Chief Administrative Law Judge may appoint, remove, and assign cases or other duties to such other administrative law judges on a part time, full time, or intermittent basis as is commensurate with the workload of SNOGA and its approved budget. Such administrative law judges shall be attorneys in good standing licensed to practice law in a licensing jurisdiction within the United States.

(2) The Chief Administrative Law Judge may contract for such services and equipment as are commensurate with the workload and responsibilities of SNOGA and its approved budget.

(3) All personnel, procurement and other administrative actions of the Chief Administrative Law Judge shall be in accordance with the administrative requirements of the Seminole Nation Code.

(e) Persons employed by the Seminole Nation Office of Gaming Appeals shall:

(1) Meet the suitability criteria for licensure based on a determination that their prior activities, criminal record, if any, or reputation habits, and associations do not pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming;

(2) Be independent of the Gaming Operation and SNGA; may not be employed by the Gaming Operation or SNGA; and may not participate in the Nation's gaming activities; and

(3) Have no financial interest in the operation of a vendor Licensed under this Act or in any contract entered into between the Gaming Enterprise, SNDOC, SNOGA, SNGA, or a Gaming Facility and another party.

(f) <u>Appointment and Qualifications of the Chief Administrative Law Judge</u>.

(1) Appointment of the Chief Administrative Law Judge shall be by nomination by the Principal Chief, subject to confirmation by resolution duly adopted by the General

Council. Each Chief Administrative Law Judge may serve subsequent terms if nominated and confirmed by resolution duly adopted by General Council.

(2) To be eligible for appointment as Chief Administrative Law Judge, in addition to all requisite qualifications, a nominee shall:

(A) Based on a combination of experience and education, be considered to be capable of performing the duties of the position;

(B) Be at least twenty-five years of age at the time of appointment;

(C) Never have been convicted of any crime of moral turpitude, including, but not limited to, fraud, theft, bribery, or embezzlement, regardless of the degree of the offense, by any court of law;

(D) Never have been convicted of any felony offense by any court of law;

(E) Never have been found culpable for any gaming offense by any regulatory jurisdiction; and

(F) Have no pecuniary interest in any gaming management contract between the Nation and a third party, or in any entity that provides Gaming Goods to a facility licensee.

(g) Acting Chief Administrative Law Judge.

(1) If the Chief Administrative Law Judge position become vacant for any reason including, but not limited to, retirement, removal pursuant to this Section, resignation, or death, the Chief shall appoint a qualified individual to serve as Acting Chief Administrative Law Judge until a new attorney is nominated and appointed to the position of Chief Administrative Law Judge in accordance with the provisions of this section.

(2) If the Chief Administrative Law Judge is suspended pursuant to this Section, the Chief shall appoint a qualified individual to serve as Acting Chief Administrative Law Judge during the suspension of the Chief Administrative Law Judge, and shall provide written notification to the General Council of such measure stating grounds for suspension.

(3) An Acting Chief Administrative Law Judge shall meet all the requirements and shall have all the powers of the Chief Administrative Law Judge.

(h) Removal of a Chief Administrative Law Judge.

(1) Cause Required.

A Chief Administrative Law Judge may only be removed for cause, which shall include: failure to carry out SNGA duties, excessive use of intoxicants or controlled substances, use of office for personal gain, violation of this Title or other law or regulation of the Nation or of IGRA, or any misconduct or gross neglect of duty reflecting adversely on the dignity and integrity of the Seminole Nation or its government. Only the General Council shall have the authority to remove the Chief Administrative Law Judge, provided that the removal process may be commenced upon recommendation of the Chief.

(2) Removal Authority.

The Chief Administrative Law Judge may be removed from office prior to the end of any term when the General Council by majority vote removes said Chief Administrative Law Judge for one of the following reasons:

(A) Failure to carry out his or her responsibilities,

(B) Excessive use of intoxicants or controlled substances,

(C) Use of office for personal gain,

(D) Violation of this Title or other law or regulation of the Nation or of IGRA,

(E) Any misconduct or gross neglect of duty reflecting adversely on the dignity and integrity of the Seminole Nation or its government, or

(F) A breach of any material terms and conditions of any contract for his or her services as Chief Administrative Law Judge.

(i) Mandatory Removal.

The Chief Administrative Law Judge shall be removed by the General Council and the position shall be deemed immediately vacant if the Chief Administrative Law Judge is:

(1) Convicted by a court of law of any felony,

(2) Convicted for any misdemeanor offense involving a crime of moral turpitude,

(3) Found by any gaming jurisdiction to be culpable for any gaming offense,

(4) Found to be unsuitable for a gaming License under this Title, or

(5) Found to have breached the terms and conditions of any contract or engagement.

(j) Due Process for Removal.

In any removal process, a Notice of Proposed Removal shall be provided to the Chief Administrative Law Judge at least fourteen days in advance of the date set for the General Council's meeting to take action on such removal, and shall set forth the basis for such proposed action with sufficient specificity as to permit the preparation of an answer to such allegation(s). The respondent shall have the right to be represented by legal counsel at respondent's own expense and shall be permitted to speak and offer relevant evidence in his or her own defense. The General Council's decision shall be final and is not subject to appeal.

(k) Continuing Duty to Report. The Chief Administrative Law Judge shall serve under a continuing duty to apprise the Chief and the General Gaming Regulator, and the General Council of any charge, arrest, or conviction that occurs during his or her term of office.

(l) Suspension. The Chief Administrative Law Judge may be suspended by the Chief for up to ninety (90) days for any reason that could subject the Chief Administrative Law Judge to removal as provided in Sections 104(b) or (c).

(m) Review. All decisions of SNOGA shall be reviewable by the Seminole Nation Court.

Section 111. Appellate Procedure of the Seminole Nation Office of Gaming Appeals, Judicial Review; Due Process.

(a) Seminole National Office of Gaming Appeals.

(1) Jurisdiction.

(A) The SNOGA shall have appellate jurisdiction over all Decisions of the Chief Gaming Regulator and the SNGA, other than:

i. A decision to issue, revise, or withdraw a regulation; or

ii. A personnel action of the Chief Gaming Regulator in relation to an SNGA employee.

(B) The SNOGA shall have jurisdiction to compel the SNGA or the Chief Gaming Regulator to act timely in accordance with the requirements in this Title or the Compact on a matter within SNOGA's jurisdiction, provided that the Administrative Law Judge may not compel a specific outcome in a particular matter when exercising its compulsory authority.

(2) Process. The matters subject to appeal under this Section may be appealed in accordance with the following:

(A) The appellant must have exhausted all available administrative remedies;

(B) The appeal shall be in writing and shall state the name of the licensee, the issue(s) contested and the change(s) sought, the basis of such change(s), and such evidence as the appellant may wish to submit.

(C) In addition to the written appeal, the appellant may request an oral hearing before a SNOGA Administrative Law Judge.

(D) If a hearing is granted and takes place, it shall be at a date, time and place as set by a SNOGA Administrative Law Judge and shall be on the record.

(E) The SNOGA Administrative Law Judge shall issue a written determination supporting or denying (in whole or in part) the appeal and setting out his or her basis for the decision.

(F) Such written determination shall be deemed a final action of SNOGA.

(b) Seminole Nation Court.

(1) Original Jurisdiction –Tort Claims

(A) The Seminole Nation Court shall have original and exclusive jurisdiction to adjudicate all claims for personal injury or property damage filed by a patron against the Gaming Operation, but only if:

(i) The purported injury occurred on the premises of a Gaming Facility licensed under this Title;

(ii) The claimant followed all necessary procedures pursuant to the pertinent terms of the Compact; exhausted all administrative remedies; and provided all of the information required by the Compact for filing such a claim including, without limitation, the delivery of a valid and timely written tort claim notice, signed by the claimant under an oath affirming the validity of all information provided in the notice, to the Gaming Operation;

(iii) The Gaming Operation denied the tort claim; and

(iv) The clamant filed the appeal in the Seminole Nation Court no later than the one-hundred-eightieth day after denial of the claim by the Enterprise.

(B) Limitation on Jurisdiction.

(i) The Seminole Nation Court shall have no jurisdiction to award damages to any claimant in excess of the limits of the Gaming Operation's liability insurance and no judgment may entered or recovered except against the Gaming Operation's liability insurance policy.

(ii) A claimant's failure to file a tort claim or prize claim in accordance with the requirements of this subsection and in accordance with all applicable requirements of the Compact shall constitute a waiver of all rights of appeal and further shall deprive the Seminole Nation Court of jurisdiction over the claim.

(iii) A claimant's failure to file a tort claim within one year of the date of the purported injury shall deprive the Seminole Nation Court of jurisdiction over the matter and forever bar such tort claim against the Gaming Operation.

(iv) The Seminole Nation Court shall have no authority to award damages from the assets of the Seminole Nation.

(v) Except as specifically provided in the Nation's Compact, nothing herein shall be construed as a waiver of the Nation's sovereign immunity from suit.

(2) Appellate Jurisdiction.

(A) The Seminole Nation Court shall have appellate jurisdiction over final decisions of the SNOGA, provided that the appeal is filed no later than the thirtieth (30th) day following the date of a final decision by the SNOGA.

(i) Failure to seek review of the final action of SNOGA by the thirtieth (30th) day following the date of such final action or decision shall constitute a waiver of all rights of appeal and further shall deprive the Seminole Nation Court of jurisdiction over the matter.

(B) The Seminole Nation Court(s) shall have appellate jurisdiction over SNOGA actions and decisions in relation to prize claims and patron disputes, provided that a claimant's failure to file a prize claim notice within ten days of the event which forms the basis of a prize claim shall forever bar such prize claim and shall operate to deprive the Court of jurisdiction in the matter.

(3) Judicial Process.

(A) Except as otherwise provided in this Title, the manner and further requirements for filing appeals and/or claims for adjudication in the Seminole Nation Court shall be in accordance with the Court's rules and procedures.

(B) Appeals to the Seminole Nation Court of SNOGA decisions concerning actions and/or decisions of SNGA or the Chief Gaming Regulator shall be limited to the record that was before the Chief Gaming Regulator or SNGA at the time of the final action, including any recording or hearing transcript(s) resulting from any hearings conducted by the SNGA or SNOGA and their written records of decision.

(C) The Seminole Nation Court may remand any matter to the SNGA or SNOGA for further proceedings as warranted by the circumstances.

(4) Standard of Review.

(A) SNOGA and the Seminole Nation Court shall give deference to the administrative expertise of the Chief Gaming Regulator and SNGA and shall not set aside, modify, or remand any determination by the Chief Gaming Regulator except upon a finding that the decision, action, or lack of action was:

(i) Arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law;

(ii) Contrary to right under the Constitution of the Seminole Nation, this Title, the Compact or other applicable law;

(iii) In excess of statutory jurisdiction, authority, or limitation or short of statutory right;

(iv) Without observance of procedure required by law; or

(v) Unsupported by a preponderance of the evidence in a case reviewed on the record.

(B) The Seminole Nation Court's review of an appeal on a tort claim shall be de novo and shall be decided based on applicable law.

(5) Legal Representation.

A petitioner may be represented by legal counsel in any proceedings or adjudications conducted by SNOGA or the Seminole Nation Court at the petitioner's own expense, and the Gaming Operation, or SNGA may appear or be represented by legal counsel at their expense.

(6) Standing.

Only those persons or entities directly and adversely affected by an action or decision of the Gaming Operation and/or SNGA shall have standing to appeal such action or decision to SNOGA and/or the Seminole Nation Court, except where:

(A) The Petitioner is seeking relief against the SNGA for action unduly or unreasonably delayed or withheld where such inaction is causing articulable harm to the Petitioner; or

(B) The Petitioner is a licensee seeking appellate review of a regulation promulgated by the SNGA on the grounds that such regulation is arbitrary and capricious, constitutes an abuse of discretion, or is otherwise not in accordance with law.

(7) Remedies.

(A) SNOGA and/or the Seminole Nation Court, upon appeal, after hearing, may:

(i) Affirm, reverse, modify or remand a matter as appropriate subject to the standard of review established in this Title;

(ii) Compel SNGA and/or the Chief Gaming Regulator to take an action unlawfully or unreasonably delayed or withheld; or

(iii) Set aside and remand a regulation of the SNGA to the Chief Gaming Regulator upon a finding that such regulation or some portion of the regulation is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

(B) The Seminole Nation Court upon appeal, after hearing may:

(i) Affirm, reverse, modify or remand a matter to the SNOGA, as appropriate, subject to the standard of review established in this Title; or

(ii) Compel SNOGA to act or make a decision where an action or decision has been unduly delayed, or it may assume jurisdiction in a case before SNOGA where a decision has been unduly delayed or due process has been denied.

(C) The Seminole Nation Court upon appeal, after hearing, may award just and reasonable compensation for a personal injury or property damage upon a finding that the Gaming Operation is liable as a matter of law given all the facts and circumstances of the case as adduced at hearing of the case under applicable law, provided that:

(i) The amount of such award shall be reduced by 10% if the tort claim is filed with the Enterprise more than ninety (90) days after the event allegedly giving rise to the claim; and

(ii) The amount of compensation awarded for any one person for personal injury, for any one occurrence for personal injury, or for any one occurrence for property damage may not exceed the amount of the public liability insurance each such category of personal injury or property damage maintained by the Gaming Operation for the express purposes of covering and satisfying tort claims.

(D) The SNOGA and/or Seminole Nation Court upon appeal of the denial, in whole or in part, of a prize claim, after hearing, may award just and reasonable compensation if the full amount of an award determined to be due was not paid, provided that the amount of the award may not exceed the amount of the prize that the claimant establishes he or she was entitled to be awarded nor, in any case, an amount exceeding the maximum prize available in the game or gaming machine giving rise to the dispute.

(E) Burden of Proof. The Appellant shall bear the burden of proof in any appeal filed pursuant to this Title.

(F) Filing Fees. Each appeal under this Title shall be subject to a non-refundable filing fee of five hundred dollars ($500.00) to be paid to the SNOGA and/or Seminole Nation Court, as appropriate, which fee(s) may be waived only upon a demonstration of hardship supported by substantial evidence.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991, Amended by Law No. 2001-12, December 1, 2001, Amended by Law No. 2003-07, September 6, 2003]

CHAPTER TWO
LICENSING

Section 201. Gaming License, Permit, or Registration Required.

(a) Persons, Entities, and Facilities Required to Be Licensed.

(1) Every –

(A) Seminole Nation Gaming Facility where Class II or III gaming activities are conducted;

(B) Primary Management Official;

(C) Key Employee;

(D) Gaming Vendor; and

(E) Gaming Financer

shall be required to have and display prominently an appropriate, valid and current gaming License issued pursuant to the provisions of this Code.

(2) The License for a Gaming Vendor or Gaming Financer shall cover the business entity and the Principals of that Gaming Vendor or Financer under a single License except for those Key Employees employed by the Gaming Vendor or Gaming Financer with access to gaming activities, gaming equipment, the accounts, and the gaming or accounting software at or for the Enterprise, provided that all Principals of a Gaming Vendor or Gaming Financer shall be subject to a background investigation and suitability determination in accordance with the standards applicable to Key Employees.

(3) Any employee or Principal of a Gaming Vendor or Gaming Financer, including a manufacturer of gaming or gaming related equipment –

(A) Who has access to the gaming floor and/or secure or restricted areas of a Gaming Facility, including storage and maintenance areas, or who provides maintenance, repair or other service in relation to a game or gaming system; or

(B) Who has on-site or off-site access to hardware or software related to Gaming Activities, or who has any accounting or cash handling duties related to the Gaming Operation, wherever conducted

shall be considered to be a Covered Employee and shall be required to apply for and receive a Gaming License in accord with the same licensure requirements as a Key Employee, provided that accountants and attorneys shall be exempt from licensure or regulations when providing services covered by their respective professional licenses.

(b) Registration.

Every Non-gaming Vendor providing services or goods to the Gaming Operation, other than a federally, state, or tribally regulated publicly traded public utility company, shall be subject

to a requirement to register with SNGA and provide such information to SNGA as SNGA may by regulation require prior to contracting with or providing such goods and/or services to the Gaming Operation.

(1) The Chief Gaming Regulator may, by regulation, except Non-gaming Vendors from this registration requirement where the contract amount is de minimus, or the potential for unlawful or criminal conduct is negligible.

(2) The Chief Gaming Regulator may, by regulation, require federally, state, or tribally regulated publicly traded utility companies to register or be registered under this provision if he or she determines that there is a potential for criminal activity relating to the Gaming Operation contracting with such companies.

(c) Class I Gaming Permit.

A permit issued by SNGA shall be required for the conduct of any Class I traditional forms of Indian gaming in connection with a tribal ceremony or celebration involving wagering where the aggregate total of prizes to be awarded exceeds $10,000. Tribal social activities not involving the placement of wagers, including contests, competitions, or similar events in which prizes are awarded individually or to teams based on prowess, knowledge, or appearance, such as rodeos, powwows, sports tournaments, pageants, and other similar types of events, regardless of whether an entry fee is charged, do not constitute gaming and are expressly excluded from regulation under this Title.

(d) Work Permit.

Every employee of the Gaming Operation who is not a Primary Management Official or a Key Employee shall be required to have a work permit issued by the SNGA. Such work permit shall not authorize an employee to conduct any activities requiring a License under this Title, provided that the SNGA may require any or all gaming employees to be licensed upon a finding by the SNGA that the Gaming Operation is not compliant with the restrictions on the permissible duties and functions of work permittees.

(e) Prohibition. Any other form of gaming other than those activities excepted by Section 203 of this Title conducted within the jurisdiction of the Seminole Nation is prohibited.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991, Amended by Law No. 2003-22, December 6, 2003 Amended by Law No. 2004-01, January 17, 2004]

Section 202. Exemptions.

(a) Class I games, other than those requiring a permit, are exempt from the licensing, registration, and permit requirements of this Title if they –

(1) Are traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations, or

(2) Are social games solely for prizes of minimal value.

(b) For purposes of this section, "minimal value" shall mean an individual prize with a value no greater than $1,000 for a single prize or $10,000 in aggregate prizes to be awarded.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 203. Applications and Requirements for Licenses.

(a) General Requirements for Licenses.

(1) License Requirements.

(A) A License or Temporary License (not to exceed 90 days) must be issued by SNGA to an applicant pursuant to this Title and applicable regulations before the Gaming Operation may employ a person in a Key Employee or Primary Management position.

(B) Gaming Vendors, Management Contractors and Gaming Financers must be fully licensed by the SNGA prior to the commencement of any engagement, contract, or agreement, the delivery of any gaming goods or services, or the installation of any gaming or gaming-related equipment.

(C) Non-gaming vendors shall register or be registered prior to commencement of any transaction, contract, or engagement with the Gaming Operation.

(D) Failure to comply with all applicable licensure requirements by a person or entity required to be licensed pursuant to this Title shall be deemed a substantial violation and shall subject such person or entity to the enforcement authority of the SNGA.

(2) Term.

(A) A facility License shall be valid for a term of three years.

(B) A Primary Management Official License and a Key Employee License shall be valid for a term of two years.

(C) A Gaming Vendor or Gaming Financer License shall be for a term of one year.

(D) A Temporary License shall have a term as determined by SNGA, but not to exceed 90 days, provided that a Temporary License shall expire automatically upon issuance or denial of a permanent License.

(E) The term of a License shall start on the date it is issued and shall expire on the last day of its term.

(3) Applicant and Licensee Responsibilities. Applicants and licensees shall be legally responsible for compliance with this Title, regulations issued under this Title, IGRA, and all relevant License provisions, conditions, or restrictions.

(4) Sworn Application. No License shall be issued under this Title except upon a sworn application filed with the SNGA in such form as may be prescribed by the SNGA and

containing all of the mandatory information required for the License. Such form shall require agreement by the licensee to abide by all requirements and restrictions in the License, this Title, the Compact, and all applicable laws, rules and regulations.

(5) Withdrawal of Application. An application may not be withdrawn without the permission of the SNGA. An applicant may request to withdraw an application by submitting to the SNGA a written request for withdrawal. The SNGA shall have the right, in its sole discretion, to grant or deny a request for withdrawal. A decision to deny a request for withdrawal shall be final and unappealable.

(6) Continuing Duty to Provide Information. Applicants and licensees shall have a continuing duty to provide any materials, assistance, or other information required by the SNGA and to fully cooperate in any investigation conducted by or on behalf of the SNGA. If any information provided on the application changes or becomes inaccurate in any way, the applicant or licensee must promptly notify the SNGA of such changes or inaccuracies.

(7) Suitability Determination. The SNGA shall review every License applicant's prior activities, criminal record, if any, and reputation, habits, or associations to make a determination concerning the suitability of such applicant for employment or for a contractual, financial or other business arrangement with the Gaming Operation.

(A) The SNGA shall conduct an investigation sufficient to make a suitability determination under this Section. In conducting a background investigation, the SNGA or its agent shall strive to keep confidential the identity of each person interviewed in the course of the investigation and to protect confidential information provided as part of the licensing process.

(B) No person requiring a License for employment under this Title may be employed, and no contract or other business arrangement may be entered into with a Gaming Vendor or Gaming Financer if, based on such review –

(i) The applicant has not fully completed all required application forms, or has not provided the SNGA with such other information the SNGA has requested;

(ii) The SNGA determines that employment of, contracting with, or entering into a financial arrangement with the applicant or a Principal or Primary Management Official thereof, poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; or

(iii) The SNGA determines that the applicant, or in the case of a Gaming Vendor or Gaming Financer, the applicant or a Principal or a Primary Management Official thereof has –

I. Been convicted of any felony offense;

II. Been convicted of any offense of any degree within the past ten years involving an element of dishonesty, such as theft, fraud, and, for example;

III. Had a gaming license denied or revoked by any licensing jurisdiction for any cause related to dishonesty, such as theft, embezzlement, fraud, cheating, or accepting bribes or kick-backs;

IV. A reputation for dishonesty regardless of whether charged or convicted; or

V. Provided false or misleading information, statements, or information on his or her License application,

VI. Failed to disclose any information required to be disclosed on the License application; or

VII. Otherwise failed to meet the suitability standard for licensure.

(C) When the applicant is applying for a Gaming Vendor or Gaming Financer License, in addition to the reasons denoted in subsection (B) of this Section, the SNGA, based on the background investigation, may deny the applicant a License if the SNGA concludes the applicant;

(i) Is not sufficiently stable and capitalized;

(ii) Is owned, operated, or managed by persons who fail to meet the suitability standards in this Section; or

(iii) Has a history of performance failure or contentious business relationships.

(D) If, at any time, the SNGA finds that a licensee fails to continue to meet the licensure standard established in this Section, the SNGA may take appropriate steps to suspend or revoke the License.

(8) Temporary License. The SNGA may, in its sole discretion, issue a Temporary Gaming License to Key Employees and Primary Management Officials upon the SNGA's review of their individual, completed gaming License applications, review of their fingerprints consistent with the procedures adopted by SNGA according to 25 C.F.R. § 522.2, and upon a signed, written representation by the applicant that he or she meets the standards for licensing in this Section. Such Temporary License may be cancelled or revoked and the license application denied if the SNGA finds that the Applicant does not meet the standards for licensing under this Section.

(9) Exclusion. Gaming Vendors shall not be eligible to receive a temporary license nor shall any gaming or related equipment be installed in any gaming facility prior to the issuance of a Gaming Vendor License by the SNGA. The Gaming Enterprise shall ensure that all Gaming Vendor contracts specify that such contract shall be null, void, and unenforceable if the Gaming vendor fails to apply for, receive, and maintain a Gaming Vendor License.

(10) License Requirements and Restrictions. Any License issued by SNGA may be subject to such requirements, conditions, and/or restrictions as SNGA may require, including restrictions on the areas to which the licensee may have access, restrictions on the positions a licensee may hold, requirements for reporting or submitting information to the SNGA, and such other conditions, restriction and/or limitations as the Chief Gaming Regulator deems appropriate under the circumstances.

(11) License contingency Terms for Employment and Business Arrangements.

(A) An employment agreement for any persons requiring a License under this Title; and

(B) Business arrangements, including contracts, engagements, and agreements entered into by the Gaming Operation with Gaming Vendors or Gaming Financers and/or their Principals and/or Primary Management Officials who are required to be licensed under this Title shall include terms:

(i) Providing for termination if the requisite License is denied or revoked;

(ii) Acknowledging the licensee's duty to comply with all applicable gaming laws and regulations, including, but not limited to the Nation's internal control standards, federal laws and regulations, and the Compact; and

(iii) Providing consent to the regulatory jurisdiction of the SNGA.

(12) Non-Assignability of License. Any License issued pursuant to the provisions of this Title is valid only for the person(s) or entity(ies) shown on the face thereof. Any such License is not assignable or otherwise transferable to any other person or entity or, in the case of a facility License, for any other location unless authorized and approved by the SNGA.

(13) Employee License Site Limitation. An Employee License or Work Permit shall be specific to a each Gaming facility unless SNGA, authorizes a specific licensee or group of licensees to conduct activities covered by their Licenses at other Gaming facilities, which authorization shall be indicated on the Employees' badge(s).

(14) Duty of Licensee to Keep Informed of Requirements. Acceptance of a License or renewal thereof, or restriction imposed thereon, by a licensee constitutes an agreement on the part of the licensee to be bound by all the regulations and/or restrictions of the SNGA and by the provisions of this Title as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof shall not excuse the violation.

(15) License Revocable. A Gaming License issued under this Title is a revocable privilege, and no holder thereof shall be deemed to have any rights therein or thereunder.

(A) A License issued under this Title may be revoked by SNGA –

(i) For cause related to violations of the Seminole Nation Code or regulations, the Compact, NIGC regulations, other violations of law or Gaming Enterprise procedures, or any other wrongful conduct or behavior of a licensee;

(ii) Upon a finding that the licensee is not suitable to hold a License under the criteria set forth in Section 203(a)(7); or

(iii) For any actions or inactions that present an actual and imminent threat or danger to the public health and safety of a Gaming facility licensed under this Title or its patrons or to the integrity of the games played at such facility.

(B) A License may be suspended by the SNGA for such period of time as the SNGA determines appropriate pending investigations, hearings, and other processes for consideration of a License.

(C) The burden of proving qualifications to hold any License rests at all times on the licensee.

(D) The SNGA shall have the duty of continually observing the conduct of all licensees to the end that Licenses shall not be held by unqualified, disqualified, or unsuitable persons or entities, or persons or entities whose operations are conducted in an unsuitable manner.

(E) The SNGA may review any individual's or an entity's License at any time.

(16) Violations. Violation of any provisions of this code or any rules or regulations of the SNGA by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the Seminole Nation and the inhabitants of the Seminole Nation, and shall be grounds for refusing to grant or renew a License, grounds for suspension or revocation of a License, or grounds for the filing by SNGA of a civil action for forfeiture of a License in the Seminole Nation Court.

(17) Fees. There shall be a fee or methodology for determining a fee established for each type of License. All License fees shall be paid to and retained by SNGA to offset compensation and expenses of SNGA.

(18) Wearing License Identification Cards. All licensees shall wear, in plain view, identification cards which include a photograph of the employee, his or her first name, a four-digit identification number unique to the License issued to the licensee, a tribal seal or signature verifying the official issuance of the card, and the date of expiration.

(19) License Renewal. An application to renew a facility License shall be submitted 150 days before the expiration of a current facility License, and an application to renew any other License under this Title shall be submitted 90 days prior to the expiration of a current License. Any renewal application shall be subject to the same requirements for licensing as a new License under this Title except that the SNGA may, by regulation, require an update of the information required for the License from the first application to the extent that the information has changed.

(b) Facility License.

(1) License Requirements. The SNGA shall issue a separate facility License to each place, facility, or location where Gaming takes place under this Title, provided:

(A) Documentation is provided demonstrating that the facility is located, or will be located if it is to be constructed, on the Nation's Indian Lands;

(B) The Facility is of sound physical structure with adequate, safe, and operational plumbing, electrical, heating, cooling and ventilation systems in place;

(C) The Gaming Operation has provided a complete description of the premises and the name and address at which gaming will be conducted;

(D) The Facility has been inspected and approved for safety by a qualified building and fire inspector approved by SNGA;

(E) The facility is equipped with security and surveillance equipment meeting or exceeding provisions set forth in regulations established by the SNGA;

(F) The Gaming Operation has prepared and the facility is subject to an emergency preparedness plan approved by SNGA;

(G) The Gaming Operation has submitted all documentation required by applicable regulations of the NIGC for a new facility or, for renewal of a License, such information required for reissuing a License;

(H) The Gaming Operation has provided such other information as the SNGA shall require by regulation; and

(I) The Gaming Operation has paid all applicable License and regulatory fees and assessments.

(2) Requirements of a Licensee. All facility licensees shall comply with orders, directives and regulations of the SNGA, which, at a minimum, shall include the following requirements:

(A) The facility shall at all times be maintained in an orderly, clean and neat condition, both inside and outside the premises of the facility.

(B) The facility shall be subject to patrol by the Nation's security and law enforcement personnel and, when authorized, local and state law enforcement and the licensee shall cooperate at all times which such security and law enforcement officials.

(C) The facility shall be open to inspection by SNGA at all times.

(D) The facility shall continuously meet all applicable environmental, public health, and safety standards as established by the SNGA or other authorized governmental units of the Nation.

(E) The Gaming Operation shall pay all appropriate regulatory fee assessments to the NIGC pursuant to 25 U.S.C. §2710(b)(4)(B)(i)(IV).

(F) The Gaming Operation shall pay all regulatory fees, fines, and assessments as may be applicable.

(G) The facility shall operate without any discrimination in any gaming operations by reason of race, color, sex, or creed, provided, however, that nothing herein shall prevent the licensee from granting hiring preferences to members of the Seminole Nation or other federally recognized Indian tribes.

(3) Application and Renewal Deadlines.

Applications for a Facility License shall be submitted at least 180 days prior to the initial conduct of business, and at least ninety (90) days prior to its expiration if renewal is sought;

(4) Display of License. Every Facility licensee shall display in a prominent place a current and valid License for that location.

(5) License Unassignable.

If the Gaming Operation elects to move operation of a gaming facility to a different location and operate under the same trade name, such action shall nonetheless be deemed to require the issuance of a new Gaming Facility License for purposes of this Section and the SNGA shall issue a new license in accordance with this Section.

(6) Penalties for Violations.

Facility licensees may be fined or have their privilege to conduct gaming activities within the Seminole Nation and their License to game suspended or revoked for a period not to exceed 90 days, or, in the event of a condition creating imminent jeopardy to public health and safety, such longer period of time as may be required to abate such condition; or may be subject to such other penalties or orders as may be appropriate by the SNGA and the Courts of the Seminole Nation if found in violation of any of the requirements of this Act, regulations issued under this Act, the Compact, or other applicable laws including IGRA.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91012, November 16, 1991; Amended by Law 9204 February 24, 1994; Amended by Law No. 2001012, December 1, 2001]

(c) Key Employee, Primary Management Official, or Other Individual License.

(1) License Requirement and Scope.

The SNGA shall issue a License to each Key Employee and Primary Management Official who qualifies for and would require a License under this Title. The License shall grant the applicant the revocable privilege of working in a position requiring a License under this Title.

(2) Application and Licensing Deadlines.

Before a Key Employee or Primary Management Official begins work, a completed application for a License shall be provided to SNGA by the applicant, which application shall contain all of the information required by this Section, and SNGA

shall conduct the background investigation and make the suitability determination described in this Section to determine whether or not to grant the License.

(3) Jurisdiction and Jurisdiction Statement.

Acceptance of a License by a Key Employee or Primary Management Official shall constitute acceptance by that individual of the jurisdiction of SNGA, SNOGA, and the Seminole Nation Courts for all licensure actions and for any violations of the terms of that License, this Title, and the Seminole Nation Code and regulations.

(4) Notice of Consent and Signature.

The License Application for a Key Employee or Primary Management Official shall provide notice of the consent to jurisdiction of SNGA,SNOGA, and the Seminole Nation Courts required by this Title and shall require a separate signature immediately below the notice by the applicant accepting such jurisdiction.

(5) Privacy Act Notice and Notice Regarding False Statements.

The Application form for Key Employees and Primary Management Officials shall include the statements required to be on such forms under 25 C.F.R. §§ 556.2 and 556.3.

(6) Minimum Application Information Required.

The SNGA shall require from each Primary Management Official and from each Key Employee all of the following information as part of their License application:

(A) Full name, other names used (oral or written) including any aliases by which applicant has ever been known, social security number(s),

(B) Birth date, place of birth, citizenship, gender, all languages known (spoken or written);

(C) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

(D) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (6)(C) of this Subsection;

(E) Current business and residence telephone numbers;

(F) Military service history;

(G) A description of any existing and previous business relationships with Indian Nations, including ownership interests in those businesses;

(H) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;

(I) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted;

(J) A description of any disciplinary charges filed by any state or tribal regulatory authority, whether or not discipline was imposed.

(K) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(L) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(M) For each criminal arrest, charge, or proceeding (excluding minor traffic charges), whether or not there is a conviction, identification of the criminal arrest, charge, or proceeding, the name and address of the court involved, and the date and disposition;

(N) 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;

(O) A current photograph;

(P) For the applications of Primary Management Officials, including the General Manager of the Gaming Enterprise and the Managers of each Gaming Facility, financial statements;

(Q) Fingerprints consistent with procedures adopted by the SNGA according to 25 C.F.R. § 522.2(h); and

(R) Any other information the SNGA deems relevant.

(7) Background Investigation.

A background investigation for each prospective Primary Management Official and Key Employee requiring a License shall be conducted by the SNGA.

(A) Required Actions. The background investigation must include the following actions:

(i) Verification of the applicant's identity and the information submitted by the applicant on the License application;

(ii) Contacts with the applicant's personal and business references;

(iii) A civil, criminal, public records, and credit history check; and

(iv) Forwarding the applicant's fingerprint card to the NIGC to be processed by the Federal Bureau of Investigation's National Criminal Information Center. The SNGA may submit an applicant's fingerprint card to any additional tribal, local, or state criminal history check system as the SNGA deems necessary or appropriate. Reports obtained from such fingerprint processing shall be incorporated into the applicant's application file.

(v) The SNGA by regulation may conduct such additional investigative activities as it may deem appropriate.

(vi) The SNGA may issue a notice to a License applicant for an interview or hearing at any time during the investigation to secure any additional information it may require in determining the applicant's suitability for a License.

(vii) Upon completion of the investigation, the staff shall prepare a written report and recommendation in relation to the applicant's suitability and the SNGA shall then determine whether to grant or deny the License.

(B) Retention of Records. The SNGA shall retain License applications for Key Employees and Primary Management Officials and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

(C) Submissions to NIGC and Granting Licenses.

(i) The SNGA shall forward to the NIGC a completed license application when a Key Employee or Primary Management Official begins work at a gaming operation.

(ii) The SNGA shall forward an investigative report on each background investigation to the National Indian Gaming Commission within sixty (60) days after an employee begins work in accordance with the requirements established by the NIGC by regulation or written instructions.

(iii) An investigative report shall include all the following:

I. Steps taken in conducting a background investigation;

II. Results obtained;

III. Conclusions reached; and

IV. The basis for those conclusions.

(D) Suitability Determination. The SNGA shall submit with the report a copy of the suitability determination made under Section 203(a)(7) of this Title.

(E) License Denial Actions.

If a License application is denied, the SNGA:

(i) Shall notify NIGC; and

(ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records Systems.

(8) Granting Gaming Licenses to Key Employees and Primary Management Officials.

(A) If within a thirty (30) day period after the NIGC receives an application and investigatory report as provided in the previous Subsection, the NIGC notifies the SNGA that it has no objection to the issuance of a License pursuant to such applicant, the SNGA may issue a License to such applicant.

(B) The SNGA shall respond to a request for additional information from the NIGC Chairman concerning an applicant who is the subject of an investigatory report. Such a request shall suspend the 30-day period under this subsection until the Chairman receives the additional information.

(C) If, within the 30-day period described above, the NIGC provides the SNGA with a statement itemizing objections to the issuance of a License to a Key Employee or to a Primary Management Official, the SNGA shall reconsider the application, taking into account the objections itemized by the NIGC. The SNGA shall make the final decision whether to issue a License to such applicant.

(9) Notice by NIGC.

If, at any time after the issuance of a gaming License to a Key Employee or Primary Management Official, the SNGA receives from the NIGC reliable information indicating that the licensee is not eligible for employment under Section 203(a)(7), the SNGA shall suspend such License and shall notify the License in writing of the suspension and the proposed revocation.

(A) The SNGA shall notify the licensee of a time and a place for a hearing on the proposed revocation of a License.

(B) After a revocation hearing, the SNGA shall decide to revoke or to reinstate the License. The SNGA shall notify the National Indian Gaming Commission of its decision.

(10) Forwarding Covered Employees Application to the State Compliance Agency.

Upon obtaining the required application information from a Covered Employee, the SNGA, upon request, shall provide a copy of it to the SCA along with any

determinations made with respect to the issuance or denial of a temporary or permanent License.

(d) Gaming Vendor and Gaming Financer Licenses.

(1) License Requirement and Scope.

The SNGA shall issue a License to each Gaming Vendor and Gaming Financer that qualifies for a License under this Title. The License shall grant the applicant the revocable privilege of contracting with or entering into a financing arrangement or other business arrangement with the Gaming Operation.

(2) Application and Licensing Deadlines.

Before a Gaming Vendor or Financer may contract, enter into a financing arrangement, or enter into any other business arrangement with the Gaming Operation, a completed application for a License shall be provided to SNGA by the applicant, which application shall contain all of the information required under this Section and SNGA shall conduct the background investigation and make the suitability determination described in this Section to determine whether or not to grant the License.

(3) Application Information Required.

The SNGA shall by regulation establish application information requirements for Gaming Vendors and Gaming Financers sufficient to make the determinations for issuing or denying a license in Section 203(a)(7).

(4) Limiting Information Required.

The SNGA may limit, as the SNGA deems appropriate, the types of information required from an applicant for a Gaming Financer License where:

(A) The information required of applicants, except as limited by paragraph (A) above, shall be sufficient to probe the Gaming Vendor's or Gaming Financer's: legal structure and ownership interests; locations, history, reputation and operation as a business entity, including locations and nature of the business; organizational structure; officers; the civil and criminal history of the applicant, including any litigation, court or administrative tribunal determinations, and sanctions; financial stability, capitalization, and capability; level of responsibility for completing its contractual commitments and guaranteeing results; its customer base; and its reputation;

(B) The Gaming Vendor or Gaming Financer is an individual, the applicant shall also submit an application with all the information required for licensure as a Primary Management Official under Subsection (c) of this Section; and

(C) The Gaming Vendor and Gaming Financer is not a natural person, but is structured as a corporation, partnership, sole proprietorship with multiple employees, or other legal entity for the purpose of conducting business, the applicant, with the possible limitation in paragraph (a), above, shall also submit

for purposes of determining whether to grant or deny a License, all of the information required for licensure as a Key Employee under Subsection (c) of this Section for any Covered Game Employee or Principal who is not required to have an individual License and for such other officers of the entity as the SNGA may deem necessary to understand the organization and persons with which the Seminole Nation would be dealing under the License.

(5) Background Investigation – Gaming Vendor or Gaming Financer.

A background investigation for each prospective Gaming Vendor and Gaming Financer requiring a License shall be conducted by the SNGA.

(A) The background investigation must include all of the following actions:

(i) Verification of the applicant's identity and the information submitted by the applicant on the License application, including the information provided by Covered Employees and Principals;

(ii) Contacts with the applicant's personal and business references;

(iii) A civil, criminal, and credit history check; and

(iv) A background investigation of all individuals who are a Principal, Key Employee, or Primary Management Officer of the Gaming Vendor or Gaming Financer in accordance with Subsections 203(a) - (c) of this Section.

(B) The SNGA may conduct such additional investigative activities as it may require by rule or regulation.

(C) The SNGA may issue a notice to a License applicant for an interview or hearing at any time during the investigation to secure any additional information it may require in determining the applicant's suitability for a License.

(D) Upon completion of the investigation, the staff shall prepare a written report and recommendation in relation to the applicant's suitability under Section 203(a)(7) of this Title and the SNGA shall then determine whether to grant or deny the License.

(E) Record Retention. The SNGA shall establish a record retention schedule for Gaming Vendor and Financer applications and background investigation records.

(6) Notifications to the State Compliance Agency.

The SNGA, when requested, shall advise the SCA of:

(A) All financing and loan transactions with respect to covered games or supplies in which the amount exceeds $50,000 in any twelve-month period and make them available for SCA review upon request; and

(B) Approval of any Management Contract approved by the Chair of the National Indian Gaming Commission.

(e) Adverse Licensing Action Procedure.

(1) The SNGA shall notify an applicant or licensee, in writing, of the SNGA's preliminary decision to deny an application for a License or to suspend, revoke, limit, modify, restrict, condition or cancel the licensee's gaming license, which notice shall inform the licensee of the basis for the SNGA's preliminary decision and of any due process rights available to the applicant or licensee.

(2) An SNGA decision to limit, modify, restrict, condition, or cancel a License shall not be deemed an adverse action requiring a hearing and shall not be appealable except upon a showing, supported by substantial evidence, that such decision was the result of bias, prejudice, or other wrongful purpose; provided that the SNGA may in its discretion accord a licensee an opportunity to show cause why the License should not be limited, modified, restricted, conditioned, or cancelled. The SNGA may, in its sole discretion, grant an oral hearing or require a written submission.

(3) Unless otherwise provided in this Title, an applicant or licensee, as appropriate, shall, upon written petition, be entitled to a hearing before the Chief Gaming Regulator or another hearing officer designated by the Chief Gaming Regulator prior to denial of an application or the revocation or suspension of a License.

(4) Denial of a license may be contested by an applicant and the revocation or suspension of a license may be contested by a licensee as an adverse action under the procedures set out below:

(A) To invoke the right of hearing, the applicant or licensee must submit a written petition for hearing to the SNGA within ten (10) days from the date of service or delivery of the SNGA's notice of proposed denial or revocation. Such notice may be served by registered or certified mail or it may be personally served on the Applicant or licensee.

(B) The Chief Gaming Regulator may, in his or her discretion, direct the Gaming Operation to place a licensee on administrative leave, with or without pay at the discretion of management, during the pendency of the matter.

(5) Right to Counsel.

An Applicant or licensee subject to a notice of adverse action shall be entitled to be represented by an attorney and must be present and participate in the proceeding.

(6) Waiver of Right to Hearing.

If the applicant or licensee fails to invoke the right to a hearing within ten days from the date the SNGA's notice or proposed denial or revocation is delivered to or served upon the applicant or licensee, such inaction shall operate as a waiver of the right of appeal, in which case, the Chief Gaming Regulator's preliminary decision shall be entered as a final order not subject to further appeal.

(7) Hearing Date.

If the applicant or licensee invokes the right to a hearing, the Chief Gaming Regulator shall set a date for such hearing to take place within sixty (60) days unless extended by mutual consent of the Chief Gaming Regulator and the respondent.

(8) Hearing Procedure.

Hearings under this Section shall be conducted in accordance with the requirements of Section 305(b) of this Title.

(9) Right to Appeal.

If, after such hearing, the Chief Gaming Regulator renders a final adverse determination with regard to a gaming license, the licensee may appeal the decision to the SNOGA.

(10) Prohibition on Limitations.

Nothing in this Section shall limit the Chief Gaming Regulator's authority to summarily issue an order directing action by a licensee, an order to cease and/or desist, or an order suspending a Gaming License upon a finding that such order is necessary to:

(A) Cure an imminent threat to the integrity of gaming at the Gaming Enterprise;

(B) Protect the Nation's property or assets; or

(C) Ensure the public health and safety of patrons and employees.

Section 204. Registration of Non-Gaming Vendors.

(a) Each Non-Gaming Vendor required to be registered pursuant to Section 201(b) of this Title shall provide the following information in a form or format as may be required by the SNGA:

(1) Name of the Non-Gaming Vendor;

(2) Address of the Non-Gaming Vendor's principal place of business;

(3) Form of legal organization (such as a corporation, partnership, LLC, or sole proprietorship), and state where chartered;

(4) Any state or tribal identification number providing access to the state-registered or tribally-registered organizational papers;

(5) The name and business address of the agent or person responsible for providing the goods or services;

(6) If the Non-Gaming Vendor is not a publicly traded corporation, the name of the Principal of the Non-Gaming Vendor;

(7) The nature of the goods and services provided; and

(8) Such additional information as the SNGA may require by regulation.

(b) The Chief Gaming Regulator shall by regulation and procedures establish the time and submission requirements for this Section.

(f) SNGA, at its discretion, may conduct a background investigation on a Non-Gaming Vendor required to be registered under this Chapter.

Section 205. Applications and Requirements for Class I Gaming Permits.

An applicant for a Class I gaming permit pursuant to Section 201(c) shall provide his or her name, a brief description of the event, an estimate of the total amount of prizes, and such additional information in such form as may be established by regulation under this Title.

Section 206.Applications and Requirements for Work Permits.

Each employee of Gaming Operation required to have a work permit pursuant to Section 201(d) of this Title shall provide his or her name, residential address, phone number, Social Security Number, and such additional information in such form as it may require. SNGA may, at its discretion, conduct a background investigation on a person required to hold a permit under this Chapter.

Section 207. Inspection of Premises.

The premises of a Gaming Facility, including buildings and property connected physically or otherwise within the Gaming Facility, as well as parking areas and vehicles used in connection therewith, shall at all times be subject to inspection by or on behalf of SNGA. At any time during which a licensed Gaming or related administrative activity is being conducted on the premises, no advance notice shall be required from the SNGA to:

(1) Make an account of all monies on the premises and all monies received during the operation of the licensed activity located on the premises;

(2) Inspect all receipts for prizes which have been awarded by the Gaming Enterprise at the licensed facility;

(3) Inspect any other records, accounts or other related information of the licensee or of any employee who directly participates in the management, operation, or promotion of a licensed activity; or of any employee of the licensee; and

(4) Inspect equipment of any nature used in connection with gaming activities, including interior areas of such equipment, parts, and components.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

CHAPTER THREE
CIVIL AND CRIMINAL ACTIONS, PENALTIES, AND ENFORCEMENT

Section 301. Civil Violations.

(a) Generally. In addition to other civil and criminal acts that may be regulated or prohibited by this Title, other Seminole Nation law, or applicable federal or state law, the following prohibited activities shall constitute civil violations under this Title and may subject any person or entity subject to the enforcement authority of the SNGA as provided in this Title:

(1) Violations of any License terms, restrictions, and limitations by a licensee;

(2) Cheating in any form, including, but not limited to:

(A) Altering or misrepresenting the outcome of gaming or another event on which wagers have been made after the outcome of such gaming or event has been determined but before such outcome is revealed to the players;

(B) Placing or increasing a bet or wager after acquiring knowledge of the outcome of the gaming or event which is the subject of the bet or wager;

(C) Altering, concealing, or marking cards;

(D) Aiding any person in acquiring knowledge about of the forms of cheating referred to in Section 301(a)(2) of this Title for the purposes of increasing or decreasing any bet or wager, or for the purpose of determining the course of play;

(E) Altering or tampering with any gaming equipment;

(F) Using slugs, tokens, or forged or fraudulent coins or instruments for any gaming machine or to place a wager in a card game;

(G) Aiding another person to cheat in any manner;

(H) Violating any rules of play;

(I) Using any device, apparatus, or contraption to determine or alter the outcome of play or change the odds of any game, including any calculator, computer, or other electronic or mechanical device to assist in projecting the outcome or odds of such gaming, to keep track of or analyze cards, or to change probabilities of any game or the playing strategies regularly utilized in such gaming;

(J) Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager; or

(K) Manipulating any component or part of a game or gaming equipment in a manner contrary to the designed and normal operational purpose for such component or part, so as to affect the outcome of the game.

(3) Fraud or theft from the gaming facility by any patron, employee, agent, guest, vendor or person, including, but not limited to:

(A) Claiming, collecting, or attempting to claim, collect or take, money or anything of value from the Gaming Enterprise, Gaming Facility, or SNDOC to which one is not entitled; or claiming, collecting or taking an amount greater than the amount actually won in such game;

(B) Defrauding the Nation, any licensee, or any participant in any gaming or promotional activity;

(C) Making any untrue statement of a fact, or failing to state a fact necessary, in order to commit a fraud; or

(D) Otherwise engaging in any act, practice, or course of conduct as would operate as a fraud upon any person;

(4) Delay, maneuvering, or taking action of any kind to unlawfully avoid paying proceeds of gaming properly owed to the Seminole Nation;

(5) Participating in or operating any gaming activity not authorized under this Title;

(6) Enticing or inducing another person to go to any place where gaming is conducted or operated in violation of the provisions of this Title, with the intent that the other person play or participate in such gaming;

(7) Providing false or misleading information or making any false or misleading statement with respect to an application for employment or for any license, certification or determination provided for in this Title;

(8) Providing false or misleading information or making any false or misleading statement to the Nation, SNGA, or the Gaming Operation in connection with any contract for services or property related to gaming;

(9) Providing false or misleading information or making any false or misleading statement in response to any official inquiry by the SNGA or its agents;

(10) Offering or attempting to offer any money or thing of value to an official or employee of the Gaming Operation, SNGA, SNOGA, or a license to induce such official or licensee to act, or refrain from acting, in a manner contrary to the official duties of the licensee under this Title, regulations promulgated by the Seminole Nation including those promulgated under this Title, Seminole Nation or Federal law, or the Compact;

(11) Acceptance by an official or employee of the Gaming Operation, SNGA, SNOGA, or a licensee of any money or value given to such organization or licensee for the purpose of inducing the organization or licensee to act, or refrain from acting, in a

manner contrary to the official duties of the organization or licensee under this Title, Seminole Nation or federal law, or the Compact;

(12) Falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to the Gaming Operation in ways other than is provided for in approved internal control procedures;

(13) Taking any action which interferes with, impedes, or prevents the Gaming Operation, SNGA, SNOGA, or the General Council from fulfilling its duties and responsibilities under this Title, Title 8, SNGA regulations, IGRA, or the Compact; and

(14) Entering into any contract, or making payment on any contract for the delivery of goods or services to a Gaming Operation, when such contract fails to provide for or result in the delivery of goods or services of fair value for the payment made or contemplated.

(b) Gaming Management. In addition to any other violation set forth in Section (a) of this Section, it shall be a violation of this Title for any gaming manager, employee, or other responsible person or Nation official to:

(1) Fail to keep appropriate books and records sufficient to substantiate the income and expenses and to verify the propriety of all expenditures and disbursements by any component of the Gaming Operation or activity owned or operated by the Gaming Enterprise;

(2) Falsify any books or records related to any transaction connected with the holding, operating, or conducting of any Gaming activity or gaming promotion;

(3) Make any unauthorized payments or disbursements;

(4) Convert for one's personal use any funds, property, or other assets of the Gaming Operation;

(5) Place unlicensed or unauthorized Gaming equipment on the Gaming floor or permit the play of unauthorized games;

(6) Fail to report observed violations of this Title to the SNGA;

(7) Fail to comply with any order or directive of the SNGA; or

(8) Fail or refuse to report any matter so required to be reported to the SNGA by this Title.

(c) Duty to Report. It shall be a duty of the Gaming Operation to refer any suspected violations of this Title to SNGA.

(d) Non-exclusive action. In addition to civil law sanctions under this Title, the Seminole Nation may exercise any of its police powers or pursue other available sanctions including criminal sanctions for civil violations under this Title.

Section 302. Criminal Violations.

(a) Criminal Violations. The Actions enumerated in Section 301 shall also constitute criminal offenses if committed knowingly or intentionally.

(1) Any person subject to the criminal jurisdiction of the Nation who commits such offense may be criminally prosecuted by the Nation in Seminole Nation Court and upon conviction for such offense(s) may be sentenced to imprisonment for a period not to exceed 365 days or a fine not to exceed $5000.00 or both such fine and imprisonment for each offense committed, plus costs.

(2) Any person not subject to the criminal jurisdiction of the nation who commits an act prohibited by this Section shall be subject to a criminal referral to the appropriate law enforcement agency for possible prosecution under applicable state or federal laws.

(b) Duty to Report. It shall be the duty of the Gaming Operation and all licensees to report any suspected criminal activity to the appropriate law enforcement agency and SNGA, and for SNGA to report any suspected criminal activity to the appropriate law enforcement agency.

Section 303. Civil Sanctions.

(a) Any person, Gaming Vendor, Gaming Financer, or other entity that engages in activities on property subject to the provisions of this Title or operates under a License issued under this Title in violation of this Title, regulations promulgated under this Title, the terms of a License issued under this Title, IGRA, or the terms of the Compact shall be subject to the enforcement authority of the SNGA, which may assess civil sanctions pursuant to this Title

(b) Any person who unlawfully trespasses upon any premises licensed under this Title may be permanently excluded from the premises and/or be subject to a civil suit by the Seminole Nation and/or the Gaming Operation

(c) The SNGA, at its discretion, may institute an enforcement proceeding against any person or entity Licensed under this Title. In addition to any actions the SNGA may take pursuant to Chapter 2 of this Title related to the denial, revocation, suspension or other action related to a License issued under this Title, the SNGA by order may:

(1) Impose a formal or informal reprimand, issue a command or order to cease and desist, or assess a monetary penalty not to exceed the following amounts:

(A) $25,000 per violation per day if the violator holds a License issued under this Title and is a Gaming Vendor, Gaming Financer, or a Primary Management Official;

(B) $25,000 per violation per day if the violator is engaged in or has taken actions requiring that it be licensed under this Title as a Gaming Vendor, Gaming Financer, or a Primary Management Official, and has not obtained such a License;

(C) $5,000 per violation per day if the violator is a Key Employee;

(D) $5,000 per violation per day if the violator is taking actions requiring that he, she, or it be licensed as a Key Employee under this Title, but the violator has not obtained such a license; or

(E) $5,000 per violation per day if the violator is otherwise subject to the civil jurisdiction of the Seminole Nation.

(2) Issue an order:

(A) Compelling a person to act in a lawful manner or to cease and desist from acting in an unlawful or inappropriate manner.

(B) Prohibiting a violator from conducting business with the Gaming Operation or entering onto the premises of a gaming facility operated by the Gaming Enterprise.

(C) Prohibiting any officials and/or employees of the Gaming Operation from conducting business with a violator or allowing entrance by a violator to the facilities operated by the Gaming Operation.

(D) Prohibiting any officials and/or employees of the Gaming Operation from paying any unlicensed or unregistered vendor for goods or services provided to the Gaming Operation.

(E) Requiring the seizure of property from the violator used in a violation of this Title. Such seized property shall become the property of the Seminole Nation.

(F) Prohibiting violators from trespassing on premises licensed under this Code.

(G) To forcibly close a Gaming Facility found to be operating in substantial violation of the law.

(H) Requiring winnings found to have been received in violation of this Code to be forfeited and order them to become property of the Seminole Nation.

(3) Enter into a consent decree with an alleged violator for purposes of resolving a violation and agreeing to a sanction.

[HISTORY: Ordinance No. 8602; Ordinance No. 91-08, August 29, 1991; Codified by Law 91012, November 16, 1991]

Section 304. Investigations and Examinations of Violations.

(a) Investigations Authorized.

In the event that the SNGA obtains information or otherwise suspects that a person or entity, including a licensee, has violated any provision of this Title, IGRA, the terms of the Compact, regulations issued under this Title, or the terms, conditions, and limitations of a License issued pursuant to this Title, the SNGA may investigate the matter.

(b) Scope of Authority.

In conducting an investigation under this Section, the SNGA shall have broad authority and may make inquiries, review information, take depositions, conduct hearings, and issue subpoenas compelling attendance, testimony, or the production of documents as may be needed in the performance of the SNGA's investigative duties and functions.

(c) Removal of Records and Equipment During Inspection.

If the SNGA finds that there is a reasonable probability that the provisions of this Title, including any amendments thereto or any of the rules passed by the SNGA have been or are being violated by a licensee or its employees, it may move any and all potentially relevant records and equipment, parts thereof, devices, or other things(s) to another location or locations for further inspection or investigation. Each such record, piece of equipment, part thereof, or other thing(s) so removed shall be returned to the premises or to the address of the licensee within thirty (30) business days (not counting holidays when nation offices are legally closed) unless the SNGA determines that the records, equipment, devices, or other thing(s) so removed are necessary for an ongoing investigation and/or evidence of possible violations of this Title or regulations issued thereunder by the licensee, by employers of the licensee or by operators of the licensed facility or activity. The SNGA shall notify the licensee of the reasons said property or thing(s) are to be so held.

Section 305. Civil Process.

(a) Preliminary Notification of Violations.

(1) Whenever the SNGA determines that a civil violation under this Chapter has occurred and a person or entity, including all licensees, subject to the civil jurisdiction of the Seminole Nation, has violated this Title, regulations promulgated under this Title, or any laws that this Title authorizes SNGA to monitor and enforce, the SNGA shall issue a preliminary notice of violation to that person or entity. Such notice shall:

(A) Identify the alleged violator or violators;

(B) Identify the alleged violation or violations;

(C) Describe the steps necessary to effect a cure, if cure is available;

(D) Propose a civil sanction for the alleged violation or describe the range of sanctions that may be imposed by the SNGA; and

(E) Identify the due process steps available to alleged violator to accept or contest the allegation of violation, to present a proposed cure, where cure is possible, or to accept or contest the imposition of the proposed sanction.

(2) The due process steps available under this Section shall include an offer to the alleged violator to request a hearing to show cause why the sanction should not be imposed.

(3) The written petition requesting a hearing may request that the hearing be oral or conducted by the submission of evidence, affidavits, argument, and, if applicable, a description of any mitigating circumstances.

(4) If the alleged violator does not submit a petition requesting a hearing within the time allowed, the Chief Gaming Regulator's preliminary determination and proposed sanction shall be deemed final and shall not be further appealable.

[HISTORY: Ordinance No. 8602; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

(b) Hearings. If a hearing is granted pursuant to the terms of Section 203(e) or this Subsection:

(1) It shall be conducted pursuant to regulations promulgated by the SNGA.

(A) Such regulations procedures shall include –

(i) Provisions for service of process, motions, orders, decisions and other papers or the signing of same; the counting of days; and the rights of an applicant, licensee, or alleged violator under this Title;

(ii) Provisions concerning discovery and the presentation of evidence;

(iii) The handling of confidential materials;

(iv) Procedure for the conduct of hearings; and

(v) Such other matters as the Chief Gaming Regulator considers appropriate to the proper functioning of such hearings.

(B) Such procedures may also include provisions for deciding whether a hearing is to be an oral hearing or one conducted based on the written record submitted by the respondent.

(2) E*x parte* communications with the SNGA or SNOGA by or on behalf of an applicant, licensee or alleged violator subject to a hearing under this Section shall be prohibited and no person or party shall act to unduly influence the outcome of any matter pending in such a hearing.

(A) Any employee of SNGA who receives an ex parte communication shall immediately report such communication to the SNGA's legal counsel.

(B) Violation of this bar on ex parte communications shall be a separate violation of this Title and a person subject to the civil authority of the Seminole Nation engaging in such ex parte communication shall be subject to civil sanctions under this Section.

(C) Nothing in this Section shall prohibit the applicant or licensee from communicating with the SNGA's legal counsel, its investigators, or other authorized personnel or agents.

(D) Parties to all hearings governed by this Section may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless his or her attendance has been waived, in writing, by the Chief Gaming Regulator.

(3) All SNGA hearings on a matter subject to such hearings shall be on the record, which testimony shall be recorded by a duly certified court reporter or by means of audio recording and which may be used by the SNGA as evidence in any proceeding or matter before the SNGA.

(4) Failure of a respondent to appear and testify at the designated time and place shall constitute a waiver of the applicant's, licensee's, or other respondent's right to a hearing and the Chief Gaming Regulator shall enter a final, unappealable, order in the matter, provided that the Chief Gaming Regulator, within his or her sole discretion may excuse a respondent's failure to appear for good cause upon respondent's request if such request is made within 24 hours from the date and time set for hearing.

(c) Final Determination. The Chief Gaming Regulator shall make a final determination on all matters appealed under this Section, which determination shall be in writing and mailed or delivered to the respondent.

(d) Appeals. A final determination of the Chief Gaming Regulator under this Section shall be subject to appeal to SNOGA if timely filed and in accordance with the provisions of Sections 109, 110, and 111 of this Title and the procedures authorized to be adopted thereunder.

Section 306. Agent for Service of Process for Gaming Vendors and Financing Vendors.

(a) Each Gaming Vendor and Financing Vendor who or which is not a Seminole Nation resident or resident corporation shall designate a natural person, who is a resident living in the Seminole Nation and who is 18 years of age or older, as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the licensee. The name and business address where service of process and delivery of mail can be made and the home address of such designated resident agent shall be filed with the SNGA.

(b) The Chief Gaming Regulator may issue subpoenas for persons, records and things as may be needed carry out the SNGA's duties and functions under this Title.

Section 307. Production of Records; Hearings.

(a) No applicant, licensee, or employee of a licensee shall neglect or refuse to produce records or evidence under his or her control, or to give information upon proper and lawful demand by the SNGA, or shall otherwise interfere with any proper and lawful efforts by the SNGA to produce such information.

(b) The SNGA may summon any licensee or a licensee's agents, employees, or suppliers to appear to testify with regard to the conduct of any licensee or the agents, employees, or suppliers of any licensee.

(1) All such testimony shall be given under oath and may embrace any matters that the SNGA may deem relevant to the discharge of its official duties.

(2) Any person so summoned to appear shall have the right to be represented by counsel.

(3) Any testimony so taken may be used by the SNGA as evidence in any proceeding or matter before the SNGA.

(4) Failure to appear and testify fully at the time and place designated, unless excused, shall constitute grounds for –

(A) Revocation or suspension of any License held by the person summoned and/or his or her employer, Principal or employee, and/or,

(B) In the case of a Gaming Vendor, the loss of the privilege to provide goods and services to the Gaming Operation.

(c) Violation of this Section shall be a separate offense and subject to civil sanctions under this Title.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 308. Price-Fixing and other Trade Restraints Prohibited.

No Gaming Vendor shall make an agreement – either express or otherwise -- with any other Gaming Vendor to fix the price at which or limit the geographic area for which any device, paraphernalia, machine, equipment, prize or any other item used in connection with any of the activities authorized under this Code shall be sold or leased, or which services in connection therewith shall be rendered. The price of such items in a competitive market place shall be established by each Gaming Vendor for the products and services offered by each and shall not be established, directly or indirectly, in concert with another. Violations of this Section shall be a civil violation of this Title and shall be subject to civil sanctions under this Title. Nothing in this Section shall bar a Gaming Vendor from assigning sales territories among its bona fide representatives.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 309. Protection of Informant Identity.

The SNGA shall refuse to reveal at any court proceeding, or otherwise, the identity of any informant if such revelation would subject the informant to bodily harm. A refusal by any official or employee of the SNGA to provide information related to informants shall not form the basis for any sanction, disciplinary action or reprisal.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

CHAPTER FOUR
RULES OF OPERATION AND GENERAL APPLICABILITY

Section 401. Responsibilities of SNDOC and the Gaming Enterprise.

(a) In General. The requirements of this Section shall be in addition to those stated elsewhere in this Title including those stated in Section 203(b)(2).

(b) SNDOC. SNDOC shall oversee the management of the Gaming Enterprise and those aspects of the Central Services Center in support of or otherwise related to the Gaming Enterprise in a manner that assures compliance with this Title, regulations and orders issued under this Title, and all applicable provisions of IGRA, NIGC regulation, and the Compact.

(c) Gaming Enterprise Responsibility. The General Manager of the Gaming Enterprise shall supervise and be directly responsible for all activities in a facility licensed under this Title and for:

(1) The compliance of all such activities with the terms of the facility License and the applicable terms of this Title and regulations issued under this Title;

(2) The compliance by all employees of the Gaming Operation licensed under this Title with the terms of their Licenses;

(3) Assuring that the Gaming Enterprise works with Gaming Vendors and Gaming Financers in a manner that assures that they are not engaged in any activities exceeding the scope of their Licenses under this Title as they relate to functions of the Gaming Operation or in contravention of any applicable laws;

(4) Preparing, securing SNGA approval for, and implementing a security plan for operation of each Gaming facility. Amendments shall be approved by the SNGA prior to implementation; and

(5) Securing a license from SNGA for each electronic or other game to be placed into operation at a Gaming facility, including providing such Gaming Vendor information to the SNGA as it may require related to the procedures and policies for payout, accumulation, and account restrictions for funds, including for progressive payout games, and the safeguards built into the hardware and software associated with the electronic game.

(d) Central Services Center Responsibility. The Chief Executive Officer, and, within the scope of their responsibilities, the respective managers of the Central Services Center shall supervise and be directly responsible for all activities of the Central Services Center subject to the requirements of this Title and the regulations issued under it, including –

(1) The compliance of all such activities with the applicable terms of this Title and regulations issued under this Title;

(2) The compliance by all employees of the Central Services Center licensed under this Title with the terms of their Licenses; and

(3) Assuring that the Central Services Center works with Gaming Vendors and Gaming Financers in a manner that assures that they are not engaged in any activities beyond the scope of their Licenses under this Title as they relate to functions of the Central Services Center.

(e) Minimum Internal Control and Technical Standards. The Gaming Operation shall be responsible for establishing internal control policies and procedures and ensuring that all gaming systems are compliant with all applicable technical standards no less stringent than those established by SNGA by regulation, all applicable regulations of the NIGC, and all applicable provisions of the Compact.

(f) Safety and Welfare. The construction, maintenance, and operation of a Gaming Facility licensed under this Title shall be conducted in a manner that adequately protects the environment, public health, safety, morals, good order, and general welfare of the public and citizens of the Seminole Nation. All alterations or modifications of a Gaming facility must be approved by the SNGA. Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee and willful and persistent use or toleration of unsuitable methods of operation shall constitute grounds for License revocation and/or other sanctions.

(g) Extension of Credit Not Allowed. The extension of credit by the Gaming Operation shall be prohibited and no person shall be permitted to play games authorized under this Title on credit nor shall they be provided a loan of any kind, except that such credit prohibition shall not prohibit the charging of gaming costs on credit cards nationally known and approved by the SNGA.

(h) Firearms. No firearms, air guns which are capable of discharging dangerous projectiles or gases, such as "BB" or CO2 guns, rifles, shotguns, pistols, or revolvers, shall be allowed on the premises, except as permitted by regulation of the SNGA.

(i) Gaming Laws and Regulations on Premises. All components of the Gaming Operation shall obtain, maintain, and keep current a copy of this Title and all regulations of SNGA and any amendments to either. The Gaming Enterprise shall maintain at least one copy on the premises used for the conduct of Gaming under this Title.

Section 402. Gaming Requirements.

(a) Restriction on Games Allowed.

The Gaming Operation may only use or employ games authorized by IGRA and/or the Compact and approved by the SNGA. Electronic games may only be used when supplied by Gaming Vendors licensed by SNGA meeting the applicable technical standards. The SNGA may assess a fee for such approval and for re-approval when required by a modification to the hardware or software of the game.

(b) Restriction on Location of Games. Games shall be operated only on the appropriate licensed premises in facilities licensed under this Title.

(c) Player Rates. The Gaming Operation may charge players for games at rates approved by the SNGA. The rate shall be fixed for each type and/or group of games and posted conspicuously on the premises.

(d) Prize Awards.

Every prize awarded by the Gaming Enterprise may be awarded only to the person(s) actually winning the prize, provided that prizes shall not be awarded to minors or any person subject to an order of exclusion from the gaming premises.

(e) Exclusion of Licensees from Participation in Promotions.

No licensee employed by the Gaming Operation or providing Gaming Goods shall be eligible to participate in any promotion of the Gaming Operation or to receive any promotional prize.

(f) Age Limits for Gaming.

No person, who is under the age of 18, shall be allowed to participate in any manner in the operation of any game or promotion in which prizes are awarded. No person(s) under the age of eighteen (18) shall be allowed on the gaming floor while games are being played. No person(s) under the age of twelve (12) shall be allowed in any area of the premises unsupervised, including vehicles located in parking lots. It shall be the responsibility of the Gaming Enterprise to enforce the provisions of this section and Security shall notify the appropriate social services agency if unsupervised minors are found in any area of the premises.

(g) Limitations of Play by Licensees.

No employee of the Gaming Operation may play any Games while on duty, except in the case of the use of shills to encourage Gaming. Shills may be used only when operating consistent with regulations adopted by SNGA. Licensees may not participate in gaming activities conducted by the Gaming Facility in which they are employed.

(h) Alcoholic Beverages.

No beverage containing alcohol, including but not limited to beer, wine, or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any time. Licenses shall be required in accordance with applicable laws for the sale of Liquor on premises where gaming is played and the Gaming Operation shall be responsible for ensuring compliance.

(i) Ball Requirements.

In the event that the Gaming Operation offers live-draw bingo games, lotto, or other games similar to bingo:

(1) Each numbered ball or other device used in a game for the selection of numbers to be called in play shall be the same weight and size as each of the other balls or devices used for that purpose of that game and in accordance with such other regulations as may be adopted by the SNGA; and

(2) Immediately before the calling of each number in a game, the caller shall turn the portion of the ball or other device used to determine which number is called, which shows the number and letter to the participants in the game, so that participants may know that the proper number is being called out.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

(j) Pay Tables and Retention Ratios. The SNGA shall approve pay tables and the retention ratio for all gaming systems employed by the Gaming Operation;

(k) Malfunctions. A malfunction of a gaming system and/or gaming hardware shall void all pays and plays.

(l) House Rules. The Gaming Operation may establish house rules subject to the approval of the SNGA.

(m) Availability of Game Rules. A copy of the rules for each game conducted shall be filed with and approved by the SNGA. The rules shall be posted and/ otherwise be made available to all Gaming Facility patrons upon request.

CHAPTER V
REVENUES AND AUDITS

Section 501. Audits and Accounts – Responsibility.

(a) The Gaming Operation shall maintain an approved accounting system and properly account for all revenues, expenditures, and financially related business transactions in accordance with SNGA-approved accounting procedures and generally accepted accounting principles.

(1) The Gaming Operation shall establish, maintain, and employ procedures that safeguard the Gaming Enterprise's assets and revenues, including recording of cash and evidence of debt and mandatory count procedures. Such procedures shall establish a controlled fiscal environment, accounting system, and control procedures that safeguard the assets of the Gaming Enterprise; ensure that operating transactions are properly recorded; promote operational efficiency; and encourage adherence to prescribed policies.

(2) The Gaming Operation shall employ a uniform code of accounts and accounting classifications to ensure the consistency, comparability, and effective disclosure of financial information to the Nation and to SNGA. Such code shall require that records be retained that reflect statistical drop (amount wagered by Patrons), statistical win to statistical drop, and the percentage of statistical win to statistical drop, and provide similar information for each type of game in each Gaming facility.

(3) SNDOC shall maintain its cash handling procedures and accounts in always consistent with the requirements of the regulations of the NIGC and pursuant to the Compact.

(b) SNGA shall review and approve the accounting and cash handling procedures of the Gaming Operation and shall establish by regulation minimum reporting and financial recordkeeping requirements to ensure that all monies or things of value received and/or paid out may be properly monitored and accounted for.

(c) SNGA shall continuously monitor and enforce compliance with cash handling, accounting, and internal control policies and procedures, which shall be consistent with SNGA internal control standards and NIGC's regulations establishing minimum internal control standards. SNGA shall establish internal audit standards in accordance with generally accepted accounting principles and review internal controls of SNDOC and the Gaming Enterprise for their integrity in implementation.

(d) The Gaming Operation shall contract for an annual independent audit of the financial statements of all Gaming activities by an external auditing firm and shall submit the resulting audit reports to the General Council, SNGA, and the NIGC, provided that the cost for such mandatory reviews and audits shall be assessed against the Gaming Operation as a regulatory expense. The independent accounting firms employed to conduct such financial audits shall be knowledgeable in casino audits and operations and shall be subject to approval by the SNGA. The independent audit report shall meet all requirements for external audits established by NIGC regulations. All contracts for suppliers, services, or concessions for a contract amount in excess of $25,000 annually and all gaming and gaming-related construction contracts may be audited by SNGA and shall be audited by the person or firm conducting independent audits.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 502. Gaming Revenue.

(a) The accounting division of SNDOC shall on a daily basis track all gaming revenue data and shall record such data immediately upon its receipt of the daily deposit documentation from each gaming facility. The Accounting division of SNDOC shall also perform the following calculations each month:

(1) "Compact Fees" shall be calculated and paid to the State of Oklahoma based on "adjusted gross covered games revenue" as that term is defined in the Compact in effect between the State of Oklahoma and the Seminole Nation of Oklahoma by subtracting from the total amount of all receipts (total amounts wagered) in covered games, all amounts paid out (for prizes). (Total receipts – Total Payments = Adjusted Gross Covered Games Revenue.) The amount to be paid to the State shall be the appropriate percentage of "adjusted gross covered games revenue" as specified in the Compact.

(2) Until satisfied, the "NIGC Fine Payment" shall be calculated and paid to the NIGC based on "Net Gaming Revenue" which shall be defined as gross gaming revenue (Class II and Class III) less amounts paid out as, or paid for prizes and total operating expenses (excluding management fees, if any). (Gross Revenue – Prizes Paid Out – Total Operating Expense = Net Gaming Revenue.) For purposes of this calculation, the term "Operating Expenses" shall include the following: all gaming employee salaries, wages and benefits; advertising; utilities; supplies; gaming commissions; regulatory fees; and other operating costs plus the costs of SNGA (including costs of operating the surveillance and compliance programs), SNOGA, and that portion of SNDOC's operating costs attributable to its administration and support of the Gaming Enterprise. Depreciation and fees assessed by the Seminole Nation Business and Corporate Regulatory Commission (BCR) shall be excluded from the definition of "Operating Expenses." The fine payment to NIGC shall be the appropriate percentage of "Net Gaming Revenue" as specified by the NIGC in its agreement(s) with the Nation and in accordance with the terms of this Section. Pursuant to the NIGC Fine Agreement approved by the General Council, the fine payments to NIGC shall be reviewed further for reduction or abatement at the end of the eighteen (18) months from the signing of the agreement by both parties.

(3) "Adjusted Net Profit" shall mean "Net Gaming Revenue" as that term is defined in Section 502(a)(2) minus Compact Fees, the NIGC Fine Payment, until it is satisfied (whether paid to NIGC or to the Nation), depreciation, and fees assessed by BCR. (Net Gaming Revenue – (Compact Fee + NIGC Fine + depreciation + fees assessed by BCR) = Adjusted Net Profit.) Once the NIGC Fine is satisfied, the definition of operating costs as defined in Section 501(a)(2) shall continue to apply for purposes of the monthly calculations of Adjusted Net Profit, and for purposes of calculating the amount of the regulatory fee payable to NIGC on a quarterly basis or on such schedule as the NIGC may specify by rule.

(b) Prior to the monthly distribution of Adjusted Net Profit, SNDOC shall transfer the amount calculated for the Compact Fee, the NIGC Fine (until satisfied), and the regulatory fees payable to the SNGA, SNOGA, and the State from the gaming depository account into segregated account(s) and from such account(s), SNDOC shall remit such amounts payable to

the SNGA, SNOGA, State of Oklahoma, and the NIGC in accordance with the schedules specified in the Compact and by the Agreement with the NIGC, respectively, and, in accordance with subsection (c) of this Section in relation to the SNGA and SNOGA.

(c) The budget for SNGA and SNOGA shall be subject to General Council approval in the budget process, but these costs shall be assessed against the adjusted gross revenues (Gross Revenue – Prizes Paid Out = Adjusted Gross Revenue) of the Gaming Operation in the form of a regulatory fee to be advanced by the Gaming Operation to the SNGA in four quarterly installments, and shall be considered to be an Operating Expense. The SNGA shall be responsible for administering its budget and the SNOGA budget, provided that it shall provide the Chief and the General Council an annual accounting of expenditures.

(d) On the 15th of each month, SNDOC shall remit to the Treasurer of the Seminole Nation seventy percent (70%) of the Adjusted Net Profit from gaming, which shall constitute the Nation's share. The Nation's share shall be applied in accordance with an approved General Council resolution to fund tribal government or programs; to provide for the general welfare of the Nation and its members; to promote tribal economic development; to donate to charitable organizations; and to fund operations of government agencies of the Seminole Nation.

(e) The remaining thirty percent (30%) of the Adjusted Net Profit shall be retained and used by SNDOC for any purpose authorized by Title 8 of the Seminole Nation Code of Laws.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 2001-09, September 29, 2001; Amended by Law No. 2003-20, November 8, 2003; Stricken and Amended by Ordinance No. 2004-30, December 4, 2004; Amended by Law No. 2008-03, March 1, 2008; Amended by Law No. 2008-06 April 8, 2008]