JAN 29 2002

Andrew W. Baldwin
Baldwin & Crocker, P.C.
P.O. Box 1229
Lander, Wyoming 82520-1229

RE: Northern Arapaho Gaming Code, as Amended and Approved by the NIGC

Dear Mr. Baldwin:

The National Indian Gaming Commission (NIGC) is in receipt of the Northern Arapahoe Business Council's (Business Council) Gaming Code (Gaming Code), as amended and approved by the NIGC on November 30, 2001. The Gaming Code is accompanied by Resolution No. 2002-8492, adopted by the Business Council on January 3, 2002. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA).

Resolution No. 2002-8492 that you provided contains language enacting the technical corrections which NIGC identified in the letter of November 30, 2001. Thank you for your prompt response on this matter.

If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

Montie R. Deer
Chairman

RESOLUTION OF THE
NORTHERN ARAPAHO BUSINESS COUNCIL
WIND RIVER RESERVATION
ETHETE, WYOMING

RESOLUTION NO. 2002-8492

RESOLUTION REGARDING TECHNICAL CORRECTIONS TO THE NORTHERN ARAPAHO GAMING CODE

WHEREAS, the Northern Arapaho Business Council is the duly elected governing body of the Northern Arapaho Tribe; and

WHEREAS, the Northern Arapaho Business Council enacted the Gaming Code of the Northern Arapaho Tribe and said code was approved by the National Indian Gaming Commission (NIGC) in 1995 and the Council enacted substantive amendments to said Code which were approved by the NIGC in 2001; and

WHEREAS, two technical corrections should be made within the amended Northern Arapaho Gaming Code to correctly cross-reference two sections within said code;

NOW, THEREFORE, BE IT RESOLVED, that the Northern Arapaho Business Council hereby approves and enacts the following technical corrections to the Northern Arapaho Gaming Code: section 607 (a)(i) shall refer to section 604 (and not to section 602) and section 607 (a)(ii) shall refer to section 605 (and not to section 603).

BE IT FINALLY RESOLVED, that the Chairman is authorized and directed to sign this resolution.

CERTIFICATION

The undersigned, as Chairman of the Northern Arapaho Business Council, hereby certifies that the Northern Arapaho Business Council consists of six (6) members and that four (4) members were present constituting a quorum, at a duly called meeting of the Northern Arapaho Business Council held on January 03, 2002, and that the foregoing resolution was adopted by a vote of four (4) members FOR, zero (0) members AGAINST, Chairman voting, and that the foregoing resolution has not been rescinded or amended in any way.

DONE AT ETHETE, WYOMING, THIS 3rd DAY OF JANUARY, 2002.

Ben S. Ridgley, Co-Chairman
Northern Arapaho Business Council

ATTEST:

Susan Johnston, Secretary
Northern Arapaho Business Council

NORTHERN ARAPAHO CODE

TITLE 3. GAMING

JAN 22 2002

Section:

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CHAPTER 1: LEGISLATIVE FINDINGS AND PURPOSE

Section 101 - Authority. The Northern Arapaho Tribe is a sovereign, federally-recognized Indian tribe. The Northern Arapaho Business Council is authorized under tribal law to promulgate tribal codes. This Code is enacted on the basis of the Tribe's inherent sovereign powers, and the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq.

Section 102 - Findings.

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

(b) Economic pressures. The Tribe needs additional revenues to assist it in meeting its governmental responsibilities.

(c) Gaming as an economic enterprise. Gaming is an appropriate subject for a tribal enterprise because:

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

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

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

Section 103 - Purpose. The purpose of this Code is to provide for the sound regulation of all gaming activities within the Tribe's jurisdiction, to prevent improper or unlawful conduct in the course of such activities, and to promote tribal economic development, self-sufficiency, and strong tribal government.

Section 104 - Disclaimer regarding gaming operations or property of Eastern Shoshone Tribe. By enacting this Code, the Northern Arapaho Tribe asserts no claim of jurisdiction whatsoever with respect to any gaming facility operated, or to be operated, by the Eastern Shoshone Tribe, or any property or interest in property of the Eastern Shoshone Tribe. The Northern Arapaho Tribe expects

that, ultimately, a joint gaming code of the Northern Arapaho and Eastern Shoshone Tribes may be approved, and may supersede this Code in whole or in part. In the interim, however, the Northern Arapaho Tribe has determined that it must provide a regulatory framework with respect to its own gaming operations. All provisions of this Code shall be interpreted to give effect to this section.

CHAPTER 2: GENERAL PROVISIONS

SECTION 201. Definitions. For purpose of this Code:

(a) Act. "Act" means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 et seq.

(b) Agency. "Agency" means the Arapaho Gaming Agency established by this Code.

(c) Class I gaming. "Class I gaming" has the meaning set forth in the Act at 25 U.S.C. § 2703(6) and 25 CFR § 502.2. It means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

(d) Class II gaming. "Class II gaming" has the meaning set forth in the Act at 25 U.S.C. § 2703(7) and 25 CFR § 502.3. In general, it includes gaming such as bingo, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo. It also includes certain card games (although not blackjack (21) or other "banking" card games) to the extent such games are played in conformity with state law.

(e) Class III gaming. "Class III gaming" has the meaning set forth in the Act at 25 U.S.C. § 2703(8) and 25 CFR § 502.4. It includes all forms of gaming that are not Class I or Class II gaming.

(f) Code. "Code" means this Tribal Gaming Code, including any amendments.

(g) Commission. "Commission" means the National Indian Gaming Commission established by the Act at 25 U.S.C. § 2704.

(h) Compact. "Compact" means any gaming Compact as described in the Act at 25 U.S.C. § 2710(d) between the Tribe and the State which has been fully approved under the Act.

(i) Council. "Council" means the Northern Arapaho Business Council.

(j) Gaming employee. "Gaming employee" means any person

employed by the Council or the Agency to perform or provide "gaming services" or to perform any of the functions of the Agency with respect to gaming including, without limitation, investigations and compliance, but not including vendors (or employees of vendors) of the Council or the Agency.

(k) Gaming services. "Gaming services" means any service, assistance, product, supplies, or other thing of value provided to the Council or the Agency directly related to the conduct of class II or class III gaming.

(l) Key employee. "Key employee" means:

(i) A person who performs one or more of the following functions:

(1) Bingo caller;

(2) Counting room supervisor;

(3) Chief of security;

(4) Custodian of gaming supplies, cash, chips or tokens;

(5) Floor manager;

(6) Pit boss;

(7) Dealer;

(8) Croupier;

(9) Approver of credit;

(10) Custodian of gambling devices including persons with access to cash, chips or tokens and accounting records within such devices;

(11) All surveillance staff;

(ii) If not otherwise included, any other person whose total cash compensation with respect to the gaming operation (excluding the Chairman and members of the Agency) is in excess of $50,000 per year; or

(iii) If not otherwise included, the four most highly compensated persons in the gaming operation.

(m) Net revenues. "Net revenues" means gross gaming revenues of an Indian gaming operation less: (i) amounts paid out as or for

prizes; and (ii) total gaming-related operating expenses, excluding management fees.

(n) Primary management official. "Primary management official" means:

(i) The chief executive officer, chief financial officer, chief operations officer, president or vice president of gaming, gaming operations, or gaming marketing, and any other person having management responsibility with respect to a gaming operation;

(ii) Any person who has authority (1) to hire or fire gaming employees; or (2) to set up working policy for the gaming operation; or

(iii)The chief financial officer or other person who has financial management responsibility with respect to a gaming operation; or

(iv) As determined by the Agency, any other person or entity with management responsibilities with respect to a gaming operation.

(o) Reservation. "Reservation" means the Wind River Indian Reservation.

(p) State. "State" means the State of Wyoming, its authorized officials, agents, and representatives.

(q) Tribe. "Tribe" means the Northern Arapaho Tribe, its authorized officials, agents, and representatives.

CHAPTER 3: AUTHORIZATION OF TRIBAL GAMING

SECTION 301. Tribal gaming authorized. The Council hereby authorizes one or more tribally-owned gaming establishments to offer all forms of gaming which are lawful, or which may become lawful, under the Act.

SECTION 302. Tribe to be sole gaming proprietor. The Tribe, rather than individual Arapaho tribal members or others within the jurisdiction of the Tribe, shall have the sole proprietary interest in and responsibility for the conduct of any tribal class II or III gaming activity provided, however, that the Agency may promulgate regulations which permit occasional community games operated by volunteers for limited purposes and prizes. This provision shall not preclude the Tribe from entering into a lawful management contract under 25 U.S.C. § 2711.

SECTION 303. Separate license for each location. The Tribe shall

issue a separate license to each place, facility, or location where class II or III gaming will be allowed.

SECTION 304. Negotiation of Compact authorized. The Chairperson of the Council is directed to pursue negotiation of a class III Compact with the State, either in conjunction with the Eastern Shoshone Tribe or solely on behalf of the Northern Arapaho Tribe. No such Compact shall be in effect until it is specifically approved by the Council.

SECTION 305. Compliance with law; inclusion of Compact.

(a) Applicable law. All tribal class II and III gaming operations shall be conducted in accordance with the Act, the Commission's regulations, other federal law, tribal law (including joint-tribal and Arapaho law, this Code, and all regulations and orders of the Northern Arapaho Gaming Agency established under chapter 4 of this Code), and any approved Compact. This Code shall be construed in a manner which conforms to applicable law.

(b) Incorporation of Compact. Upon approval of a Compact, the Compact shall be incorporated into this Code. In the event of any inconsistencies between the Compact and any provision of this Code, the Compact shall govern.

CHAPTER 4: NORTHERN ARAPAHO GAMING AGENCY

SECTION 401. Agency established. The Council hereby establishes a tribal agency to be known as the Northern Arapaho Gaming Agency (NAGA), which shall be responsible for the safe, lawful, and honest operation of the Tribe's class II and III gaming operations on the Reservation. The Agency is generally responsible for regulation of the gaming activities of the Tribe, enforcement of applicable gaming laws and regulations, and management of Agency staff and operations. The Northern Arapaho Business Council is generally responsible for operation of the gaming activities of the Tribe, enactment of tribal gaming laws, negotiations and compacts with other governments, oversight of gaming facility staff and oversight of gaming operations.

SECTION 402. Structure of Agency.

(a) Number. The Agency shall consist of three members, one of whom shall be designated by the Council as chairman.

(b) Appointment. The three members of the Agency shall be appointed by the Council from members of the Northern Arapaho Tribe whom the Council deems qualified, giving due weight to the candidates' education, experience, and integrity. Members of the Council may not simultaneously serve as members of the Agency.

(c) Term. Initial appointments to the Agency shall be for

the following terms: Chairman -- three years; one member -- two years; one member -- one year. Thereafter, all appointments shall be for three-year terms, provided that if a vacancy occurs for any reason, the Council shall appoint a replacement for the remainder of the replaced person's term.

(d) Removal. The Chairman or Agency members may only be suspended or removed by a vote of at least four members of the Council, for good cause. Any failure to comply with the terms of this Code or other applicable law, failure to faithfully perform the duties of office, or other act or omission reflecting adversely upon the fair and honest conduct of Tribal gaming or which reduces the effectiveness of the Tribe or the Agency in dealing with other officials or the public shall constitute "good cause" for removal.

(e) Registered Agent. The Chairman of the Agency shall be the agent for service of process pursuant to 25 CFR § 522.2(g). Until a Chairman of the Agency is appointed, the Chairman of the Council shall be the agent for service of process.

SECTION 403. Powers and duties of Agency. The Agency shall have the following powers and duties:

(a) Regulatory oversight. The Agency shall have primary responsibility for regulatory oversight of the Tribe's class II and III gaming operations. The Agency shall supervise its own staff and contractors and shall report to the Council.

(b) Inspection. The Agency may employ inspectors (all of whom shall be licensed as gaming employees under this Code) who may be present at any gaming facility during any hours of operation, and who shall be under the sole supervision of the Agency and not under the supervision of a contract manager or employee of the Council. Such inspectors shall have unfettered access to all areas of the gaming facilities at all times, including locked or secure d areas. Personnel employed by the gaming operation or a contract manager shall provide such inspectors immediate access to all such areas on request at any time. Such inspectors shall report to the Agency regarding any failure by the gaming operation to comply with any applicable law, including this Code or any Compact.

(c) Protection of public health, safety, and the environment. The Agency shall assure that the construction, maintenance, and operation of any tribal Class II or Class III gaming facility shall at all times be conducted in a manner which adequately protects public health, safety, and the environment, and complies with all applicable federal and tribal laws. In particular, the Agency shall prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, setting forth the respective responsibilities of the Agency, the security department of the gaming operation, any tribal police agency, and if appropriate, any federal, state, or local police

agency. The Agency shall review and approve floor plans and surveillance systems for each gaming facility and may confer with other governmental or private parties regarding the adequacy of such plans and systems. The Agency shall enforce the health and safety standards applicable to the gaming facilities in accordance with this Code. A gaming operation must obtain a certificate of compliance, which shall be issued by the Agency upon a determination that the gaming facility complies with such standards.

(d) Resolution of complaints. All written complaints from any person regarding any aspect of gaming operations shall be reviewed by the Agency and retained for at least 5 years. The Agency, including on-site inspectors, may assist in seeking voluntary resolution of any complaints. The Agency may receive any complaint from an employee of the gaming operation or any member of the public who claims to be adversely affected by an act or omission of the gaming operation or any person associated with it which is alleged to be unlawful or improper and may require such remedial action as it deems appropriate to bring the gaming operation into compliance. The Agency may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful to resolve such complaint. Notwithstanding the above, licensing disputes, patron disputes regarding particular wagers, and disputes regarding the imposition of penalties, shall be resolved as set forth in chapter 8 of this Code.

(e) Investigations. The Agency may on its own initiative investigate any aspect of the gaming operation to protect the public interest in the integrity of such gaming activities and to prevent or remedy improper or unlawful conduct in the course of such gaming activities. The Agency shall investigate any report of a failure of the gaming operation to comply with applicable law, including the provisions of any Compact, and may require the gaming operation to take any corrective action the Agency may determine appropriate. The Agency may compel any person or entity, whether or not a licensee or person employed by or doing business with the gaming operation, to appear before it and to provide such information, documents, or other materials as may be in their possession or control to assist in any such investigation. The Agency may issue its own subpoenas or seek subpoenas from the Shoshone and Arapaho Tribal Court in furtherance of its authority under this paragraph. Any license issued by the Agency may be revoked and any application to the Agency may be denied for failure to cooperate with respect to Agency investigations or subpoenas.

(f) Background investigations; gaming licenses. The Agency shall conduct, or have conducted, any background investigations required or permitted under applicable law, and shall issue, suspend, and revoke all licenses pertaining to class II or III gaming.

(g) Co-ordination with other agencies. The Agency shall co-ordinate its activities and cooperate with other relevant agencies, including the Commission and other federal agencies, and any agencies of the State with which the Tribe cooperates pursuant to a Compact. The Agency may provide any information to such agencies which must or may be provided under applicable law.

(h) Co-ordination with private entities. The Agency shall regulate and, to the extent appropriate, co-ordinate its activities with, any contract manager, and any other contractors, vendors, suppliers, or other private entities with any involvement in any aspect of gaming operations.

(i) Regulations. The Agency may promulgate, review, and revise as necessary regulations, rules, and procedures to govern and facilitate the regulation and licensing of gaming operations, personnel, or entities in accordance with applicable law. Such regulations, rules, and procedures shall be subject to rescission or amendment by the Council.

(j) Compact. The Agency shall carry out each of the responsibilities and duties set forth for the Agency in a Compact.

(k) Establishment of list of barred persons. The Agency may bar any person from working or gaming at the Tribe's gaming facilities if in the view of the Agency such person's history, associations, reputation, habits, or behavior poses a threat to the integrity of tribal gaming activities, or to the safe and lawful operation of those activities or if that person so requests. This list may be shared with other public or private agencies under subsections (g) and (h) above.

(l) Technical standards. The Agency shall promulgate, review, revise, and enforce, as necessary, technical standards and rules of each game of chance operated by the Tribe.

(m) Penalties. The Agency may impose penalties for violations of this Code or any Compact in accordance with chapter 9 of this Code.

(n) Legal remedies. The Agency may in its own name bring any civil action or criminal complaint in the courts of the Tribes, State or the United States to enforce the provisions of this Code, the Act, or any Compact, or to enjoin or otherwise prevent any violation of this Code, the Act, or Compact, occurring on the Reservation. However, the Tribe, including the Agency and any of its agents acting within their authority shall retain sovereign immunity from suit in any court or tribunal, including immunity from counterclaims, except as specifically provided otherwise in this Code.

(o) Emergency action by Agency members. If emergency action

is required to protect the public interest in the integrity of tribal gaming activities, or the safe and lawful operation of those activities, and there is insufficient time to convene a meeting of the Agency, the chairman of the Agency, or any other member of the Agency acting in the absence of the chairman, may issue in the name of the Agency any order which the Agency has the power to issue to any employee or contractor of the gaming operation or to any other person within the jurisdiction of the Tribe to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the Agency at its earliest opportunity, whereupon it may be confirmed or vacated by the Agency. An unreviewed or unconfirmed emergency order issued under this section will lapse within 10 days, and must so state.

(p) Agency records. All minutes of meetings, resolutions and other records maintained by the Agency shall be available to the Council upon request.

SECTION 404. Agency operations.

(a) Quorum and voting. Two Agency members shall constitute a quorum. The Chairman may vote and shall preside over all meetings. Action by the Agency should be by consensus, but if consensus cannot be achieved, shall be by majority vote. Whenever Agency action is not unanimous, majority and minority views shall be in writing and shall be retained in the records of the Agency.

(b) Recusal. No member of the Agency shall participate in any decision directly involving the gaming license, employment, or the direct monetary interest of his or her spouse, child, parent, or sibling, by blood or adoption. A member of the Agency may voluntarily recuse himself and decline to participate in any Agency action or decision when the member, in his own discretion, believes he could not act fairly or without bias, or that there would be an appearance that he could not so act.

(c) Vice-chairman; alternative and temporary members. The Agency shall select one of its members to serve as vice-chairman. If the chairman is unavailable because of recusal or any other reason, the vice-chairman shall serve as acting chairman. If the vice-chairman is also unavailable, the third member of the Agency may serve as acting chairman. The Council may appoint alternative or temporary members, who shall be members of the Northern Arapaho Tribe, on such terms as the Council deems appropriate.

(d) Meetings.

(i) Regular meetings of the Agency shall be held at least once every fourteen calendar days at such specific times and places as the Agency determines. Unless otherwise specified by the Agency, no notice of such regular meetings shall be necessary.

Special meetings may be called by the chairman or two members of the Agency. Neither the business to be transacted at, nor the purpose of any regular or special meeting, need be specified in any notice of the meeting.

(ii) Any action required or permitted to be taken at a meeting of the Agency may be taken without a meeting if each member signs a written consent to the action. Such consents shall be filed with the minutes of the Agency.

(iii) Members of the Agency may participate in a meeting by conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other.

SECTION 405. Executive Director and staff.

(a) The Agency may select an Executive Director and such other staff as are reasonably necessary to the Agency in fulfillment of its obligations on such terms and conditions as the Agency may determine. The Director shall be a salaried employee whose salary shall not be dependent on a percentage of gaming revenues. Unless another individual is selected, the Chairman of the Agency also shall serve as Executive Director. The Director shall have the following powers and duties:

(i) The Director shall have day-to-day responsibility for coordinating the functions of the Agency.

(ii) The Director shall have initial responsibility for conducting or arranging for background investigations.

(iii) The Director shall make recommendations to the Agency regarding the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Agency.

(iv) The Director may be delegated the authority by the Agency to conduct any hearing, investigation, or inquiry. In the course of such activities, the Director shall have authority to compel the production of any information or documents, and otherwise exercise the investigatory powers of the Agency.

(v) The Director shall perform such tasks as assigned by the Agency and shall report to the Agency.

(vi) If emergency action is required to protect the public interest in the integrity of tribal gaming activities, or the safe and lawful operation of those activities, and there is insufficient time to convene a meeting of the Agency, or to locate the chairman of the Agency, or any other member of the Agency, the Director may issue in the name of the Agency any order which the Agency has the power to issue to any employee or contractor of the gaming

operation or to any other person within the jurisdiction of the Tribe to take any action or cease and desist from any action as may be required to protect such interest. Any such emergency order must be reviewed by the Agency at its earliest opportunity, whereupon it may be confirmed or vacated by the Agency. An unreviewed or unconfirmed emergency order issued under this section will lapse within 10 days, and must so state.

(b) No employee or member of the Agency, including the Chairman or Director, and independent contractors, shall engage in any gaming at any gaming facility or operation of the Northern Arapaho Tribe at any time (whether on or off-duty). Violation of this section shall result in immediate termination from his or her employment or appointed position or termination of contract but shall not constitute grounds for termination or suspension of gaming licenses or permits.

SECTION 406. Gaming Manager/Chief Executive Officer and staff.

(a) The Council shall select a Gaming Manager/Chief Executive Officer (CEO) and such other staff as are reasonably necessary for the conduct of the gaming operations of the Tribe, on such terms and conditions as the Council may determine. The Manager shall be a salaried employee. The Manager shall have the following powers and duties:

(i) The Manager shall have day-to-day responsibility for the gaming operations of the Tribe and shall coordinate with the Agency or its Director regarding compliance of such gaming operations with this Code and other applicable law.

(ii) The Manager shall have authority to remove or arrange for the removal from the gaming operation premises of disruptive or disorderly persons.

(iii) The Manager or his/her designee shall have responsibility for attempting to resolve patron disputes, as described in section 802.

(iv) The Manager shall have such other duties as are assigned by the Council.

(b) No gaming employee, including the Manager and independent contractors, shall engage in any gaming at any gaming facility or operation of the Northern Arapaho Tribe at any time (whether on or off-duty). Violation of this section shall result in immediate termination from his or her employment or termination of contract but shall not constitute grounds for termination or suspension of gaming licenses or permits.

SECTION 407. Political activity; prohibitions.

(a) No Chairman or member of the Agency shall:

(i) take an active part in political campaigns for election to public office of the Tribe;

(ii) use his official authority or influence for the purpose of interfering with or affecting the result of an election to public office of the Tribe;

(iii) knowingly solicit, accept, or receive a political contribution from any person;

(iv) run for the nomination or as a candidate for election to public office of the Tribe; or

(v) knowingly solicit or discourage the participation in any tribal political activity of any person who--

(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the Agency; or

(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the Agency.

(vi) Subject to subsection (b), an individual retains the right to vote as he or she chooses and to express his or her opinion on political subjects and candidates.

(b) No gaming employee, including the Manager and independent contractors, and no employee or member of the Agency, including the Chairman, shall engage in political activity while that person is on duty; in any room or building occupied in the discharge of the person's official duties; while wearing a uniform or official insignia identifying the office or position of the Agency employee, manager, member, or Chairman; or using any vehicle owned or leased by the Agency, or use any equipment or property of the Tribe or the Agency for the purpose of engaging in or promoting political activity.

(c) Any individual who violates this section shall be removed from his or her position or otherwise disciplined in the sole discretion of the Council or its designee, except with respect to employees or contractors of the Agency, who shall be removed or otherwise disciplined in the sole discretion of the Agency or its designee, pursuant to personnel rules established by the Council or the Agency.

SECTION 408. Standards of conduct for Chairman and members of Agency.

(a) Policy. The Chairman and members of the Agency shall maintain high standards of honesty, integrity and impartiality and shall avoid any actions which could reflect adversely on the Northern Arapaho Tribe or jeopardize their fitness for office or effectiveness in dealing with other tribal officials,, other governments or entities, or with the public.

(b) No Interest in Contracts. No Chairman or member of the Agency shall be financially interested in any contract, grant, work, business, or other particular matter administered or controlled by the Agency or the Tribe, unless such activity is conducted by competitive bid process with such official first disclosing his/her interest and thereafter having no participation in the decision on that contract, grant, work, business, or matter or the performance thereof.

(c) No Interest in Property. No Chairman or member of the Agency shall be financially interested in the purchase of any real or personal property of or by the Agency or the Tribe, except on such terms and conditions as such property is generally available for sale to, or for purchase from, the general public or the members of the Northern Arapaho Tribe.

(d) Gifts. No Chairman or member of the Agency shall solicit or accept, directly or indirectly, any gift, gratuity, favor or loan from a person who has financial interests that may be substantially affected by the performance or non-performance of that official's duties.

(e) Use of Tribal Property and Moneys. No Chairman or member of the Agency shall use or receive any pay or thing of value from the Northern Arapaho Tribe, other than his/her salary for any work coming within the scope of his/her duties or reimbursement for reasonable expenses, nor receive or convert to his/her own use, even temporarily on loan, any property or money belonging to the Northern Arapaho Tribe for other than official purposes, nor use tribal purchase authority, even though reimbursement is made, for personal acquisitions.

(f) Gaming. No Chairman or member of the Agency shall engage in any gaming at any gaming facility or operation of the Northern Arapaho Tribe at any time (whether on or off-duty).

(g) Sanctions. Any individual who violates this section shall be removed from his or her position or otherwise disciplined in the sole discretion of the Council.

CHAPTER 5: FINANCIAL MATTERS

SECTION 501. Application of net revenues. Net revenues from any tribal gaming activity are not to be used for any purpose other than:

(a) to fund tribal or joint-tribal government operations or programs;

(b) to provide for the general welfare of the Tribe and its members (including per capitas conforming to the Act at 25 U.S.C. § 2710(b)(3));

(c) to promote the Tribe's economic development;

(d) to donate to charitable organizations;

(e) to help fund operations of local government agencies, or

(f) other purposes permitted under the Act.

SECTION 502. Budgets. The Agency shall propose to the Council an annual operating and capital budget by August first of each year, and may in accordance with the budget employ staff necessary to fulfill its responsibilities, and with the approval of the Council may retain legal counsel, consultants, and other professional services, including investigative services, to assist it. Such expenses of the Agency shall be assessed against the gaming operation. The Council shall approve, or modify and approve, the Agency's budget by September fifteenth of each year. The Council shall provide such funding for the Agency as is reasonably necessary for the fulfillment of the Agency's obligations under this Code.

SECTION 503. Audits. All gaming authorized under this Code shall be audited by an independent certified public accountant, at least annually, as required under 25 CFR § 522.4(b)(3), and copies of the annual audit shall be provided to the Council and the Commission. All gaming-related contracts that result in purchase of supplies, services, or concessions for $25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of such audit. The Agency or Council may call for special audits at any time.

SECTION 504. Financial management. Unless otherwise specifically approved in writing by the Council, all financial matters of the Agency, including, without limitation, all purchase orders, payments, financial records, and payroll, shall be processed through and by the Finance Department of the Tribe in accordance with general financial procedures approved by the Council.

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

SECTION 601. Required background investigations. All primary management officials and key employees of any class II or III gaming operation, including the Chairman and members of the Agency and the gaming manager, shall be subject to background investigations required by the Act, Commission regulations, this Code, and any approved Compact. Background investigations shall be conducted at the outset of employment, and shall be ongoing. The Council may accord responsibility to another entity with respect to background investigations. Otherwise, the Agency shall be directly responsible for such investigations.

SECTION 602. Statement of Responsibilities. The Tribe is responsible for the conduct of background investigations and suitability determinations. The Agency shall have primary responsibility of conducting and causing to be conducted the background investigations, except that the Council shall have such responsibility with respect to the Chairman and members of the Agency. Once an Executive Director of the Agency (or the Chairman, in his stead) has been fully investigated and approved, the Agency may delegate to the Director or the Chairman the duty of conducting or causing to be conducted investigative work regarding other key employees and primary management officials, if any, subject to the review and approval of the Agency. Selection of the above approach is based on the necessity of assuring adequate oversight and investigation of all key employees and primary management officials.

SECTION 603. Notices to applicants. Any application forms for a key employee or primary management official shall include a privacy notice pursuant to 25 CFR §556.2 (1994), a notice regarding penalties for false statements pursuant to 25 CFR §556.3 (1994), and any other notices required by applicable law.

SECTION 604. Information from applicants. The Agency shall obtain from any candidate for primary management official or key employee at least the following information:

(a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(b) Currently and for the previous 5 years: all business and employment positions held, ownership interests in those businesses, business addresses, and drivers license numbers;

(c) 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 subsection (b) above;

(d) Currently and for all previous years until the year the applicant reached the age of eighteen (18): all residence addresses;

(e) Current business and residence telephone numbers;

(f) A description of any existing and previous business relationship with Indian tribes, including ownership interests in those businesses;

(g) A description of any existing and previous business relationships within the gaming industry, including ownership interests in those businesses;

(h) 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;

(i) 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;

(j) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) for all previous years until the year the applicant reached the age of eighteen (18), the name and address of the court involved and the date and disposition;

(k) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, for all previous years until the year the applicant reached the age of eighteen (18),the criminal charge, the name and address of the court involved and the date and disposition;

(l) 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;

(m) A photograph;

(n) Any other information the Agency or Council deems relevant; and

(o) Fingerprints certified as adequate by a professional law enforcement agency. The Agency shall initially arrange for the obtaining and processing of fingerprints through the Bureau of Indian Affairs' Police Department facilities at Ft. Washakie, Wyoming.

SECTION 605. Rules regarding background investigations.

(a) Confidentiality of third party sources. The Tribe, the Agency, and all affiliated agents and employees shall keep confidential the identity of each person interviewed in the course of a background investigation.

(b) Retention of records. The Agency shall maintain and retain applications for employment and reports (if any) of background investigations for at least 3 years from the date made or date of termination of employment, whichever is later. Such records shall be made available to the Council or Commission on request.

(c) Content of investigation report. Background investigations must be of sufficient quality to enable the Agency to make a determination under section 604. All relevant information submitted by the applicant should be verified by written or oral communication and noted in the report. The investigation must include a thorough inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations. It must also include interviews with a sufficient number of knowledgeable people such as former employers, personal references, and others referred to in order to provide a basis for the Tribe to make a finding concerning the eligibility for employment in a gaming operation. The disposition of all potential problem areas noted and disqualifying information obtained must be thoroughly documented. An investigative report shall include:

(i) a statement of all steps taken in conducting the background investigation;

(ii) a statement of the results obtained;

(iii) a statement of the conclusions reached by the investigator; and

(iv) the bases for those conclusions.

SECTION 606. Eligibility determinations.

(a) The Agency shall carefully review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of a key employee or a primary management official for involvement in a tribal gaming operation. If the Agency in the course of this review determines that such involvement may pose a threat to the public interest or to the effective regulation of gaming, or might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, no management contractor or tribal gaming operation shall employ that

person in a key employee or primary management official position.

(b) The Tribe's gaming operation shall not employ in a key employee or primary management official position a person who has supplied materially false or misleading information or who has omitted material information required by law.

SECTION 607. Reporting to the Commission.

(a) Notification regarding background investigations and eligibility determinations. The Agency shall forward to the Commission the following with respect to all persons investigated as candidates for primary management official or key employee:

(i) all application information described in section 604 above;

(ii) the investigative report described in section 605;

(iii) the Agency's eligibility determination described in section 604; and

(iv) a notification of the Agency's hiring decision.

(b) Procedure following decision to hire key employee or primary management official.

(i) When a key employee or a primary management official begins work at a gaming operation, the Agency shall:

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

(2) Conduct a background investigation under 25 CFR part 556, and sections 601 through 606 of this Code to determine the eligibility of the key employee or primary management official for continued employment in a gaming operation.

(ii) Upon completion of a background investigation and a determination of eligibility for employment in a gaming operation under this Code, the Agency shall forward a report under 25 CFR § 556.5(b) and this Code to the Commission within 60 days after an employee begins work or within 60 days of the approval of this Code by the Chairman of the Commission. A gaming operation regulated under this Code shall not employ a key employee or primary management official who does not have a permanent license after 90 days.

(iii) During a 30-day period beginning when the Commission

receives a report submitted under this Code, the Chairman of the Commission may request additional information from the Tribe concerning a key employee or a primary management official who is the subject of such report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

(iv) If, within the 30-day period described in the above subsection, the Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided the required application and investigative report to the Commission, the Agency may go forward and issue a license to such applicant.

(v) If, within the 30-day period described in subsection 607(b)(iii) above, the Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided the required application and investigative report to the Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

(vi) If, after the issuance of a gaming license, the Commission notifies the Tribe that it has received reliable information indicating that a key employee or primary management official is ineligible for employment under applicable law, the Tribe shall suspend the license of such person and notify in writing the licensee of the suspension and the proposed revocation. The Tribe shall notify the licensee of the time and place for a hearing on the proposed revocation of a license. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the Commission of its decision.

CHAPTER 7: LICENSES

SECTION 701. Licenses. All gaming employees shall be required to obtain a tribal license from the Agency, and for that purpose the Agency shall conduct or cause to be conducted background investigations of all such persons or entities and shall deny or revoke such licenses for any whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. No license shall be issued to any person convicted of a felony or gaming offense. No license shall issue for a term exceeding twelve (12) months, but licenses may be renewed annually in accordance with rules or procedures established by the Agency. Temporary licenses may be issued in accordance with rules or

procedures established by the Agency, but shall expire no later than 90 days after issuance and may not be renewed.

SECTION 702. Background investigations. Before issuing a license to a gaming employee, the Agency shall forward the results of any background investigation to the Commission.

SECTION 703. Licensing decision. If the Agency determines, on the basis of a background investigation and such other information as it may obtain, that the applicant is qualified for a gaming license, the Agency shall issue such license. The Agency, may impose any reasonable qualifications to such license it deems appropriate.

SECTION 704. Work permits. All persons who are not gaming employees but work at any facility where authorized gaming occurs or is supervised or administered, must obtain a non-gaming work permit. Such work permits shall be issued upon determining that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming on the Reservation. All applicants for work permits shall provide the information required in any Compact. No work permit shall be issued to any person convicted of a felony or gaming offense. No permit shall issue for a term exceeding twelve (12) months, but permits may be renewed annually in accordance with rules or procedures established by the Agency. Temporary permits may be issued in accordance with rules or procedures established by the Agency, but shall expire no later than 90 days after issuance and may not be renewed.

SECTION 705. Licensing of vendors, etc. Any person or entity proposing to sell, lease, or otherwise provide electronic games of chance, other gaming devices, or gaming services to the Tribe (including, without limitation, gaming device sales personnel and technicians) are required to obtain a license from the Tribe. The standards with respect to such licenses are the same as those applicable to gaming employees, except that if applicant is a corporation, trust, or partnership, applications must be made by any person or entity holding 10% or more of any beneficial or legal interest in such entity and, if publicly held, all officers and directors.

CHAPTER 8: HEARINGS AND APPEALS

SECTION 801. Licensing decisions. Any person whose application for a gaming-related license is denied, or whose license has been suspended or revoked, may request a hearing before the Agency by written request submitted within 15 days following receipt of notice of the action of the Agency. The Agency shall hold a hearing within 30 days of the filing of the request.

SECTION 802. Patron disputes regarding particular wagers. Any complaint by a patron regarding a particular wager should be brought to the attention of the gaming manager or his/her designee immediately. If the gaming manager or his/her designee cannot promptly resolve the dispute, he/she shall immediately contact the Agency or Agency staff, who will take witness statements and reasonable steps to secure physical evidence, if any. The patron may request a hearing before the Agency by written request submitted within 72 hours from the events complained of, stating the relevant facts and circumstances in detail. The Agency shall respond and, if necessary, hold a hearing within 30 days of the filing of the request.

SECTION 803. Appeal to tribal court. Any rulings of the Agency under sections 801 or 802 above, or assessment by the Agency of a penalty under chapter 9, may be appealed within 15 days of the Agency's decision to Tribal Court, in an action naming the Agency as sole defendant. In any such action, the Tribal Court shall give appropriate deference to the expertise of the Agency. The sovereign immunity of the Agency is waived, only with respect to such action, but only if filing deadlines are strictly followed, and only to the extent of either an order affirming the Agency's decision, or:

(a) in a licensing dispute, to an order awarding or reinstating a license;

(b) in a patron dispute regarding a particular wager, to an order that a patron is entitled to a jackpot or payoff, or to return of the wagered amount; or

(c) regarding assessment of penalties by the Agency, to an order reversing, abating, reducing, or enhancing that penalty.

The Tribal Court may impose conditions on the above awards of relief. In no event may the Tribal Court assess pre-judgment interest, costs, back pay, attorneys fees, or other damages or relief against the Agency. The public interest in the integrity of gaming is such that the burden of proof with respect to gaming issues, especially regarding fitness for licensing, shall be by clear and convincing evidence and shall be upon the individual or entity challenging the Agency. All determinations of the Tribal

Court under this section are final, and subject to no further appeal.

SECTION 804. Confidential information. Where Agency action is based upon confidential information, which may not as a matter of law or policy be disclosed to the aggrieved person, such circumstances shall not be grounds for reversal of the Agency's decision, and the aggrieved person shall have no right to such confidential information in proceedings before either the Agency, Tribal Court, or any other forum.

SECTION 805. Hearing procedures. The Agency, Council, or Tribal Court may adopt such additional procedures and rules for the conduct of hearings as either deems necessary or convenient so long as they are consistent with this Code and other provisions of applicable law.

CHAPTER 9: PROHIBITED ACTS AND PENALTIES

SECTION 901. Prohibited acts. It shall be a violation of this Code for any person within the Tribe's jurisdiction to:

(a) Conduct or participate in any Class II or III gaming operation on the Reservation other than at gaming facilities licensed by the Northern Arapaho and/or Eastern Shoshone Tribe, unless otherwise permitted pursuant to section 302.

(b) Receive, distribute, apply, or divert any property, funds proceeds, or other assets of the gaming operation to the benefit of any person except as authorized by this Code, an approved Compact, or the Act.

(c) Tamper with any equipment used in the conduct of tribal gaming operations, or do any other act in connection with tribal gaming operations, with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such gaming operation.

(d) Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

(e) Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge not available to all players of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or to aid anyone in acquiring such knowledge.

(f) Claim, collect, or take, or attempt to claim, collect or take, money or anything of value in or from a gaming device, machine, or dispenser with intent to defraud, without having made a wager, or to claim, collect, or take an amount greater than the

amount won.

(g) Place, increase, or reduce a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting, pressing, and pinching bets.

(h) Manipulate, with the intent to cheat, any component of an electronic gaming device, machine, or dispenser in a manner contrary to the designed and normal operational purpose for the component.

(i) Use other than coins or tokens approved by the Agency or other lawful legal tender, or use a coin not of the same denomination as the coin is intended to be used in the gaming device.

(j) Possess or use any device or means to cheat while at the gaming facility.

(k) Behave in a threatening, disorderly, or disruptive manner or disturb the peace at any tribal gaming facility.

(l) Engage in class II or III gaming if under the age of 21, or assist, permit, or facilitate gaming by such person.

SECTION 902. Penalties. Any person within the jurisdiction of the Tribe, who violates any provision of this Code, including the provisions of any Compact, shall be subject to civil penalties including exclusion from employment or other involvement with any tribal gaming operation, denial or revocation of a tribal gaming license, exclusion from attendance at any tribal gaming facility, exclusion from the Reservation if a non-member of the Tribe, or, with respect to any person subject to the criminal jurisdiction of the Tribe, a fine of not more than $5,000 for each such violation. The Agency established pursuant to this Code shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe, except with respect to exclusion from the Reservation, which the Agency may recommend for action by the Joint Business Council.

History: 1995. Title 3. The Northern Arapaho Gaming Code was enacted by the Northern Arapaho Tribe by resolution of the Northern Arapaho Business Council dated October 26, 1995, Resolution No. 1995-7386. The Code was subsequently approved by the National Indian Gaming Commission. The Code was re-codified as Title 3 of the Northern Arapaho Code (N.A.C.) without substantive change on June 6, 2000, by NABC Resolution No. 2000-8291. Sections 201, 302, 401-405, 502-503, 601-602, 604-605,607, 701, 703-705, 802-804, and 901-902 were amended and sections 406-408 and 504 were added by resolution of the NABC on August 21, 2001, Resolution No. 2001-8444, and were approved by the NIGC on November 30, 2001. Two technical amendments corrected internal code citations by resolution of the NABC on January 3, 2002, Resolution No. 2002-8492.