NATIONAL
INDIAN
GAMING
COMMISSION

Gary Donald, Chairman
Bois Forte Reservation Tribal Council
P.O. Box 16
Nett Lake, Minnesota 55772

Dear Chairman Donald:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on September 13, 1993, for the Bois Forte Band of Chippewa Indians (the Band). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Band's gaming ordinance, the Band is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Bois Forte Band of Chippewa Indians for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

WRITER	
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1850 M STREET, N.W., SUITE 250 WASHINGTON, D.C. 20036 TEL 202-632-7003 FAX 202-632-7066

APPROVED

BOIS FORTE RESERVATION
TRIBAL COUNCIL
ORDINANCE NO. 43-94

WHEREAS, the Bois Forte Reservation Tribal Council has the inherent sovereign authority to authorize and regulate gaming activities within the area and lands subject to the jurisdiction of the Bois Forte Reservation Tribal Council, and also has constitutional authority under the Revised Constitution of the Minnesota Chippewa Tribe; and

WHEREAS, the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467, 25 U.S.C. 2701, et seq, imposes numerous restrictions and requirements upon lawful gaming within Indian country; and;

WHEREAS, the Bois Forte Reservation Tribal Council has determined it to be in the best interests of the Bois Forte Band of Chippewa Indians to authorize, to regulate and to license the conduct of lawful gaming within all territory under the jurisdiction of the Bois Forte Reservation Tribal Council.

NOW, THEREFORE, the following Ordinance is adopted:

I. Purpose

The purpose of this Gaming Ordinance of the Bois Forte Reservation Tribal Council is to authorize, as allowed under federal law, and regulate such forms of gaming on lands within the jurisdiction of the Bois Forte Reservation Tribal Council.

II. Repealer

All prior ordinances, resolutions, and enactments of the Bois Forte Reservation Tribal Council that are in conflict or inconsistent with this Ordinance are hereby repealed.

III. Authorized Gaming

All forms of gaming which are lawful under federal law are hereby authorized to be conducted solely by the Bois Forte Reservation Tribal Council. This authorization includes all forms of gaming defined as Class II and Class III in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467, 25 U.S.C., 2701, et seq. and by the regulations promulgated by the National Indian Gaming Commission. Nothing herein shall authorize any individual or other entity to conduct any forms of gaming defined as Class II or Class III by the Indian Gaming Regulatory Act.

8/23/93

IV. Proprietary Interest

The Bois Forte Band of Chippewa Indians shall have the sole proprietary interest in and responsibility for the conduct of all gaming authorized by this Ordinance.

V. Use of Gaming Revenue

The revenues earned from the authorized gaming activities shall be used only as determined by the Bois Forte Reservation Tribal Council. These purposes include the funding of tribal government operations and programs; provisions for the general welfare of the Bois Forte Band of Chippewa Indians and its members as well as any other lawful purpose authorized by the Constitution of the Minnesota Chippewa Tribe.

VI. Audit

A. The Bois Forte ReservationTribal Council shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of $25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A.

VII. Gaming Facilities

A. Each facility wherein authorized gaming activities are to be conducted shall be separately licensed by the Bois Forte Reservation.

B. Such facilities shall be constructed, maintained and operated so as to protect the public health and safety and the natural environment.

VIII. Licensing of Employees and Management Officials

A. The following "key employees" of each licensed gaming facility or operation shall be subject to a background check and licensing:

1. All personnel whose responsibilites include the operation or management of video games of chance;

2. All personnel employed whose responsibilites include dealing blackjack, serving as a cashier in conjunction with blackjack, or supervising blackjack dealers or cashiers;

3. All personnel employed whose responsibilites include calling bingo, selling pulltabs or otherwise has access to cash;

4. All personnel employed whose responsibilites include counting room supervisor; chief of security; custody of gaming supplies or cash; floor manager; pit boss; croupier; approval of credit; or custody of gambling devices, including persons with access to cash and accounting records within such devices;

5. If not otherwise included, any other person whose total cash compensation is in excess of $50,000.00 per year;

6. If not otherwise included, the four most highly compensated persons in the gaming operation;

B. The following management officials shall be subject to a background check as hereinafter provided and shall be licensed hereunder:

1. Any person having management responsibility for a management contract entered into for a gaming facility hereunder;

2. All persons who have authority to hire and fire employees; or to set up working policy for a gaming facility; or the chief financial officer of the facility or any other person who has financial management responsibility.

C. Prior to issuing a license to a key employee or management official, the Bois Forte Reservation Tribal Council shall insure that such employee or official has properly completed the "Personal History Statement for Key Employees and Primary Management Officials" which has been developed by the Gambling Enforcement Division of the Minnesota Department of Public Safety pursuant to the Class III Gaming Compacts entered by the State of Minnesota and the Bois Forte Reservation Tribal Council.

D. Prior to placing an employee or official who must be licensed hereunder, the Personal History Statement for Key Employees and Primary Management Officials will be promptly submitted to the Gambling Enforcement Division of the Minnesota Department of Public Safety, along with the standard fee, which shall conduct a background check and provide a written report to the Bois Forte Reservation Tribal Council regarding such employee or official within 30 days of receipt of the request.

E. The Bois Forte Reservation Tribal Council shall not enter into a management contract if any management official has been determined by the Minnesota Commissioner of Public Safety to be a person whose prior activities, and criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

F. The Bois Forte Reservation Tribal Council may immediately employ any person who represents in writing that such person meets the standards hereunder but that employee shall be immediately discharged if it is determined that the applicant's prior activities, criminal record, if any, reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the danger of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming; or if it is determined that the applicant has been previously convicted of a felony or gross misdemeanor involving fraud, misrepresentation, or gambling; or if it is determined that the applicant has been previously convicted of a felony within five (5) years of starting employment with the Bois Forte Reservation, provided that said felony conviction will not disqualify the applicant from employment if the Bois Forte Reservation Tribal Council, by resolution waives this restriction after the applicant has demonstrated to the satisfaction of the Bois Forte Reservation Tribal Council evidence of sufficient rehabilitation and present fitness for such employment.

G. Each person requiring a license hereunder shall be subject to periodic review comparable to that required for initial employment or management contract. This review shall take place at least annually.

H. The Bois Forte Reservation Tribal Council shall provide sufficient information to the Minnesota Commissioner of Public Safety to permit the State to conduct the necessary background check for all employees licensed hereunder as if all are subject to the requirements of the Class III Gaming Compacts entered into between the Bois Forte Reservation Tribal Council and the State of Minnesota.

IX. Licenses for Manfacturers, Distributors, Lessors of Gaming Equipment

A. All manufacturers, distributors, or lessors of gaming equipment and supplies within the Bois Forte Reservation must obtain a license issued by the Bois Forte Reservation Tribal Council. The Bois Forte Reservation Tribal Council shall only issue licenses to manufacturers,

distributors or lessors which hold valid and current licenses from the State of Minnesota, New Jersey, Nevada, or South Dakota. In the event that the State of Minnesota, New Jersey, Nevada or South Dakota suspend, revoke, or refuse to renew a license of a manufacturer, distributor or lessor similarly licensed hereunder, the Bois Forte Reservation Tribal Council shall accept the State's determination and shall require the suspension, revocation, or nonrenewal of the license issued hereunder.

B. Prior to entering into any lease agreement for gaming equipment, the proposed lessor shall obtain a license hereunder and shall also provide necessary releases and other information properly executed by the proposed lessor and all persons holding any direct or indirect financial interest in the lessor or the lease agreement to permit the Bois Forte Reservation Tribal Council and the State of Minnesota to conduct a background check on those persons. Such information shall be provided in writing together with a standard fee to the State Commissioner of Public Safety. The Bois Forte Reservation Tribal Council will not enter into any lease agreement for video games of chance or related equipment with any person or entity if the State Department of Public Safety determines that the lessor, or any manager or person holding a direct or indirect financial interest in the lessor or the proposed lease agreement, has been convicted of: (a) any felony within five years; or (b) a felony or gross misdemeanor involving fraud, misrepresentation, or gambling.

C. A manufacturer, distributor or lessor of gaming equipment seeking a license hereunder shall submit together with the necessary application form a fee no less than the standard fee required of the Bois Forte Reservation Tribal Council by the State of Minnesota to conduct the necessary background checks. The fee shall be submitted by certified check payable to the Bois Forte Reservation Tribal Council with the initial application and any renewals thereof.

X. Licensing and Discipline of Employees

The Bois Forte Reservation Tribal Council shall publish and maintain a procedural manual governing all licensed personnel and which will include disciplinary standards for breach of the procedures.

XI. Licenses and Reports to National Indian Gaming Commission

A. Upon issuance of any license required hereunder, the Bois Forte Reservation Tribal Council shall promptly provide notice of the issuance of said license to the National Indian Gaming Commission together with a copy of the investigative report provided to the Bois Forte Reservation Tribal Council by the Minnesota Department of Public Safety.

B. Upon denial of any license hereunder, the Bois Forte Reservation Tribal Council shall promptly notify the National Indian Gaming commission of such denial.

C. The applications for employment and the investigative reports provided by the Minnesota Department of Public Safety for all employees requiring a license hereunder shall be retained for no less than three (3) years from the date of termination of employment.

XII. License Suspension/Revocation Hearing

A. If the Bois Forte Reservation Tribal Council receives reliable information from any source indicating that a key employee or a primary management official is not eligible for employment or contract under this Ordinance after a license has been issued, the license shall be immediately suspended and the individual notified in writing of the suspension and the proposed revocation.

B. The written notice to the licensee of the suspension shall include notification of a time and a place for a hearing on the proposed revocation of the license. The revocation hearing shall be held as soon as practicable.

C. At the termination of the revocation hearing, the Reservation Tribal Council shall either revoke or reinstate the license. If the information upon which the suspension was based has been received from the National Indian Gaming Commission, the Bois Forte Reservation Tribal Council shall notify the National Indian Gaming Commission of its decision at the conclusion of the revocation hearing.

XIII. Miscellaneous

A. The following notice shall be placed on the application form for all employees of a gaming facility:

> "A false statement on any part of your application will be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment." (U. S. Code, Title 18, Section 1001)

B. Persons subject to licensing hereunder shall complete a "Personal History Statement for Key Employees and Primary Management Officials" which contains the following notice:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on

this form is authorized by 25 U.S.C. 2701, et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application. Existing employees and management officials subject to licensing hereunder shall complete a new "Personal History Statement for Key Employees and Management Officials" which contains the Privacy Act Notice.

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WE DO HEREBY CERTIFY, that the foregoing Ordinance was duly presented and adopted by a vote of 4 for 0 against and 0 silent at a Special Meeting of the Bois Forte Reservation Tribal Council, a quorum being present, held on August 27, 1993, at Nett Lake, Minnesota.

BOIS FORTE RESERVATION
TRIBAL COUNCIL

By: Gary Donald
Gary Donald
Its Chairman

By: David C. Morrison Sr.
David Morrison, Sr.
Its Secretary/Treasurer

By: Jerome G. Whiteman
Jerome Whiteman, Member

By: Phyllis Boshey
Phyllis Boshey, Member

By: Doris Isham
Doris Isham, Member

8/23/93

GARY W. DONALD
Chairman

RICK ANDERSON
Tribal Manager

DAVID C. MORRISON, Sr.
Secretary-Treasurer

Bois Forte Reservation Tribal Council

Box 16
Nett Lake, Minnesota 55772
(218) 757-3261

MEMBERS
Doris Isham
Jerome Whiteman
Phyllis Goshey

APPROVED

Message From The Bois Forte Reservation Tribal Council

DATE: 12-09-93 No. of Pages 4 incl. Cover Sheet

Dispatch To: Attn Sue Carlotta, National Indian Gaming Commission

Fax Number: 202-632-7066

Dispatch From: Skip Finn, Attorney Bois Forte RTC

Subject: RE: Bois Forte Gaming Ord/Submission

Dispatched By: Kellym Ruton Time:

Confidentiality Notice: The Document(s) accompanying this fax may contain confidential information which is legally privileged. The information is intended only for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information, except in its direct delivery to the intended recipient named above, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone to arrange for return of the original document(s) to us.

NOTE: Please review Mai Dinh said you would be expecting this fax. I'll call later today.

931209-00003

APPROVED

COPY FOR YOUR INFORMATION

RECEIVED 12/9/93 NIGC

MEMORANDUM

DATE: December 3, 1993

TO: All Managers-on-Duty

FROM: Randy Hella

SUBJECT: Revisions to Manager-on-Duty Procedures

As a result of requirements of the National Indian Gaming Commission as outlined in 25 C.F.R. 522.2(f) the following revision to MOD Procedures is necessary:

In the subject area entitled "**CUSTOMER COMPLAINTS**" the following is added:

GAMING (Blackjack, Slots, Pull Tabs and Bingo):

Check with appropriate departmental manager or supervisor on duty to see if they are aware of the situation and if they have already reacted to it. Again show interest, concern and be sympathetic. If you cannot resolve, the General Manager should be contacted for guidance. If unable to contact the GM, attempt to obtain the names, addresses and phone numbers of the effected customers indicating to them that the casino will be contacting them regarding this issue. You must fill out the MOD report and any appropriate incident reports should be filled out by Fortune Bay personnel who were witnesses to the situtation. Every attempt should be made to resolve the issue using common sense.

ALL CUSTOMER COMPLAINTS:

In situations where casino staff, supervisors, managers and MODs are unable to adequately resolve customer complaints, they must be referred to the General Manager with documentation of the situation including MOD reports, incident reports, memos and video from surveilance (if available). The General Manager will conduct a review of the situation and contact effected customers attempting to further resolve the complaint.

If the General Manager is unable to resolve the complaint, the customer should be asked to file a written complaint to the Board of Directors of Fortune Bay Casino for their review and possible resolution. The Board of Directors will review the written customer complaint, all internal reports and conduct interviews (if necessary). They will advise the customer of their decision in writing.

MEMORANDUM

DATE: December 7, 1993

TO: Skip Finn, Legal Counsel
Gary Donald, Chairman
Rick Anderson, Tribal Manager
Dan Hackey, Fortune Bay - Personnel Manager

FROM: Randy Hella

SUBJECT: Response to National Indian Gaming Commission request of 11/19/93

In response to the above referenced request by NIGC, the following is provided:

PROCEDURES FOR CONDUCTING BACKGROUND INVESTIGATIONS OF KEY AND PRIMARY MANAGEMENT OFFICIALS:

As is indicated in Bois Forte Reservation Tribal Council Ordinance No. 43-94, the Bois Forte Reservation Tribal Council is responsible for conducting background investigations and determining the suitability for employment of and/or contract with key and primary management officials. Procedures as outlined in the ordinance are:

1) The Bois Forte RTC utilizes the services of the Minnesota Department of Public Safety to conduct full background investigations. This is an ongoing relationship that is the result of the compacts. The recent revision (effective 9/1/93) to the Personal History Statement for Key Employees and Primary Management Officials is used. Those employees and officials include all those listed in Section VIII A and B of BFRTC Ordinance No. 43-94.

2) Currently, each effected employee is required to fill out the Personal History which is provided to them by Personnel. Upon completion of the form, Personnel submits it to the Minnesota Department of Public Safety.

3) As you are aware, there are currently discussions between the Minnesota gaming tribes, the Minnesota Department of Public Safety and the National Indian Gaming Commission concerning the need for additional investigative work beyond what is already being performed. Results of those discussions have yet to be completed.

4) The RTC and casino are currently in the process of implementing a procedure to handle fingerprinting and photographing. Using the services of the Bureau of Indian Affairs local police, employees will be fingerprinted. The fingerprint cards will be supplied by the Minnesota Department of Public Safety, Gambling Enforcement Division. The fingerprint cards and photos as required by the revised

Personal History will be attached to the Personal History and forwarded to the Minnesota Department of Public Safety who in turn will forward the fingerprint cards to the FBI. This is outlined in the instructions of the Personal History. The casino currently has the capability to provide photographs required.

5) Reports to the NIGC on the results of the background investigations are the responsibility of the Bois Forte Reservation Tribal Council.

6) The BFRTC Ordinance No. 43-94 and the additional information supplied to NIGC in my September 13, 1993 correspondence along with this memorandum and the December 3, 1993 memorandum, "Revisions to Manager-on-Duty Procedures" include all tribal gaming regulations and procedures to date.

September 9, 1993

Anthony J. Hope
Chairman
National Indian Gaming Commission
1850 M Street N.W., Suite 250
Washington, D.C. 20036

Dear Chairman Hope:

Enclosed you will find various documents required by 25 CFR 522.2 and 523.2. This is in response to your request of June 7, 1993. The primary reason for the delay in response was that the Tribe adopted a new gaming ordinance which closely parallels your suggested ordinance attached in the June 7th correspondence.

The following documents are enclosed:

1) The Bois Forte Reservation Tribal Council Ordinance No. 43-94, the tribal gaming ordinance.

2) The Tribal-State Compact for Control of Class III Video Games of Chance

3) The Tribal-State Compact for Control of Class III Blackjack

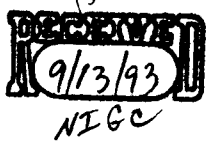
4) Office Memorandum with procedures and forms for background investigations in conjunction with State of Minnesota Compacts.

5) The 1991 Audit of the Bois Forte Development Corporation (dba Fortune Bay Casino) - This is a combined audit of both Class II and Class III activity. The 1992 audit is currently in draft form only and will be forwarded when complete.

6) A description of our procedures for handling customers complaints - This is contained within the Manager on Duty Procedures.

7) The designated agent for service is:
   Gary Donald, Chairman
   Bois Forte Reservation Tribal Council
   P.O. Box 16
   Nett Lake, Minnesota 55772

930913-03001



1430 Bois Forte Road, Tower, MN 55790 ☐ 1-(218)-753-6400 ☐ 1-800-992-PLAY

8) A check for $9,825.96 for fees for the following periods:

Period	Fee
2 Qtrs. Ending 12/31/91	$3,637.71
1 Year Ending 12/31/92	$4,581.59
2 Qtrs. Ending 6/30/93	$1,606.66

Copies of the worksheets as backup is provided also.

Sincerely,

Randy Hella
President

pc: Gary Donald
Rick Anderson