MAY 17 2006

Chairwoman LaRue Parker
Caddo Nation of Oklahoma
P.O. Box 487
Binger, OK 73009

RE: Amendments to the Caddo Nation Gaming Ordinance

Dear Chairwoman Parker:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve amendments to the Caddo Nation of Oklahoma's revised Gaming Ordinance, submitted on May 16, 2006. The Caddo Nation Council approved the Ordinance by Resolution # 05-2006-03 on May 16, 2006. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Nation on future gaming issues.

Sincerely,

Philip N. Hogen
Chairman

Caddo Nation of Oklahoma
Post Office Box 487
Binger, Oklahoma 73009
(405) 656-2344 405-656-2345
FAX # 405/656-2892

MAY 22 2006

Resolution # 05 · 2006 · 03

Resolution of the Caddo Nation of Oklahoma to adopt a new Caddo Nation Gaming Ordinance

Whereas: the Caddo Nation of Oklahoma is a federally recognized tribe, governed by a Constitution pursuant to the Oklahoma Indian Welfare Act of 1936, (49 Stat. 1967); and

Whereas: under the revised Caddo Nation Constitution and Bylaws adopted by the Caddo Nation of Oklahoma on June 26, 1976, and recognized by the Secretary of the Interior, the Tribal Council of the Caddo Nation has certain powers; and

Whereas: under Article V, Section 2 part "F" of the Caddo Nation Constitution, the Tribal Council is empowered to establish procedures for the conduct of all tribal government and business operation; and

Whereas: under Article V, Section 2, part "M" of the Caddo Nation Constitution the Tribal Council is empowered to pass such ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties; and

Whereas: the Caddo Tribal Council finds the new Gaming Ordinance is up to date and in line with the current National Indian Gaming Commission (NIGC) model gaming ordinance.

Whereas: the Caddo Tribal Council hereby revokes all prior gaming ordinances and hereby approves and submits the attached ordinance for expedited review and approval under NIGC rules and regulations.

Therefore be it resolved: the Caddo Nation Tribal Council hereby passes a new Gaming Ordinance to be forwarded to the NIGC for Approval on this 16th day of May 2006, and hereby revokes all previous ordinances and submits the attached Caddo Nation Gaming Ordinance for expedited review and approval.

Resolution # 05-2006-03

CERTIFICATION

We certify that the Caddo Nation Council with a quorum being present at a meeting duly called and convened on the 16th day of May 2006 at the Caddo Nation Tribal Office, Binger, Oklahoma has duly adopted this resolution by vote of 5 FOR, 0 OPPOSING and 0 ABSTAINING.

LaRue Martin Parker, Chairman — Date: 5-16-06

Diane Sparks, Secretary — Date: 5-16-06

Final 5-16-04

MAY 22 2006

Gaming Ordinance of the Caddo Nation of Oklahoma 2006

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Section 101. Purpose

The **Caddo Nation of Oklahoma** (Tribe), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to govern Class II and Class III gaming operations on the Tribe's Indian lands.

Section 102. Definitions

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 500 *et seq.* Specifically:

(a) **Class I gaming** 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.

[25 U.S.C. § 2703(6); 25 C.F.R. § 502.2]

(b) **Class II gaming** means:

(1) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):

(A) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(B) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(C) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pulltabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) card games that:

(A) are explicitly authorized by the laws of the State, or

(B) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only is such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term "class II gaming" does not include:

(A) any banking card games, including baccarat, chemin de fer, or Blackjack (21), or

(B) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

[25 U.S.C. § 2703(7); 25 C.F.R. § 502.3]

(c) **Class III gaming** means all forms of gaming that are not class I gaming or class II gaming.

[25 U.S.C. § 2703(8); 25 C.F.R. § 502.4]

(d) Commission means the Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

(e) Commissioner means a Tribal Gaming Commissioner.

(f) Compact means a Tribal-State Compact concerning class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).

(g) Complimentary shall have the meaning as set forth in 25 C.F.R. §542.2(a).

(h Directly related to means a spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.

(k) Indian lands means:

(1) all lands within the limits of the Tribe's reservation;

(2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Indian Tribe exercises governmental power; and

(3) for all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719.

[25 U.S.C. § 2703(4); 25 U.S.C. § 2719; 25 C.F.R. § 502.12]

(l) Tribe means the Caddo Nation of Oklahoma. Tribe is consistent with Caddo Nation Tribal Council unless otherwise directed in the Caddo Nation Constitution.

(m) Key Employee[1] means:

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

(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) If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year; or

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

[25 C.F.R. § 502.14)]

(n) **Net Revenues** means gross gaming revenues of an Indian gaming operation less

(1) Amounts paid out as, or paid for, prizes; and

(2) Total gaming-related operating expenses, excluding management fees.

[25 U.S.C. § 2703(9); 25 C.F.R. § 502.16]

(o) **Primary Management Official**[2] means

(1) The person (s) having management responsibility for a management contract;

(2) Any person who has authority:

(A) To hire and fire employees; or

(B) To set up working policy for the gaming operation; or

(C) The chief financial officer or other person who has financial management responsibility.

[25 C.F.R. § 502.19]

Section 103. Gaming Authorized

(a) Class II and Class III gaming are hereby authorized.

[25 C.F.R. § 522.6(b)-(c)]

Section 104. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

[25 U.S.C. § 2710(b)(2)(A); 25 C.F.R. § 522.4(b)(1)]

Section 105. Use of Gaming Revenue[3]

(a) Net revenues from tribal gaming shall be used only for the following purposes:

(1) to fund tribal government operations and programs;

(2) to provide for the general welfare of the Tribe and its members;

(3) to promote tribal economic development;

(4) to donate to charitable organizations; or

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

[25 U.S.C. § 2710(b)(2)(B); 25 C.F.R. § 522.4(b)(2)]

Section 106. Per Capita Payments

(a) "Per Capita Payment" means the distribution of money or other thing of value to all Members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.

[25 C.F.R. § 290.2]

(b) If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

(1) The Tribe shall authorize and issue such payments only in accordance with a Revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).

[25 U.S.C. § 2710(b)(3); 25 C.F.R. § 522.4(b)(2)(ii)]

(2) The Tribe shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved, and that the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare or the minor or other legally incompetent person, under a plan approved by the Caddo Nation Tribal Council and the Secretary of the Interior. The Tribe must also establish criteria and a process for withdrawal of funds by the parent or legal guardian.

[25 C.F.R. § 290.12(b)(3)]

(3) The Caddo Nation Tribal Council shall designate or create a Tribal court system,

forum, or administrative process for resolution of disputes concerning the allocation of net gaming revenues and the distribution of per capita payments and will explain how it will correct deficiencies.

[25 C.F.R. § 290.12(3)(iii), (b)(5); 25 C.F.R. § 290.22]

(4) The Caddo Nation Tribal Council shall ensure that the Tribal revenue allocation plan

reserves an adequate portion of net gaming revenues from the tribal gaming activity to do one or more of the following purposes: fund Tribal government operations or programs to provide for the general welfare of the Tribe or its members; promote tribal economic development; donate to charitable organizations; or to help fund operations of local government.

[25 C.F.R. § 290.12(b)(1)]

(5) The Caddo Nation Tribal Council shall ensure that distributions of per capita

Payments are made according to specific eligibility requirements.

[25 C.F.R. § 290.12(3)(iii), (b)(5)]

(6) The Caddo Nation Tribal Council shall ensure that Tribal members are notified of the

tax liability for per capita payments and how taxes with be withheld.

[25 C.F.R. § 290.12(b)(4); 26 C.F.R. Part 31]

Section 107. Gaming Commission[7]

(a) The Tribe hereby establishes a Tribal Gaming Commission whose duty it is to regulate tribal gaming operations. The Tribal Gaming Commission shall consist of three members. There shall be among them a Chairperson, Vice-Chairperson, and one additional Commissioner.

(b) The purpose of the Tribal Gaming Commission is regulatory, not managerial. The Commission will conduct oversight to ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations. The Commission will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the internal controls for the gaming operation and in tracking revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.

(c) The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be and act independently and autonomously from the Tribal Council in all matters within its purview. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum:

(1) No member of the Tribal Council may serve on the Gaming Commission

(2) No member directly related to or living with any Tribal Council member

may serve on the Gaming Commission;

(3) Members of the Gaming Commission are prohibited from gambling in the facility; and

(4) Members of the Gaming Commission are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued at under five dollars.

(d) Tribal Gaming Commissioner positions shall be filled in the following manner:

Through appointment by the Caddo Nation Tribal Council.

(e) Nominees for positions of Tribal Gaming Commissioner must satisfy the suitability standards set forth for key employees and primary management officials, found in Section 207 of this Ordinance. Such background investigations shall be performed under the direction of the Gaming Commission by either a designated employee of the gaming commission or an outside independent investigative firm.

(f) The Tribal Gaming Commission shall:

(1) Conduct or cause background investigations to be conducted on, at a minimum, primary management officials and key employees;

(2) Review and approve all investigative work conducted;

(3) Report results of background investigations to the NIGC;

(4) Obtain and process fingerprints;

(5) Make licensing suitability determinations, which shall be signed by The Chairman of the Gaming Commission;

(6) Issue gaming licenses to management officials and employees of the operation, consistent with the suitability determination;

(7) Establish standards for licensing Tribal gaming operations;

(8) Issue facility gaming licenses to Tribal gaming operations;

(9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming

establishment;

(10) Ensure compliance with all Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming;

(11) Investigate any suspicion of wrongdoing associated with any gaming activities;

(12) Hold hearings on patron complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations;

(13) Comply with any and all reporting requirements under the IGRA, Tribal-State compact to which the Tribe is a party, and any other applicable law;

(14) Promulgate and issue regulations necessary to comply with applicable internal control standards;

(15) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;

(16) Promulgate and issue regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of the gaming ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations; and

(17) Establish a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming;

(18) Establish a list of persons who have voluntarily asked to be excluded from Tribal gaming facility and create regulations for enforcing this exclusion;[8]

(19) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;

(20) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy;

(21) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;

(22) Perform such other duties the Commission deems appropriate for the proper

regulation of the Tribal gaming operation.

(23) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Ordinance.

(g) The Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities.

This Section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.

(h) Terms of Office for Tribal Gaming Commissioners shall be as follows: the Chair shall serve an initial term of one year, with subsequent Chairs serving three-year terms. The Vice-Chair and Commissioner(s) shall serve an initial term of two years, with subsequent Vice-Chairs and Commissioners serving three-year terms.

(i) The following persons are not eligible to serve as Tribal Gaming Commissioners: Tribal Council members, while serving as such; employees of the gaming operation, while serving as such; gaming contractors (including any principal of a management or other contracting company); persons directly related to or sharing a residence with any of the above; persons ineligible to be key employees or primary management officials. Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud) cannot serve as Tribal Gaming Commissioners. Tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud) will only be allowed to serve as Tribal Gaming Commissioners if the Caddo Nation Tribal Council specifically finds a significant amount of time has passed and that the person is now of trustworthy character. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate suitability determination before appointing an individual to a position as a Tribal Gaming Commissioner.

(j) The independence of the Tribal Gaming Commission is essential to a well-regulated gaming operation. For that reason, Commissioners may only be removed from office by the Caddo Nation Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered. A vote of the Caddo Nation Tribal Council on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.

(k) A majority of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for any final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission.

(l) Tribal Gaming Commissioners shall be compensated at a level determined by the Tribal Council. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

(m) The Commission shall keep a written record of all its meetings.

Section 108. Ethics[9]

(a) The Tribe recognizes that the duties of the Tribal Gaming Commission include making important decisions on highly sensitive issues. As such, the Tribe has determined that the Gaming Commission shall be held to extremely high ethical standards. Prior to taking their positions on the Commission (Members), the Members shall agree to be bound by the following principles:

(1) Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.[10]

(2) Members shall not engage in financial transactions using nonpublic

Information or allow the improper use of such information by others on their behalf to further any private interest.

(3) Members shall not solicit or accept any gift or other item of monetary value,

including complimentary items or services (see Section 110, below), from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Members' duties.

(4) Members shall make no unauthorized commitments or promises of any kind

purporting to bind the Tribe.

(5) Members shall not use their positions for private gain.

(6) Members shall act impartially, in accordance with all relevant Tribal, Federal,

and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Members.

(7) Members shall ensure that Tribal property and gaming assets shall be

properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.

(8) Members shall not engage in outside employment or activities, including

seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

(9) Members shall disclose waste, fraud, abuse, and corruption to appropriate Authorities.

(10) Members shall endeavor to avoid any actions creating the appearance that

they are violating the law or the ethical standards listed herein.

(11) Members shall disclose any real or apparent financial or personal conflicts. If there is a conflict members shall not be involved in a decision related

there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

Section 109. Complimentary Items[11]

(a) The use of complimentary items shall be governed by regulations established by the Tribal Gaming Commission.

(b) No Key Employee, Primary Management Official, Tribal Council member, member of the Tribal Gaming Commission, or any person directly related to or sharing a residence with the persons, shall be authorized to receive complimentary items other than food and beverages valued at under five dollars, or, if at a public event held at the gaming facility, the free food and beverages offered to the general public.

(c) Complimentary Items shall be included in the annual budget for the gaming operation, with maximum limits specified, and shall be subject to approval by the Tribal Council.

Section 110. Audit

(a) The Tribe shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting audit reports to the National Indian Gaming Commission.

[25 U.S.C. § 2710(b)(2)(C); 25 C.F.R. § 522.4(b)(3)]

(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) above.

[25 U.S.C. § 2710(b)(2)(D); 25 C.F.R. § 522.4(b)(4)]

Section 111. Environment and Public Health and Safety

(a) Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

[25 U.S.C. § 2710(b)(2)(E); 25 C.F.R. § 522.4(b)(7)]

(b) The Caddo Nation Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety.[12]

Section 112. Patron Dispute Resolution[13]

Patrons who have complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Gaming Commission shall hold a hearing within 30 days of receipt of petitioner's complaint. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and all such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of $10,000.00 per occurrence, and a cumulative limit of $50,000.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 113. Tribal Internal Control Standards

The Tribe shall adopt and implement Internal Control Standards (ICS) for the operation of its Tribal gaming operation in accordance with applicable law. The Tribe's ICS shall be set out in separate regulations to be reviewed and approved by the Tribal Council.

Section 114. Facility Licenses[14]

(a) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where class II and class III gaming is conducted under this ordinance.

[25 U.S.C. § 2710(b)(1)(B); 25 C.F.R. § 522.4(b)(6)]

(b) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and Class III gaming is conducted under this ordinance once every three years.[15] The Tribal Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official of the facility, and the initial application shall include a legal description of the lands whereon the facility is located, and a certification that said premises constitute "Indian lands" as specified in the Indian Gaming Regulatory Act, and shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith. Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health and safety standards, and include current certifications of compliance therewith. The Tribal Gaming Commission shall only issue such licenses if the applications therefore include the required information and certifications and such further conditions as the Tribal Gaming Commission shall have specified.

Section 115. Agent for Service of Process

The Tribe hereby designates the Chairman of the Tribal Council as agent for service of process, who may be contacted at:

Hwy 281 and 152, P.O. Box 487 Binger, Oklahoma 73009

[25 C.F.R. § 519.1]

Section 116. Compliance with Federal Law[16]

The Tribe will comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

Section 117. Repeal[17]

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

Section 118. Tribal Access to Financial Information[18]

A copy of the Tribal gaming operation annual audit will be made available for review, upon request, to:

Caddo Nation Council of Oklahoma

Section 201. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming enterprise operated on Indian lands. The Tribe will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.

[25 U.S.C. § 2710(b)(2)(F); 25 C.F.R. § 558.3; 25 U.S.C. § 522.4(b)(5)]

Section 202. License Application Forms

(a) The following notice shall be placed on the application form for a key employee or a primary management official:

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 the Tribe and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when necessary 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 investigation 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 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.

[25 C.F.R. § 556.2(a)]

(b) The following additional notice shall be placed on the application form for a key employee or a primary official:

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

[25 C.F.R. § 556.3(a)]

(c) The Commission shall notify in writing existing key employees and primary management officials who have not completed an application containing the notices set forth above that they shall either:

(1) Complete a new application form that contains both the Privacy Act and false statement notices; or

(2) Sign a statement that contains the Privacy Act and false statement notices and consent to the routine uses described in that notice.

[25 C.F.R. § 556.2(b); 25 C.F.R. § 556.3(b)]

Section 203. License Fees[19]

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing Key Employees and Primary Management Officials of the gaming operation.

Section 204. Fingerprints[20]

Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken electronically by the Gaming Commission official and submitted directly to the Federal Bureau of Investigation.[21] Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

[25 C.F.R. § 522.2(h); 25 C.F.R. § 556.4(a)(14)]

Section 205. Background Investigations[22]

(a) The Tribal Gaming Commission is responsible for conducting background investigations and suitability determinations.

(b) The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:

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

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

(3) 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 (b)(2) of this section;

(4) Current business and residence telephone numbers;

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

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

(7) 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;

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

(9) 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;

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (b)(8) or (b)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

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

(12) A photograph taken within the last year; and

(13) Any other information the Tribe deems relevant.

[25 C.F.R. § 556.4]

Section 206. Procedures for Conducting a Background Check on Applicants[23]

(a) As part of it's review procedure, the Commission or its agent shall employ or engage a private investigator to conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination under section 207 below. The investigator shall:

(1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;

(2) Contact each personal and business reference provided in the License Application, when possible;

(3) Obtain a personal credit check;

(4) Conduct a civil history check;

(5) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten years;

(6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;

(7) Verify the applicant's history and status with any licensing agency by contacting the agency; and

(8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(b) The investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.

(c) The Gaming Commission and its investigator shall promise to keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or State law.

Section 207. Eligibility Determination

The Tribal Gaming Commission shall 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 primary management official for employment in a gaming operation. If the Tribal Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

[25 C.F.R. § 558.2]

Section 208. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(a) When a key employee or primary management official is employed to work at a gaming operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection 207 of this section.

[25 C.F.R. § 558.3(a)]

(b) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

[25 C.F.R. § 558.3(b)]

Section 209. Report to the National Indian Gaming Commission

(a) The Tribal Gaming Commission shall prepare and forward a report on each background investigation to the National Indian Gaming Commission. An investigative report shall include all of the following:

(1) Steps taken in conducting a background investigation;

(2) Results obtained;

(3) Conclusions reached; and

(4) The bases for those conclusions.

[25 C.F.R. § 556.5(a), (b)]

(b) The Commission shall forward the completed investigative report to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

[25 C.F.R. § 558.3(b)]

(c) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Tribe that the submission of the eligibility determination is not necessary. This determination shall include a Statement describing how the information submitted by the applicant was verified; a Statement of results following an inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; a Statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Tribal Gaming Commission to make a finding concerning the eligibility for licensing required for employment in a gaming operation; and a Statement documenting the disposition of all potential problem areas noted and disqualifying information obtained.[24]

[25 C.F.R. § 556.5(c)]

(d) If a license is not issued to an applicant, the Tribal Gaming Commission:

(1) Shall notify the NIGC; and

(2) Shall forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

[25 C.F.R. § 556.5(d)]

(e) With respect to all employees,[25] and in particular key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

[25 C.F.R. § 558.1(c)]

Section 210. Granting a Gaming License

(a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming 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 an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission, acting for the Tribe, may issue a license to such applicant.

[25 C.F.R. § 558.4(a)]

(b) The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

[25 C.F.R. § 558.4(b)]

(c) If, within the thirty (30) day period described above, the National Indian Gaming 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 Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

[25 C.F.R. § 558.4(b)]

Section 211. License Suspension

(a) If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

[25 C.F.R. § 558.5(b)]

(b) The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

[25 C.F.R. § 558.5(c)]

(c) After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision.

[25 C.F.R. § 558.5(d)]

Section 212. Board of Review for Disputes[26]

The Tribe has determined that, in order to adhere to this Ordinance and all gaming regulations, there shall be established a Tribal Gaming Board of Review (Board of Review). The Board of Review shall serve as the final review body for employee disputes. Employee disputes shall include disputes with management, terminations, fines or other internal employee disputes, not to include actions taken by the Commission.

The Board of Review shall consist of five members. The membership shall be comprised of one member of the Tribal Gaming Commission, one member from the Tribal Council, one primary management official or key employee, one enrolled Tribal member not employed by the gaming operation, and one employee of the gaming operation.[27] The members from the Tribal Gaming Commission, Tribal Council, and gaming operation primary management official or employees shall be elected from their representative groups and the enrolled Tribal member shall be appointed by the Tribal Council. Board of Review members shall serve staggered terms. The two Tribal members shall serve three-year terms. The primary management official or key employee shall serve a two-year term. The members from the Tribal Gaming Commission and the Tribal Council shall serve one-year terms. The Board of Review members who are not employed by the Tribe in some other capacity shall be compensated at a rate of **$75.00** per meeting or hearing, and shall be reimbursed for actual costs incurred during the scope of his/her duties as a member of the Board of Review. Compensation shall never be tied to tribal gaming revenues.

The Board of Review members shall elect a Chairperson from among them, whose duty it shall be to preside over all meetings and hearings. In addition, the members shall elect a Vice-Chair who shall be the custodian of any evidence submitted, and who shall preside in the Chairperson's absence. The Board of Review shall meet as needed but no later than ten days of a dispute being received, shall keep official records of the meetings. No later than three working days following a hearing on employee disputes, the Board of Review shall issue its findings. Findings of the Board shall be final when issued.

No Board of Review member shall be removed prior to the end of his/her term without cause. Removal shall be effectuated by a majority vote of the entire Board of Review, and shall be a final decision. A Board of Review member shall not review any decisions affecting himself/herself, or any person directly related to him or her.

Section 301. Licenses for Vendors[28]

(a) Vendors of gaming services or supplies with a value of $25,000[29] or more annually must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this section.

(b) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(c) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Tribal Gaming Commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors who: 1) are a Tribal, Local, State, or Federal government agencies; 2) are regulated by the State of Oklahoma or the Tribe; or 3) will provide goods of insubstantial or insignificant amounts or quantities if the Tribal Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Section 302. Submission of a Vendor License Application[30]

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor or manager under the agreement with the Tribe, if applicable.

Section 303. Contents of the Vendor License Application[31]

(a) Applications for gaming vendor licenses must include the following:

(1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the applicant has done business under, type of service applicant will provide;

(2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

(3) If the applicant is a corporation, the state of incorporation, and the qualification to do business in the State of Oklahoma if the gaming operation is in a different State than the State of incorporation.

(4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;

(5) General description of the business and its activities;

(6) Whether the applicant will be investing in or loaning money to the gaming operation and, if so, how much;

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

(8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;[32]

(9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;

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

(11) If the business has ever had a license revoked for any reason, the circumstances involved;

(12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition if any;

(13) List the business' funding sources and any liabilities of $50,000 or more.[33]

(14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and

(15) Any further information the Tribe deems relevant.

(b) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

(c) A vendor may submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit in writing any changes in the information since the other license application was filed and any information requested by the Tribe not contained in the other application.

Section 304. Vendor Background Investigation[34]

The Tribal Gaming Commission shall employ or otherwise engage a private investigator to complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

(a) Verify of the business' incorporation status and qualification to do business in the State where the gaming operation is located;

(b) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;

(c) Conduct a check of the business' credit history;

(d) Call each of the references listed in the vendor application; and

(e) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

Section 305. Vendor License Fee[35]

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 306. Vendor Background Investigation Report[36]

The private investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Tribal Gaming Commission.

Section 307. Exemption for Vendors Licensed by Recognized Regulatory Authorities[37]

The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

Section 308. Licenses for Non-Gaming Vendors[38]

For non-gaming vendors, the Tribal Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as laid out in Section 304. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.