DEC 19 2005

VIA FACSIMILE & REGULAR MAIL

Wallace Coffey
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Comanche Nation
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Re: Gaming Ordinance of the Comanche Nation

Dear Chairman Coffey and Mr. Norman:

This letter responds to Mr. Norman's request to the National Indian Gaming Commission (NIGC) on behalf of the Comanche Nation to review and approve the Nation's newly enacted gaming ordinance. The ordinance was adopted by the Nation's Business Committee via Resolution No. 103-05 on December 3, 2005.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed Gaming Ordinance. Approval does not constitute approval of specific games. In addition, the ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Nation possesses jurisdiction and exercises governmental power.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Nation to implement the IGRA. If you have questions or require further assistance, please contact Jo-Ann M. Shyloski, NIGC Senior Attorney, at 202-632-7003.

Sincerely yours,

Philip N. Hogen
Chairman

Enclosure
cc: Tim Harper, Region V Director (with Enclosure)

Section 101. Purpose

The Comanche Business Committee ("CBC"), empowered by the Comanche Nation Constitution to enact ordinances, hereby enacts this ordinance in order to govern Class II and Class III gaming operations on the Nation'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. § 501 *et seq.* Specifically:

(a) **Board of Directors** means the Tribal Gaming Board of Directors, who shall serve as primary management officials in overseeing the General Manager and the day-to-day non-regulatory aspects of the gaming operation.

(b) **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.

(c) **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) pull-tabs, 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 if 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.

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

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

(f) **Commissioner** means a Tribal Gaming Commissioner.

(g) **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).

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

(i) **Confidential Information** means all private and proprietary Comanche Nation, Tribal Gaming Board of Directors, and Tribal Gaming Commission information that may have a significant adverse impact on the Nation, the Gaming Board of Directors, Gaming Commission, the Nation's employees, patrons, and vendors if it is compromised. Confidential Information requires strong custody and access procedures, and is available only to authorized groups or functions on a "need to know" basis. Comanche Nation Confidential Information includes information that if compromised may have a significant impact on our customers, employees, and vendors.

(j) **Directly related to** means a spouse, child, parent, grandparent, grandchild, aunt, uncle, sibling, or first cousin.

(k) **Director** means a Member of the Tribal Gaming Board of Directors.

(l) **Indian lands** means:

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

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

(m) **Key Employee** 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.

(n) **Nation** means the Comanche Nation.

(o) **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.

(p) **Person having a direct or indirect financial interest in a management contract** means:

(1) When a person is a party to a management contract, any person having a direct financial interest in such management contract;

(2) When a trust is a party to a management contract, any beneficiary or trustee;

(3) When a partnership is party to a management contract, any partner;

(4) When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

(5) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

(q) **Primary Management Official** means:

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

(2) Any person who has authority:

(A) To hire and fire employees;

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

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

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

Section 103. Gaming Authorized

Class II and Class III gaming are hereby authorized. Any Class III gaming shall be conducted in accordance with a compact or Secretarial procedures approved by the Secretary of the Interior. In any conflict between this Ordinance and the effective Tribal-State Compact or Secretarial procedures, the relevant Compact provision(s) or Secretarial procedures shall apply.

Section 104. Ownership of Gaming

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

Section 105. Use of Gaming Revenue

(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 Nation 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.

Section 106. Per Capita Payments

(1) The Nation 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).

Section 107. Board of Directors

(a) In addition to the General Manager for the facility, there shall be established a Tribal Gaming Board of Directors which shall serve in a management oversight role over the General Manager and the day-to-day operations of the gaming operation. In the event that the Nation enters into a management contract approved by the NIGC, the Board may delegate some or all duties to the approved management contractor. The Board of Directors shall oversee all non-regulatory aspects of the gaming operation. Regulation of the gaming operation shall be the sole responsibility of the Tribal Gaming Commission.

(b) The Board of Directors shall consist of three (3) members; a Chairperson, Vice-Chairperson, and a Director.

(c) Terms of office for members of the Tribal Gaming Board of Directors shall be as follows:

(A) The Chairperson shall serve an initial term of three years, with subsequent Chairpersons serving three-year terms.

(B) The Vice-Chairperson shall serve an initial term of two years, with subsequent Vice-Chairpersons serving three-year terms.

(C) The other director shall serve an initial term of one year, with subsequent Directors serving three-year terms.

(d) The members of the Board shall be subject to the same background requirements as key employees, primary management officials, and gaming commissioners, and must be licensed accordingly.

(e) The minimum requirements for appointment as a member of the Board of Directors are as follows:

(1) At least two of the following:

(A) Degree in Business Administration, Accounting, Marketing, or an equivalent field;

(B) Minimum five (5) years experience in business management;

(C) Minimum two (2) years experience in casino management; or

(D) Demonstrated knowledge of federal Indian law, the Indian Gaming Regulatory Act, and related statutes and regulations.

(f) The Board of Directors shall perform the following duties:

(1) Monitor and oversee the day-to-day operations of the gaming facility, whether managed by a tribal employee or by an approved management contractor;

(2) Inspect and examine on a periodic basis all books, records, and papers of the gaming facility;

(3) Set hours of operation for the gaming facility;

(4) Set wager limits;

(5) Oversee development and/or approval of marketing plans;

(6) Oversee the interview, selection, and training of employees of the gaming operation;

(7) Establish employee policies, rates of pay, and hours of work;

(8) Adopt an annual operating budget, subject to CBC approval;

(9) Enter into contracts on behalf of the gaming facility, subject to CBC approval and NIGC review if applicable; and

(10) Any other duties necessary to monitor and oversee management of the gaming operation.

(g) Board of Director positions shall be filled in the following manner:

(1) The Chairman of the Comanche Nation shall identify and nominate a qualified candidate for any vacancy on the Board of Directors. Nominees shall be

confirmed by a majority of the CBC before becoming members of the Board of Directors.

(h) The Nation recognizes the importance of an independent Tribal Gaming Board of Directors in maintaining a well-managed gaming operation. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Nation hereby finds that, at a minimum:

(1) No member of the CBC or Tribal Gaming Commission may serve on the Board of Directors;

(2) No person directly related to or living with any CBC member or Tribal Gaming Commissioner may serve on the Board of Directors;

(3) Members of the Board of Directors are prohibited from gambling in the gaming facilities;

(4) Members of the Board of Directors are prohibited from accepting complimentary items from the gaming operation; and

(5) No person having a direct or indirect financial interest in a management contract, or in any gaming operation, may serve on the Board of Directors.

(i) Members of the Board of Directors may be removed from office by the CBC prior to the expiration of their respective terms only for neglect of duty, misconduct, malfeasance, or other acts that would render the Director unqualified for his/her position. When the CBC believes that a removal is appropriate, it shall so notify the Director(s) and hold a hearing on the matter. The CBC may opt to preliminarily remove the Director pending the hearing. At the hearing the Director may provide evidence rebutting the grounds for his/her removal. A vote of the CBC on the validity of the preliminary removal shall be final and not subject to further appeal. A finding by the CBC that the preliminary removal was wrongful shall entitle the affected Director to compensation for expenses incurred in appealing the wrongful removal, and shall entitle the Director to any pay withheld.

(j) Members of the Tribal Gaming Board of Directors shall be compensated at a level determined by the CBC.

(k) Nothing herein shall prevent the CBC from organizing the Tribal Gaming Board of Directors into a corporation, agency, or other business entity.

Section 108. Gaming Commission

(a) The Nation hereby establishes a Tribal Gaming Commission whose duty it is to regulate tribal gaming operations. The Tribal Gaming Commission shall consist of three (3) members at least one of whom shall be an enrolled member of the Comanche Nation. 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 Nation 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 CBC in all matters within its purview. **No prior or subsequent review by the CBC 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 Nation hereby finds that, at a minimum:

(1) No member of the CBC or Tribal Gaming Board of Directors may serve on the Gaming Commission;

(2) No member directly related to or living with any CBC member or Tribal Gaming Board of Directors member may serve on the Gaming Commission;

(3) Members of the Gaming Commission, as well as all gaming commission employees, are prohibited from gambling in the gaming facilities; and

(4) Members of the Gaming Commission, or gaming commission employees, are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued at less than ten (10) dollars.

(5) No person having a direct or indirect financial interest in a management contract or in any gaming operation may serve on the Gaming Commission.

(d) 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 Nation's Gaming Director of Licensing.

(e) In addition to satisfying the suitability standards set forth for key employees and primary management officials found in Section 207 of this Ordinance, each candidate for Tribal Gaming Commissioner must meet the following requirements:

(1) Bachelor's degree in Business Administration, Management, Accounting, Marketing, Law, or another relevant field. A graduate degree is preferable;

(2) Minimum of two (2) years work experience in a highly-regulated industry in the business management, compliance or regulation; and at least one of the following:

(A) Demonstrated knowledge of Licensing requirements for gaming establishments;

(B) Demonstrated knowledge of Surveillance requirements for gaming establishments; or

(C) Demonstrated knowledge of Compliance and Audit requirements for gaming establishments.

(f) The Tribal Gaming Commission shall:

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

(2) Review and approve all investigative work conducted;

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

(4) Obtain and process fingerprints, or designate a law enforcement agency to 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, Federal and applicable State 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 Nation is a party, and any other applicable law;

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

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

(16) Promulgate 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;

(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 and maintain a list of persons who have voluntarily asked to be excluded from Tribal gaming facility and create regulations for enforcing this exclusion;

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

(21) Draft and enforce regulations exempting specific types of vendors from the licensing and/or background authority, for instance, attorneys, accountants, and other professionals;

(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; and

(24) Oversee the work of the Executive Director, and delegate to the Executive Director such tasks as the Commission deems necessary.

(g) The Gaming Commission shall also 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.

(1) 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.

(2) 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:

(1) The Chair shall serve an initial term of one year, with subsequent appointments for three-year terms.

(2) The Vice-Chair shall serve an initial term of two years, with subsequent appointments for three-year terms. Commissioners shall serve three-year terms.

(i) The following persons are not eligible to serve as Tribal Gaming Commissioners:

(1) CBC members, while serving as such;

(2) Employees of the gaming operation, while serving as such;

(3) Persons having a direct or indirect financial interest in a management contract, gaming contractors (including any principal or member of a management or other contracting company);

(4) Persons directly related to or sharing a residence with any of the above;

(5) Persons ineligible to be key employees or primary management officials;

(6) Tribal and 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.

(j) The CBC 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.

(k) 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 CBC 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 CBC 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. The CBC shall fill any such vacancy for the remainder of the term.

(l) 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.

(m) Tribal Gaming Commissioners shall be compensated at a level determined by the CBC. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced. Tribal Gaming Commissioners shall carry out the responsibilities of their terms on a part-time employee basis.

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

Section 108.1 Executive Director of the Gaming Commission

(a) The Nation understands that the effective operation of a Gaming Commission requires active supervision on a daily basis, and also requires that true regulation should be separated from the daily management of a Gaming Commission workforce.

(b) The CBC shall hire an Executive Director of the Gaming Commission to oversee day to day operations of the Commission, and serve as a full-time employee of the Gaming Commission.

(c) The Executive Director shall report directly to the Gaming Commissioners;

(d) The Gaming Commissioners shall have the authority to recommend that the CBC remove the Executive Director for neglect of duty, misconduct, malfeasance, or other acts that would render an Executive Director unqualified for his or her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would

render him or her unqualified for his or her position must be substantiated by a preponderance of the evidence. The Executive Director will be given an opportunity to provide evidence rebutting the grounds for the proposed removal before the removal is considered. Upon recommendation by a majority of the Gaming Commissioners, a vote of the CBC on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the Executive Director to compensation for expenses incurred in an appeal and any pay withheld.

(e) The Executive Director shall have the following duties, among others as delegated by the Gaming Commissioners in accordance with Section 108(f)(24) of this Ordinance:

a. Managing the Gaming Commission budget;

b. Coordination of regulatory activity scheduling;

c. Direct supervisory authority over all employees of the Gaming Commission;

d. Gaming Commission employee scheduling; and

e. Serving as the official liaison between the Gaming Commission and the Board of Directors, which manages the operational activities of all gaming establishments.

(f) The candidate for the position of Executive Director 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 Nation's Gaming Director of Licensing.

(g) The Executive Director shall be subject to the same education and experience requirements as outlined in section 108(e) of this ordinance for the Gaming Commissioners, except that the Executive Director shall have a minimum of five (5) years work experience in the management, compliance, or regulation of a business in a highly-regulated industry.

(h) The Executive Director shall be compensated at a level determined by the CBC, provided that the Executive Director's compensation shall not be based on a percentage of gaming revenue.

(i) The Executive Director shall be subject to the same eligibility requirements that are imposed on the gaming commissioners, as found in section 108(i) of this ordinance.

Section 109. Ethics

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

(1) No member of the Gaming Board of Directors or the Tribal Gaming Commission shall use or attempt to use, any actual or apparent authority of their position or office, which places or could reasonably be perceived as placing their financial

interests, or the financial interests of a family member, or any other business interest with which they are associated, before the best interests of the Comanche Nation.

(2) The Gaming Board of Directors and the Tribal Gaming Commission are operating with the paramount goal of carrying out the best interest of the Comanche Nation.

(3) It is the intent of this subsection, that members of the Comanche Nation Gaming Board of Directors and the Tribal Gaming Commission avoid any action, whether or not specifically prohibited herein, which could result in, or create an appearance of:

(A) Using their office for private gain;

(B) Giving improper preferential treatment to any person or business;

(C) Impeding the efficiency of the gaming operation or the government of the Comanche Nation;

(D) Compromising the complete independence or impartiality of their actions;

(E) Making a decision affecting the gaming operations, or gaming commission, outside the scope of his or her official capacity;

(F) Adversely affecting the confidence of the Comanche Nation members in the integrity of the gaming operations or gaming commission.

(4) No member of the Gaming Board of Directors or the Tribal Gaming Commission shall use or disclose Confidential Information gained in the course of, or by reason of, their official position or duties to further the financial interest or personal interest of any entity other than Comanche Nation gaming operations or gaming commission.

Section 110. Complimentary Items

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

(b) No Key Employee, Primary Management Official, CBC member, member of the Gaming Board of Directors or 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 CBC.

Section 111. Audit

(a) The Nation 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.

(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.

Section 112. 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.

(b) The CBC shall adopt standards that assure adequate protection of the environment and the public health and safety.

Section 113. Patron Dispute Resolution

Patrons who have complaints against the gaming establishment, a gaming employee, or a management contractor 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 prize claims by patrons shall be limited to a maximum recovery of the amount of the prize which the claimant establishes he or she was entitled to be awarded. The Commission's decision shall constitute the complainant's final remedy.

Section 114. Tribal Internal Control Standards

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

Section 115. Facility Licenses

(a) The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this ordinance once every two (2) years.

(b) 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:

(1) 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

(2) a provision identifying the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith.

(c) 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 shall include current certifications of compliance therewith.

(d) 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 116. Agent for Service of Process

The Nation hereby designates the Chairman of the Comanche Nation as agent for service of process, who may be contacted at:

HC 30, Box 1720, Lawton, OK 73502

Compliance with Federal Law

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

Section 118. Repeal

All prior gaming ordinances of the Comanche Nation are hereby repealed.

Section 119. Tribal Access to Financial Information

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

Section 201. Licenses for Key Employees and Primary Management Officials

The Nation 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, as well as gaming commissioners. The Nation will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.

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:

(1) "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 Nation 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."

(2) "The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

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

(1) "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)

(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.

Section 203. License Fees

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

Section 204. Fingerprints

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 by Comanche Nation Law Enforcement. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

Section 205. Background Investigations

(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;

(2) Other names used (oral or written);

(3) Social security number(s);

(4) Birth date;

(5) Place of birth;

(6) Citizenship;

(7) Gender;

(8) All languages spoken (or written);

(9) Currently and for the previous 5 years:

(A) business and employment positions held;

(B) ownership interests in those businesses;

(C) business and residence addresses; and

(D) drivers license numbers;

(10) 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)(9) of this section;

(11) Current business and residence telephone numbers;

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

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

(14) 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;

(15) For each felony for which there was an ongoing prosecution or a conviction, within 10 years of the date of the application, the charge, the name and address of the court involved, and the date and disposition if any;

(16) 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;

(17) 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)(15) or (b)(16) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(18) 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;

(19) A photograph taken within the last year;

(20) Fingerprints; and

(21) Any other information the Nation deems relevant.

Section 206. Procedures for Conducting a Background Check on Applicants

(a) As part of its review procedure, the Commission shall employ within its Licensing Department, or engage, an 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 applicable State law.

Section 207. Eligibility Determination

(a) The Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, reputation, habits, and associations and shall make a determination concerning the eligibility of a key employee or primary management official for employment in a gaming operation.

(b) 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.

Section 208. Procedures for Forwarding Applications and Reports for Key Employees, Primary Management Officials and Gaming Commissioners 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 Section 207(a) of this section.

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

(c) The gaming commission shall not appoint as a Gaming Commissioner a person who does not have a license within 90 days of their date of appointment or date of hire.

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.

(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.

(c) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Nation 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 Comanche Nation 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.

(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.

(e) With respect to all employees, 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.

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 Nation has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission, acting for the Nation, may issue a license to such applicant.

(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.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Nation with a Statement itemizing objections to the issuance of a license to a key employee, a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Nation shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Nation shall make the final decision whether to issue a license to such applicant.

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.

(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.

(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.

Section 212. Board of Review for Employee Disputes

(1) The Nation 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.

(2) 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 CBC, one primary management official, or key employee, one enrolled Tribal member not employed by the gaming operation, and one employee of the gaming operation. The members from the Tribal Gaming Commission, CBC, 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 CBC. 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 CBC shall serve one-year terms.

(3) The Board of Review members who are not employed by the Nation in some other capacity shall be compensated at a rate per meeting or hearing to be set by the Gaming Commission, 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.

(4) 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 **monthly**, 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.

(5) 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

(a) The Gaming Commission shall promulgate regulations governing the licensing of Vendors.

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

COMANCHE

RESOLUTION

WHEREAS, the Comanche Nation is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational, and health status of its members; and

WHEREAS, the tradition of sovereignty of the Comanche Nation, since time immemorial long predates the existence of the Nation, establishes the inherent sovereign powers and rights of the Comanche self-government; and

WHEREAS, said Constitution, Article VI, section 7(j), authorizes the Business Committee to promulgate and enforce laws to promote the general welfare of the Nation; and

WHEREAS, the Business Committee pursuant to such authority and in consultation with the National Indian Gaming Commission ("NIGC") deems it advisable to enact a new and improved Gaming Ordinance (attached), seek the approval of the NIGC, and repeal the current Gaming Ordinance enacted on March 26, 1996.

THEREFORE BE IT RESOLVED THAT the Business Committee hereby ordains and enacts the attached **Gaming Ordinance**; provided, that such new Gaming Ordinance shall not become effective until approval by the NIGC.

BE IT FURTHER RESOLVED THAT the Business Committee directs the Chairman to obtain approval of said ordinance by the NIGC and to make preparations for its implementation.

BE IT FURTHER RESOLVED THAT immediately upon receipt by the Chairman of written notification from the NIGC approving the aforesaid and attached Gaming Ordinance, the Gaming Ordinance enacted pursuant to Resolution No. 32-96 on March 26, 1996, shall be deemed repealed and of no further effect, and concurrently, that the new Gaming Ordinance shall be deemed in full force and effect.

CERTIFICATION

The foregoing resolution was duly adopted at a Regular Meeting of the Comanche Business Committee held on the **3rd day of December, 2005**, at the Comanche Tribal Complex, north of Lawton, Oklahoma, by a majority vote of 4 for, 0 against, and 1 abstaining, a quorum being present.

Wallace Coffey, Chairman

ATTESTED:

Joe Wahnee, Secretary-Treasurer

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