

NATIONAL  
INDIAN  
GAMING  
COMMISSION

MAY 11 1994

Duane Big Eagle, Chairman  
Crow Creek Sioux Tribe  
P.O. Box 437  
Fort Thompson, South Dakota 57339

Dear Chairman Big Eagle:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on November 12, 1992, and amended on April 11, 1994, for the Crow Creek Sioux Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Thank you for submitting the ordinance of the Crow Creek Sioux Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope  
Chairman

May 2 1 26 PM '94

CROW CREEK SIOUX TRIBE  
RESOLUTION NO. CC-94-04-11-15

SUBJECT: APPROVAL & AUTHORIZATION FOR AMENDMENTS TO CROW CREEK  
SIOUX TRIBAL GAMING ORDINANCE

CROW CREEK Whereas the Crow Creek Sioux Tribe is a federally recognized Indian Tribe pursuant to the Indian Reorganization Act of 1934; and

Whereas the Crow Creek Sioux Tribal Council, as the governing body of the Crow Creek Sioux Tribe, exercises its authority pursuant to powers of inherent self-government and its Constitution; and

Whereas the Crow Creek Sioux Tribe has previously passed an ordinance governing gaming on the Crow Creek Sioux Indian Reservation; and

Whereas final regulations have been passed by the National Indian Gaming Commission requiring certain amendments to the Crow Creek Gaming Ordinance; and

Whereas the Crow Creek Sioux Tribe has entered into a compact with the State of South Dakota and has entered into a management agreement with Yellowhammer for the management of the tribal casino; and

Whereas the National Indian Gaming Commission by letter of November 2, 1993, has recommended certain changes and modifications to the Crow Creek Gaming Ordinance and the adoption of a description of procedures;

THEREFORE, BE IT RESOLVED, that the Crow Creek Sioux Tribal Council hereby adopts, approves, and passes the following amendments to the Crow Creek Sioux Tribal Gaming Ordinance:

First Amendment

Section 5, Definitions, at page 3 is hereby amended by adding the definition of "key employee", "primary management official", and "class III gaming":

16. Key employee means:

a. A person who performs one or more of the following functions:

1. Bingo caller;
2. Counting room supervisor;
3. Chief of security;
4. Custodian of gaming supplies or cash;
5. Floor manager;
6. Pit boss;

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7. Dealer;  
8. Croupier;  
9. Approver of credit; or  
10. Custodian of gambling devices including persons with access to cash and accounting records within such devices:

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

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

17. Primary management official means:

a. The person having management responsibility for a management contract;

b. Any person who has authority:

1. To hire and fire employees; or

2. To set up working policy for the gaming operation;

or

c. The chief financial officer or other person who has financial management responsibility.

18. Class III gaming means all forms of gaming that are not class I gaming or class II gaming, including but not limited to:

a. Any house banking game, including but not limited to:

1. Card games such as baccarat, chemin de fer, blackjack (21), and pal gow (if played as house banking games);

2. Casino games such as roulette, craps, and keno;

b. Any slot machines as defined in 15 U.S.C. 1171(a) (1) and electronic or electromechanical facsimiles of any game of chance;

c. Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or

d. Lotteries.

#### Second Amendment

A new section 45 will be added at page 19 of the ordinance which shall read as follows:

## Section 45. Separate Licenses.

A separate license shall issue to each place, facility, or location on Indian lands where gaming is allowed.

### Third Amendment

Section 32, Audits, at page 15 of the ordinance shall be amended by adding the following sentence at the end of the section: "The results of annual independent audits of gaming operations shall be submitted to the National Indian Gaming Commission."

### Fourth Amendment

Existing Sections 22 and 23 at pages 10, 11, and 12 of the ordinance shall be repealed. Substituted therefor shall be the following Section 22 which shall read as follows:

#### Section 22. 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 Class II gaming enterprise operated on Indian lands:

##### A. Definitions.

The definition of Key Employee and Primary Management Official shall be that set out under Section 5 of this ordinance.

##### B. Application Forms.

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an

employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe 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.

2. Existing key employees and primary management officials shall be notified in writing that they shall either;

a. Complete a new application form that contains a Privacy Act notice; or

b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

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.)

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

a. Complete a new application form that contains a notice regarding false statement; or

b. Sign a statement that contains the notice regarding false statement.

C. Background Investigations.

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

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

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

c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;

d. Current business and residence telephone numbers;

e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

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

g. 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;

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

i. 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;

j. 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 (1)(b) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

k. 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;

l. A current photograph;

m. Any other information the Tribe deems relevant; and

n. Fingerprints shall be taken by any law enforcement agency of South Dakota, Bureau of Indian Affairs, Federal Bureau of Investigation, or Crow Creek Tribal Police consistent with procedures adopted by the Tribe according to 25 C.F.R. §522.2(h).

2. The Tribe shall conduct an investigation, including a check through the Federal Bureau of Investigation National Criminal Information Center, sufficient to make a determination under subsection D. below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination.

The Tribe 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 Tribe 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.

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

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe 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 D of this section.

2. The Tribe shall forward the report referred to in subsection F of this section 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.

3. 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.

F. Report to the National Indian Gaming Commission.

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.

3. If a license is not issued to an applicant, the Tribe:

- a. Shall notify the National Indian Gaming Commission; and
- b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

#### G. Granting a Gaming License.

1. 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 Tribe may issue a license to such applicant.

2. The Tribe 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 G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. 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 Tribe 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.

#### H. License Suspension.

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

2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

BE IT FURTHER RESOLVED that the following "Description of Procedures" is hereby adopted and implemented by the Crow Creek Sioux Tribe for conducting background investigations of key employees and primary management officials, which procedures shall supplement and aid in the application of the gaming ordinance:

#### Description of Procedures for Background Investigations of Key Employees and Primary Management Officials

A. The Crow Creek Sioux Tribe and its Gaming Commission is responsible for conduct of background investigations and suitability determinations.

B. The Executive Secretary of the Crow Creek Sioux Tribal Gaming Commission is responsible for conducting and causing to be conducted the background investigations, reporting the results of the background investigation to the National Indian Gaming Commission, and obtaining and processing fingerprints.

C. The Crow Creek Gaming Commission is responsible for reviewing and approving investigative work done and making suitability determinations.

D. The Executive Secretary was selected by the Crow Creek Gaming Commission pursuant to Section 10 of the Crow Creek Gaming Ordinance. The Executive Secretary shall be a person with high personal and moral standards with no interest in any gaming operation and never having been convicted of a felony.

E. The Crow Creek Gaming Commission is appointed by the Tribal Council pursuant to Section 6 of the gaming ordinance. Commission members shall be persons with high personal and moral standards with no interest in any gaming operation and never having been convicted of a felony.

F. The minimum investigative procedures to be performed shall include the following:

1. Verify by written or oral communication information submitted by an applicant.

2. Inquire into an applicant's prior activities, criminal record, if any, and reputation, habits, and associations; interview a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the Tribe to make a finding concerning eligibility for employment in a gaming operation.

3. Document the disposition of all potential problem areas noted and disqualifying information obtained.

G. An investigative report shall set forth the following:

1. Steps taken in conducting the background investigation;

2. Results obtained;

3. Conclusions reached; and

4. The bases for those conclusions.

BE IT FURTHER RESOLVED that in incorporating the amendments and modifications into the existing ordinance, it may be necessary to renumber the existing sections to maintain the ordinance in an understandable and logical format and the keeper of the ordinance shall be given authority to undertake such renumbering.

TRIBAL



RESOLUTION

NUMBER CC-94-04-11-15

SUBJECT \_\_\_\_\_

**CERTIFICATION**

THE FOREGOING RESOLUTION was duly adopted by the Crow Creek Sioux Tribal Council on the 11th day of April, 1994 in a Special Session by a vote of 10 for, 0 against, 1 absent, 0 not voting for The Crow Creek Sioux Tribe, pursuant to authority vested in it by Article VI, Section 1 of the Constitution of the Tribe, ratified by the Tribe on March 11, 1949 and approved by the Secretary of the Interior on April 26, 1949 and with amendments approved by the Commissioner of Indian Affairs on June 22, 1961, February 25, 1963 and by the Area Director on June 23, 1980.

ATTEST:

[Signature]  
Chairman

[Signature]  
Secretary



JILL CRASDALE

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## CROW CREEK SIOUX TRIBE

P.O. BOX 50

FORT THOMPSON, SOUTH DAKOTA 57339 FEB 17 10 13 AM '93

CROW CREEK AGENCY

### CROW CREEK SIOUX TRIBE RESOLUTION NO. CC-92-11-12-10

- WHEREAS; The Crow Creek Sioux Tribal Council is the official governing body of and for the Crow Creek Sioux Reservation; and
- WHEREAS; Under the Constitution and By Laws of the Crow Creek Sioux Tribe, the Tribal Council is empowered and authorized to enact resolutions and ordinances governing the management of all economic and educational affairs and enterprises of the Tribe; and
- WHEREAS; the Tribal Council has negotiated a Tribal State Compact pursuant to the authority granted in Article IV, Section 1 (d) and the Indian Gaming Regulatory Act codified at 25 U.S.C. Section 2701, for the conduct of Class III gaming on the Crow Creek Indian Reservation; and
- WHEREAS; the Crow Creek Sioux Tribe has negotiated a Management Agreement by and between the Crow Creek Sioux Tribe and Yellowhammer/Crow Creek Casino Management, L.P.; and
- WHEREAS; the Indian Gaming Regulatory Act requires that a Tribe adopt a gaming ordinance to govern the operation of gaming operations on an Indian reservation; and
- WHEREAS; the Indian Gaming Regulatory Act authorizes a Tribe to adopt gaming regulations to supplement any ordinances passed by the Tribe.
- NOW, THEREFORE, BE IT RESOLVED, that the Crow Creek Sioux Tribe hereby passes and adopts Ordinance No. 92-01 and the attached Gaming Regulations for the purposes set forth therein. All gaming on the Crow Creek Sioux Indian Reservation will be governed by the Compact with South Dakota and the attached Ordinance No. 92-01 and Gaming Regulations.



CROW CREEK SIOUX TRIBE

P.O. BOX 50  
FORT THOMPSON, SOUTH DAKOTA 57339

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CROW CREEK AGENCY

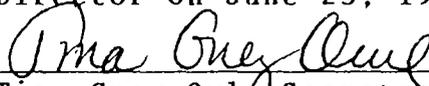
Crow Creek Sioux Tribe  
Resolution No. CC-92-11-12-10  
Page 2

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Crow Creek Sioux Tribe, Duane Big Eagle, is authorized to submit said ordinance No. 92-01 and Gaming Regulations for approval by the Bureau of Indian Affairs and the National Indian Gaming Commission.

CERTIFICATION

THE FOREGOING RESOLUTION was duly adopted by the Crow Creek Sioux Tribal Council on the 12th day of November, 1992 in a Regular Session by a vote of 11 for, 0 against, 0 absent, 0 not voting for The Crow Creek Sioux Tribe, pursuant to authority vested in it by Article VI, Section 1 of the Constitution of the Tribe, ratified by the Tribe on March 11, 1949 and approved by the Secretary of the Interior on April 26, 1949 and with amendments approved by the Commissioner of Indian Affairs on June 22, 1961, February 25, 1963 and by the Area Director on June 23, 1980.

ATTEST:

  
\_\_\_\_\_  
Tina Grey Owl Secretary  
Crow Creek Sioux Tribe

  
\_\_\_\_\_  
Duane Big Eagle, Chairman  
Crow Creek Sioux Tribe



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## CROW CREEK SIOUX TRIBE

P.O. BOX 50  
FORT THOMPSON, SOUTH DAKOTA 57339

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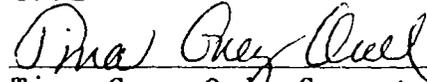
CROW CREEK AGENCY

### CERTIFICATION

I hereby certify that the attached Resolution No CC-92-11-12-10 Ordinance No. 92-01, and Gaming Regulations are true and correct copies of the originals that were duly considered and passed by the Crow Creek Sioux Tribal Council of the Crow Creek Sioux Tribe on the 12th day of November, 1992, at a special meeting, by a vote of 11 for, 0 against and 0 not voting or absent. A quorum of 11 was present. The attached documents are true and correct copies of the originals on file with the Secretary of the Crow Creek Sioux Tribe.

Dated this 12 day of November, 1992

Attest:

  
\_\_\_\_\_  
Tina Grey Owl, Secretary  
Crow Creek Sioux Tribe

  
\_\_\_\_\_  
Duane Big Eagle, Chairman  
Crow Creek Sioux Tribe

FORT THOMPSON, SD  
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FEB 17 10 25 AM '93

CROW CREEK AGENCY

ORDINANCE NO. - 92-01  
TO REGULATE GAMING ON INDIAN LANDS

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CROW CREEK  
SIOUX TRIBE THAT THIS ORDINANCE MAY BE CITED AS THE:

CROW CREEK SIOUX TRIBE GAMING ORDINANCE

Section 1. Title.

This Ordinance shall be known as the Crow Creek Sioux Gaming Ordinance. It is promulgated by the Crow Creek Sioux Tribal Constitution.

Section 2. Purpose.

The purpose of this Ordinance is to regulate the conduct of gaming activities on the Crow Creek Sioux Reservation.

- a. All gaming activities shall be conducted exclusively on tribal lands, unless otherwise authorized in writing by the Tribal Council.
- b. All gaming activities shall be conducted under the exclusive control and responsibility of the Crow Creek Sioux Tribe.
- c. All proceeds of the gaming activities authorized by this Ordinance and received by the Tribe shall be used to promote the health, education, and welfare of the Crow Creek Sioux Tribe.
- d. The Crow Creek Sioux Tribe shall receive at least sixty percent (60%) of the net revenues of all gaming activities conducted pursuant to this Ordinance.

Section 3. Games Permitted.

Poker, blackjack, slot machines, and video lottery machines are expressly authorized by this Ordinance and such other gaming as may be approved by

legislative act of the State of South Dakota. All gaming authorized by this Ordinance may be operated and maintained, within the boundaries of the Crow Creek Sioux Reservation, South Dakota, subject to the provisions of this Ordinance.

Section 4. Regulation of Gaming.

Such gaming activity shall be regulated by the Crow Creek Gaming Commission.

Section 5. Definitions.

1. "Bet", an amount placed as a wager in a game of chance;
2. "Blackjack", a card game played by a maximum of seven players in which each player bets against the dealer. The object is to draw cards whose value will equal or approach twenty-one without exceeding that amount and win amounts bet, payable by the dealer, if the player holds cards more valuable than the dealer's cards;
3. "Boundaries", the boundaries of the Crow Creek Sioux Reservation, South Dakota;
4. "Commission", the Tribal Gaming Commission;
5. "Gaming", any game or contest of chance whereby one risks money or tokens no matter how conceived or operated and includes, but is not limited to, every game described in this Ordinance;
6. "Gaming Employee", any person employed by a business hosting gaming to work directly with the gaming portion of that business;
7. "Gaming Equipment", any gaming equipment that is allowed by this Ordinance and which requires licensing;
8. "Gaming License", any license issued by the Commission pursuant to this Ordinance which authorizes any person to engage in gaming on the Crow Creek Sioux Reservation;

9. "Licensed Gaming Establishment", any premises licensed pursuant to this Ordinance where gaming is conducted;
10. "Licensee", any person licensed under this Ordinance;
11. "Licensing Authority", the Tribal Gaming Commission;
12. "Card Games and Slot Machines", any card games including poker and blackjack and slot machines authorized by the Commission;
13. "Poker", a card game played by a maximum of ten players who are dealt cards by a non-player dealer. The object of the game is for each player to bet the superiority of their own hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after the betting is over. Poker includes draw, stud, or low ball or any combination thereof;
14. "Slot Machine", any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash premiums, merchandise, tokens or anything of value whether the payoff is made automatically from the machine or in any other manner;
15. "Council", the Tribal Council of the Crow Creek Sioux Tribe duly elected pursuant to the Constitution of the Crow Creek Sioux Tribe.

Section 6. Gaming Commission.

There is hereby created the Crow Creek Sioux Tribal Gaming Commission. The Commission shall consist of three citizens of South Dakota, all of whom shall be appointed by the Tribal Council of the Crow Creek Sioux Tribe. The Commission members may be members of the Crow Creek Sioux Tribe. The initial members to be appointed shall draw lots to see who holds the two two-year terms and the one one-year term. Thereafter, each member shall serve no more than two consecutive full terms. The Commission shall select among

its members a chairperson who shall preside over the meeting of the Commission. The Commission members may be removed, upon substantive proof of wrong-doing, by majority vote of the Crow Creek Sioux Tribal Council. Substantive proof shall be defined as documentation or evidence which would be admissible in a court of law.

Any member whose removal is sought shall be entitled to be notified in writing at least three (3) days before any vote shall be taken regarding that member's removal. Any person so notified may request an informal hearing before the Tribal Council prior to a vote on his or her removal from the Commission.

Section 7. Gaming Commission Rule-Making Authority.

The Commission may promulgate rules for the orderly transaction and conduct of its business and the substantive rules that it may determine proper concerning the issuance, revocation, and suspension of gaming licenses, the conduct and operation of the gaming activities and any other things necessary to carry out the purposes of this Ordinance. The Commission may also promulgate rules necessary to administer complaints which may be received from the public and conduct such other investigations and inspections into the conduct of the games and the licensees and the maintenance of the equipment as the Commission may deem necessary and proper.

Section 8. Gaming Commission Meetings.

The Commission may hold regular and special meetings at such times and places as it may deem convenient, but at least one regular meeting shall be held quarterly. A majority of the appointed members constitutes a quorum of the Commission, and a special meeting may be called by any two members. Each member of the Commission shall receive a stipend of \$60.00 plus expenses at the regular monthly meeting. The stipend shall be paid from fees and assessments collected by the Commission.

Section 9. Purposes for Executive or Closed Meetings.

The Commission may hold executive or closed meetings for any of the following purposes:

1. Considering applications for licensing when discussing the background investigations or personal information;

2. Meeting with gaming officials of other jurisdictions, the Attorney General and State's Attorney of Brule or Buffalo County or law enforcement officials relating to possible criminal violations;
3. Consulting with the Executive Secretary, employees and agents of the Commission concerning possible criminal violations;
4. Deliberations after hearing evidence on an informal consultation of a contested case necessary to reach a decision; and
5. Discussing business strategies, marketing or pricing strategies of a licensee or an applicant for a license if public discussion may be harmful to the competitive position of the licensee or applicant for license or discussions with a licensee or an applicant for the purposes of overseeing and defining gaming contracts.

Section 10. Executive Secretary of Gaming Commission.

The Commission shall appoint, and may remove, an Executive Secretary who shall be responsible for the conduct of the Commission's administrative matters. The Commission shall set the annual salary of the Executive Secretary.

Section 11. Gaming Commission Powers.

1. Issue licenses, oversee and define the contract of the licensees;
2. Inspect and examine all premises where gaming is conducted or gaming devices or equipment are sold or distributed;
3. Inspect, examine, and photocopy all papers, books, and records of applicants and licensees and require verification of income, and all visions of this Ordinance;
4. Contract for such legal counsel to advise it as it may choose;
5. Suspend or revoke for cause any gaming license;
6. Require all primary management personnel and key employees of all management personnel to undergo investigations.

Section 12. Appeal of Gaming Commission Actions.

Any action of the Commission is subject to appeal to Tribal Court for the Crow Creek Sioux Tribe. Notice of appeal shall be filed in writing with the Commission and Clerk of Court, within ten (10) days from written notice of any action of the Commission. Failure to timely file an appeal shall make the action final.

Section 13. Disclosure Required.

A disclosure of total ownership document shall be required to accompany all applications for licenses as an operator.

Section 14. Posting of Rules.

Specific rules for blackjack and poker shall be approved by the Commission and clearly posted within the casino.

Section 15. Approval of Licenses.

The Commission may approve or disapprove any application for license, depending upon whether it deems the applicant a suitable person to hold the license and whether it considers the proposed location suitable. Among other things, failure of the applicant to provide information necessary to allow consideration into his background, is grounds for denial of the license.

Section 16. Suspension or Revocation of License - Grounds - Reprimand or Monetary Penalty Possible.

Any license granted pursuant to this chapter may be suspended or revoked for any cause which may have prevented its issuance, or for violation by the licensee, or any officer, director, agent, member or employee of the licensee, of this chapter or any rule adopted by the Commission or for conviction of a crime of moral turpitude or a felony, after notice to the licensee and a hearing, upon grounds determined adequate by the Commission. In addition to revocation or suspension or in lieu of revocation or suspension, the Commission may impose a reprimand or a monetary penalty not to exceed the following amounts:

1. if the licensee is an operator, the amount of Twenty-Five Thousand

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1. if the licensee is an operator, the amount of Twenty-Five Thousand

Dollars (\$25,000.00);

2. if a licensee is a key employee, the amount of Five Thousand Dollars (\$5,000.00); and
3. if the licensee has an employee license, the sum of Two Thousand Five Hundred Dollars (\$2,500.00).

Any monetary penalty received by the Commission under this section shall go into the Gaming Commission fund.

Section 17. Conflict of Interest.

No officer, agent, or employee of the Commission may hold a license under this Ordinance if the duties of such office, agency, or employment have to do with the enforcement of the gaming laws and rules. This prohibition applies to the Commission, all of its employees and all law enforcement officials and officers. No licensee may employ any person in any capacity while that person is in the employment of a law enforcement agency or the Commission.

Section 18. Application Fee.

The Commission may establish an application fee which shall include the cost of investigation. The fee may vary with the type of license for which application is made and is non-refundable. The application form will be promulgated by the Commission and shall include a waiver of any right of confidentiality and shall allow access to law enforcement records of any state. The waiver of confidentiality shall extend to any financial or personnel record wherever maintained.

Section 19. The Commission May Issue Six Types of Licenses As Follows:

1. Slot Machine Operator. The initial fee for such a license is One Thousand Dollars (\$1,000.00) and thereafter an annual fee of One Hundred Dollars (\$100.00) renewable each July 1st. This fee shall be levied per license regardless of the number of machines operated. The holder of such a license shall be entitled to operate slot machines on the Crow Creek Reservation on the licensed premises subject to the ordinances and regulation of the Tribe and the Commission.
2. Card Game Operator. The initial fee for such a license is One Thousand Dollars (\$1,000.00) and thereafter an annual fee of One Hundred Dollars (\$100.00) renewable each July 1st. This fee shall be levied per license regardless of the number of tables operated. The holder of such a license shall be entitled to operate card games on the Crow Creek Reservation on the licensed premises subject to the ordinances and regulations of the Tribe and the Commission.
3. Video Lottery Operator. The initial fee for such a license is One Thousand Dollars (\$1,000.00) and thereafter an annual fee of One Hundred Dollars (\$100.00) renewable each July 1st. This fee shall be levied per license regardless of the number of machines operated. The holder of such a license shall be entitled to operate video lottery machines on the Crow Creek Reservation on the licensed premises subject to the ordinances and regulations of the Tribe and the Commission.
4. Employee License. All persons employed to work directly with the gaming portion of a gaming operation must hold an employee license. The licensee fee is Twenty-Five Dollars (\$25.00) and thereafter an annual fee of Twenty-Five Dollars (\$25.00) renewable July 1st. This fee is in addition to the costs of any background investigation.
5. Key Employee License. Any executive, employee or agent of a gaming licensee having the power to exercise significant influence over decisions concerning any part of the operation of a gaming facility must obtain such a license. The license fee is One Hundred Dollars (\$100.00) and

thereafter an annual fee of One Hundred Dollars (\$100.00) renewable July 1st.

6. Manufacturer, Distributor, or Suppliers License. Any person or entity that supplies any gaming machines of any type, gaming supplies of any kind, or other materials to any gaming operation on the Crow Creek Sioux Reservation must hold a license. The license fee is One Thousand Dollars (\$1,000.00) and thereafter an annual fee of One Hundred Dollars (\$100.00) renewable July 1st. This is in addition to the costs of any background investigation.

No person shall be issued a license pursuant to this Ordinance unless that person meets qualifications at least as stringent as those required to obtain a gaming license from the State of South Dakota.

All owners of gaming operations shall pay an appropriate assessment to the National Indian Gaming Commission as determined by that Commission pursuant to Section 2710 (b) (4) (1) (IV) of the Indian Gaming Regulatory Act.

Section 20. License Revocable.

Any license that is issued under this Ordinance is revocable and no person holding a license acquires any vested rights in it. Any applicant for a license has the burden of proof of qualification and is required to submit to such investigation as regards to his past conduct, as may be required by the Commission. No license issued pursuant to this Ordinance may be transferred.

Section 21. Requirements to Hold License.

All primary management officials and key employees of any gaming facility operated on the Crow Creek Sioux Indian Reservation shall be subject to background investigations prior to obtaining a license. Such investigations shall be conducted by the Gaming Commission. The Gaming Commission shall notify the National Indian Gaming Commission of the issuance of gaming licenses.

No person shall be eligible for employment in any gaming facility operated on the Crow Creek Sioux Reservation if that person's prior activities, criminal record, reputation, habits or associations pose a threat to the public interest or

to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming.

Section 22. Background Investigations for Primary Management Officials and Key Employees.

A background investigation shall be performed for each primary management official and for each key employee of a gaming operation.

a. The Crow Creek Sioux Tribe Gaming Commission shall request from each primary management official and from each key employee all of the following information on an application:

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. For the previous five 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 (a)(2) of this section;
4. Current business and residence telephone numbers;
5. A description of any previous businesses relationships with Indian tribes, including ownership interests in those businesses;
6. A description of any 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 is ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition;
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. 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;
11. A photograph; and
12. Any other information the Crow Creek Sioux Tribe Gaming Commission deems relevant.

b. The Crow Creek Sioux Tribe Gaming Commission shall conduct an investigation sufficient to make a determination that employment of a person does not pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. If a person is found to be unsuitable, that person shall not be employed in a key employee or primary management official position.

c. If the Crow Creek Sioux Tribe Gaming Commission possesses an investigative report for an employee, the Commission may update that report instead of performing an entirely new investigation.

Section 23. Privacy Notice.

The Crow Creek Sioux Tribe Gaming Commission shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 ~~et seq.~~. The purpose of the requested information is to determine the

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

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

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 under 18 U.S.C. 1001.

Section 24. Revocation of License.

A license may be revoked, upon a finding by the Commission, of a violation of the Gaming Ordinance or Regulations. A person holding a license shall be notified that revocation of his license is being considered by the Commission. The license holder, may, upon such notice, request an informal hearing before the Commission prior to the revocation of his license. Any disciplinary action, including the suspension or revocation of a gaming license, shall comply with the provisions of Chapter 10 of the Crow Creek Sioux Tribe Gaming Regulations.

Section 25. Notice.

Notice, when required by this Ordinance, shall be given by registered mail and shall be considered to be complete upon placing the notice in the U.S. mail, postage prepaid.

Section 26. Requirements of Person Having Interest.

Any person, any stockholder of any corporation or any partner in any

partnership involved as a manufacturer, operator or retailer with the conduct of the card games, slot machines and electronic gaming machines, shall be:

1. A person of good character, honesty, and integrity;
2. A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interests of the Tribe or of the gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming;
3. A person who has not been convicted of a felony in this or any other jurisdiction, unless ten (10) years have passed since satisfactory completion of the sentence or probation imposed by the court in each felony, has not been found to have violated the provisions of this Ordinance or any rule adopted pursuant to this Ordinance, and has not knowingly made a false statement of material facts to the Commission or its legal counsel.

Section 27. Reimbursement to Commission for Investigation.

Any applicant for a license under this Ordinance shall reimburse the Commission for any costs of investigation over and above the initial licensure fee charged at the time of application to determine if he is a suitable licensee under this Ordinance. By signing and filing an application for a license, the applicant authorizes the Commission to obtain information from other states regarding prior license applications, or conduct of the applicant or any of its shareholders, partners, agents, or employees in those states. The National Indian Gaming Commission shall be notified of the results of all such investigations.

Section 28. Age Limit for Players.

Any participant in a card game, slot machine, or electronic gaming machine shall be twenty-one (21) years or older at the time of his participation.

Section 29. Penalties.

Any person who knowingly makes a false statement in any application for a license or in any statement attached to the application, or who fails to keep sufficient books and records to substantiate the receipts, expenses or uses resulting from limited card games and slot machines conducted under this Ordinance, or who falsifies any books or records so as the books or records relate to any transaction connected with the holding, operating, and conducting of any gaming activity, or who violates any of the provisions of this Ordinance, or any rule adopted by the Commission, or any terms of license granted under this Ordinance, shall be in violation of this Ordinance. The Crow Creek Sioux Tribe recognizes that it may not subject non-Indian offenders to the criminal jurisdiction of its tribal court. This provision is not intended to subject individuals to criminal penalties. These penalties are intended to be regulatory in nature.

Section 30. Illegal Games and Activities.

It is unlawful for any person playing or conducting any authorized game of chance, conducted by a licensee to:

1. Use bogus or counterfeit chips, tokens, devices or coins;
2. Employ or have on one's person any cheating device to facilitate cheating in any game of chance;
3. Use any fraudulent scheme or technique;
4. Have located on the premises, equipment for gaming that is not licensed by the Commission under this Ordinance except equipment exempted by the Commission, this Ordinance or other statutes.

A person violating this section is guilty of a misdemeanor unless the amount gained through violating this section is more than Five Hundred Dollars (\$500.00), in which case the offense is a felony. Any other violation of this Ordinance is a misdemeanor.

Section 31. Requirements of Slot Machines.

All slot machines operated within the Crow Creek Sioux Reservation shall have the following security and audit specifications:

1. Microprocessor controlled;
2. Compatible to on-line data monitoring;
3. Internal locked enclosure for circuit board;
4. Continue game with no data loss after power failure;
5. Previous and current game data recall;
6. Random selection process that satisfies ninety-five percent (95%) confidence level using standard chi-squared, runs, and serial correlation tests;
7. Clearly display applicable rules of play and payout schedule; and
8. Display an accurate set of non-volatile meters, in, out, drop, handle, and jackpot.

Section 32. Audits.

The Committee shall require annual audits of all gaming activities. The audits shall be conducted by an independent auditing firm. All such audits shall be made available to tribal council members upon written request. Audits shall also be required of all contracts for goods and services related to the gaming activities which exceed Twenty-Five Thousand Dollars (\$25,000.00) per year.

Section 33. Notices.

All Regulations, Ordinances, or internal rules enacted by the Commission shall be posted in the Tribal office. An interested party who is affected by a Commission ruling may request a hearing before the Commission and may appeal an adverse ruling to the Crow Creek Sioux Tribal Court pursuant to Section 12 of this Ordinance.

Section 34. Records of Gaming Commission.

Information and records of the Commission on gaming enumerated by this

section are confidential and may not be disclosed except pursuant to a court order. No person may use a subpoena, discovery or other applicable statutes to obtain such information or records. Information and records considered confidential include:

1. Tax returns of individual licensees;
2. Applications, credit, medical and security reports of applicants for licenses and other persons seeking or doing business with the Commission;
3. Marketing, financial or sales data, the disclosure of which may be harmful to the competitive position of Crow Creek Sioux tribal gaming, its licensees or persons seeking or doing business with the Commission;
4. Audit work papers, worksheets and auditing procedures used by the Commission, its agents or employees.

Section 35. Communications Between Commission and Executive Secretary.

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

Section 36. Exclusion or Ejection of Certain Persons From Gaming Establishment.

The Tribe hereby declares that the exclusion or ejection of certain persons from licensed gaming establishments is necessary to carry out the policies of this Ordinance and to maintain effectively the strict regulation of licensed gaming.

The Commission may provide for the establishment of a list of persons who are to be excluded or ejected from any licensed gaming establishment, including any person whose presence in the establishment is determined to pose a threat to the interest of the Crow Creek Sioux Tribe or the State of South Dakota or to licensed gaming. In making the determination for exclusion, the Commission may consider any of the following:

1. Prior conviction of a felony, a misdemeanor involving moral turpitude or a violation of the gaming laws of any state, the United States, any of its possessions or territories including Indian tribes;
2. A violation, attempt to violate or conspiracy to violate the provisions of this chapter relating to the failure to disclose an interest in a gaming establishment for which the person must obtain a license or make disclosures to the Commission; or intentional evasion of fees or taxes;
3. Notorious or unsavory reputation that would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive influences.

If the name and description of any person is placed on the exclusion list, the Commission shall serve notice of that action upon the person by at least one of the following means:

1. By personal service;
2. By certified mail to the last known address of the person; or
3. By publication in an official newspaper in Buffalo or Brule County.

A person placed upon the exclusion list may contest that action by filing a written protest with the Commission and the protest shall be heard by the Commission.

Section 37. Minimum Payback.

The minimum payback value of one credit played on a slot machine shall be at least eighty percent (80%) of the value of the credit. No slot machine may be played by more than one person at a time.

Section 38. Policy.

It shall be the policy of the Crow Creek Sioux Tribe to fully comply with all applicable U.S. federal law including the provisions of the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 et seq.) and the tribal/state compact

negotiated with the State of South Dakota in the conduct of all gaming activity within the jurisdiction of the Crow Creek Sioux Tribe.

Section 39. Proprietary Interest.

The Crow Creek Sioux Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity within the jurisdiction of the Crow Creek Sioux Tribe.

Section 40. Net Revenues.

Net revenues derived from gaming activity shall be utilized for the following purposes:

1. To fund tribal government operations or programs;
2. To provide for the general welfare of the Crow Creek Sioux Tribe and tribal members;
3. To promote tribal economic development;
4. To donate to charitable organizations;
5. To help fund operations of local government agencies.

Section 41. Per Capita Payments.

Net revenues from any gaming activity (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. Section 2703) may be used to make per capita payments to the Crow Creek Sioux tribal members only if the following conditions are first met:

1. The Tribe has prepared an adequate plan for allocation of net revenues as described above which plan has been approved by the Secretary of the Interior or his/her authorized designated representative;
2. In the event of a per capita distribution, the interests of affected minors and other legally incompetent persons entitled to such per capita payments are adequately protected and preserved, under a plan approved

by the Tribe's governing body and by the Secretary of the Interior or his/her authorized designated representative;

3. The recipients of the said per capita payments are properly notified by the Tribe that the payments are subject to federal taxation;

Section 42. Protections.

It is the further duty of the Crow Creek Sioux Tribal Gaming Commission to ensure that any construction and maintenance of any gaming facility licensed by the Commission, and the operation of the gaming activity therein shall be conducted in a manner which adequately protects the environment and the public's health and safety.

Section 43. Management Agreements.

All management agreements entered into by the Tribe, if any, shall comply with all the applicable provisions of the Indian Gaming Regulatory Act, 25 U.S.C. Section 2711.

Section 44. Internal Revenue Code.

All applicable Internal Revenue Code provisions concerning reporting and withholding of taxes with respect to the winnings from gaming shall be adhered to.

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Section 45. Designation of Agent For Service.

The Chairman of the Crow Creek Sioux Tribe is hereby designated as agent for service of any official determination, order, or notice of violation. The address of the Chairman is Crow Creek Sioux Tribal Council, Box 658, Fort Thompson, South Dakota. The phone number of the Chairman is (605) 245-2221 and the fax number is (605) 245-2470.

Crow Creek Sioux Tribe Gaming Ordinance was signed and sealed this 16<sup>th</sup> day of November, 1992.



Chairman  
Crow Creek Sioux Tribe



Secretary  
Crow Creek Sioux Tribe