

**AUG 14 2000**

Mr. Anthony Mancilla  
Tribal Attorney  
Hannahville Indian Community  
N14911 Hannahville B1 Road  
Wilson, MI 49896-9728

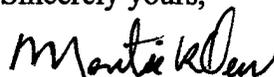
Dear Mr. Mancilla:

This letter responds to your request to review and approve the Hannahville Indian Community's revised gaming ordinance. The Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan, Ordinance NO. 05-15-00-A, As Amended, was adopted by on July 24, 2000, by Resolution 07-24-00 of the Tribal Council. The new ordinance replaces an ordinance previously approved under the Indian Gaming Regulatory Act (IGRA). This letter constitutes approval under the IGRA of the new ordinance as submitted with your letter of July 25, 2000.

This approval does not constitute approval of specified games. It is important to note also that the gaming ordinance is approved only for gaming on Indian lands as defined in the IGRA over which the Hannahville Indian Community exercises jurisdiction.

Thank you for submitting the new ordinance for review and approval. The NIGC staff and I look forward to continuing our cooperative working relationship in implementing the IGRA.

Sincerely yours,



Montie R. Deer  
Chairman



**Council Members:**  
Audrey Gamez, Darrell Wandahsega,  
Rose Gill, John Meshigaud,  
Harry Williams, Henry Philemon Jr.,  
Henry Williams Sr., Bill Wandahsega

**HANNAHVILLE**  
INDIAN COMMUNITY  
N14911 HANNAHVILLE B1 RD.  
WILSON, MICHIGAN 49896-9728



Administration: (906) 466-2934  
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Accounting Office: (906) 466-9933  
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RESOLUTION:      07-24-00

- WHEREAS:** The Hannahville Indian Community is a Federally recognized Indian Tribe pursuant to the Indian Reorganization Act of June 18, 1934, "48 Stat. 984" as amended by the Act of June 30, 1934, "49 Stat. 378."
- WHEREAS:** The Hannahville Indian Community operates a gaming establishment according to the guidelines set out in the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et seq. (1988), and under all other applicable federal regulations.
- WHEREAS:** The Hannahville Indian Community operates its gaming establishment under a valid gaming compact with the State of Michigan and under the existing "Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan."
- WHEREAS:** The Hannahville Indian Community Tribal Council has undertaken the task of preparing a new "Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan" that separates the regulation function from the management function of the gaming operations owned and operated by the Community.
- WHEREAS:** The Hannahville Indian Community Tribal Council believes that the effective control and regulation of gaming revenues and resources is essential to the success of the gaming operation and to protect the integrity of the games. The newly adopted "Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan" has been drafted to achieve the goals of the Tribal Council.
- WHEREAS:** The existing "Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan" shall remain in effect until Tribal Ordinance 05-15-00-A, As Amended, has been approved by the National Indian Gaming Commission.

KENNETH MESHIGAUD  
Tribal Chairperson

ELAINE MESHIGAUD  
Vice Chairperson

ROBIN R. HALFADAY  
Secretary

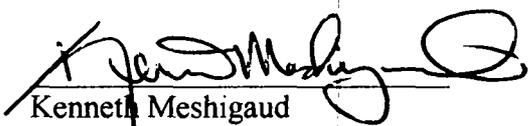
MARY LOU MESHIGAUD  
Treasurer

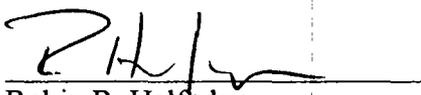
**NOW THEREFORE BE IT RESOLVED:** That the Hannahville Indian Community wishes to adopt Tribal Ordinance 05-15-00-A, As Amended, the "Gaming Ordinance of the Hannahville Indian Community Potawatomis of Michigan", which shall be effective upon approval from the Office of the Chairman of the National Indian Gaming Commission. Upon approval from the National Indian Gaming Commission, Tribal Ordinance 05-15-00-A, As Amended, shall be applicable to all gaming activities owned and operated by the Hannahville Indian Community and shall repeal any prior Tribal Gaming Ordinance.

**FURTHER:** The Hannahville Indian Community is aware of and follows the guidelines set forth in the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et seq. (1988), and all applicable regulations that may be promulgated from such Act.

### CERTIFICATION

The foregoing resolution was duly adopted by the Tribal Council of the Hannahville Indian Community with a quorum present during the regular session on this 24<sup>th</sup> day of July, 2000 by a vote of 7 for; 0 opposed; and 0 abstaining.

  
Kenneth Meshigaud  
Tribal Chairperson  
Hannahville Indian Community

  
Robin R. Halfaday  
Tribal Secretary  
Hannahville Indian Community

JUL 26 2000

**GAMING ORDINANCE**  
**OF THE**  
**HANNAHVILLE INDIAN COMMUNITY**  
**POTAWATOMIS OF MICHIGAN**

Hannahville Indian Community  
N14911 Hannahville B-1 Road  
Wilson, Michigan 49896

**GAMING ORDINANCE  
OF THE  
HANNAHVILLE INDIAN COMMUNITY POTAWATOMIS OF MICHIGAN**

**Tribal Ordinance 05-15-00-A  
As Amended**

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GAMING ORDINANCE  
OF THE  
HANNAHVILLE INDIAN COMMUNITY POTAWATOMIS OF MICHIGAN

JUL 26 2000

A law to authorize, license and regulate certain forms of gaming, within the jurisdiction of the Hannahville Indian Community Potawatomis of Michigan.

**Section 1. Findings, Intent and Policy.**

**1.1 Findings.** The Hannahville Indian Community Tribal Council on behalf of the Hannahville Indian Community finds that:

(A) Tribal regulation and control of gaming activity within the jurisdiction of the Hannahville Indian Community is essential for the protection of public health and welfare, and the interests of the Tribe and the residents and visitors to the tribal community.

(B) The Hannahville Indian Community has the legal authority to license and regulate any gaming activity within the jurisdiction of the Hannahville Indian Community, which is not specifically prohibited by federal law.

(C) Properly licensed and regulated gaming enterprises are in conformance with announced federal policy promoting Indian self-government and Indian tribal economic self-sufficiency.

(D) It is essential that the Tribe through its Tribal Council regulate gaming in a manner commensurate with applicable federal and tribal law and policy.

(E) The present needs of the Hannahville Indian Community include increased employment, job and skills training, housing, health care, nutrition, educational opportunities, social services and community and economic development, needs which are not adequately addressed by present tribal, federal and state programs.

(F) Tribal operation and licensing of gaming activity is a legitimate means of generating revenue to address the above described needs.

(G) The Tribe is vigorously pursuing its goal of self-sufficiency and self-determination through the development of tribal businesses and enterprises. Because the Hannahville Indian Community lacks income generating natural resources, the Tribe must rely on tribal business development to raise the funds necessary to expand its social, health and education programs, increase employment and improve its on-reservation economy. This effort has recently become of increased importance as a result of cutbacks in federal and state funding and the increased costs of self-government. It is, therefore, essential that the Tribe develop new and expanded sources of revenue to support its ever-increasing governmental needs and to provide much needed employment and training for tribal members.

(H) As a result, the adoption of the following new and expanded gaming laws is in the best interest of the Hannahville Indian Community.

**1.2 Intent.** The Hannahville Indian Community Tribal Council, on behalf of the Hannahville Indian Community, declares that the intent of this Ordinance is to:

(A) Regulate, control, and license the operation of all gaming within the jurisdiction of the Hannahville Indian Community.

(B) Make clear and explicit that a tribal license to operate a gaming enterprise is a revocable privilege, not a right or property interest.

(C) Ensure that the operation of tribally-regulated gaming will continue as a means of generating tribal revenue.

(D) Ensure that gaming is conducted fairly and honestly by both operators and players, and that it remain free from corrupt, incompetent, unconscionable and dishonest persons and practices.

(E) Promote and strengthen tribal economic development and self-determination and enhance employment opportunities for its members.

(F) Ensure that all gaming revenue is used for the benefit of the Tribe and its community.

(G) Ensure that the Tribe provides a fair and impartial forum for the resolution of all gaming disputes.

(H) Ensure that tribal gaming laws are strictly and fairly enforced upon all people involved in gaming activity within the jurisdiction of the Hannahville Indian Community.

**1.3 Policy.**

(A) **Hannahville Indian Community Policy of Self-Government.** The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, the Hannahville Indian Community tribal government provides a wide range of public services on the Reservation, including general governmental services, the maintenance of peace and good order, the establishment of educational systems and programs, and the promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

(B) **Tribal Gaming Policy.** The establishment, promotion and operation of gaming is necessary and desirable, provided that such gaming is regulated and controlled by the Tribe pursuant to tribal and federal law and any Tribal-State compact entered pursuant to the Indian Gaming Regulatory Act, and that all proceeds of such gaming are used exclusively for the benefit of the Tribe as required by the Indian Gaming Regulatory Act and tribal law. When operated in accordance with the provisions of this Ordinance, such gaming will be conducive to the general welfare of all members of the tribe.

(C) **Tribal Regulatory Policy.** Comprehensive regulation of gaming activity on the reservation is essential to ensure the integrity of the games and to protect the interests of the Tribe. Effective regulatory oversight requires that there be a separation between the regulation and management of tribal gaming activities. This Ordinance places the regulation of the gaming operations of the Hannahville Indian Community within the Tribal Gaming Board of Directors and separates the regulatory function from the management of the gaming operations.

(D) **Protection of the Environment and Public Health and Safety.** Class II and III gaming facilities shall be constructed in a manner that adequately protects the environment and public health and safety.

## **Section 2. Definitions.**

In this Ordinance, except where otherwise specifically provided or where the context otherwise requires, the following terms and expressions shall have the following meanings.

2.1 "Adjusted gross proceeds" means gross proceeds less all cash prizes or the aggregate price of merchandise prizes, except in the case of the games of draw poker and stud poker. Regarding games of draw poker and stud poker, "adjusted gross proceeds" means the time buy-ins or tournament fees collected by the gaming operator.

2.2 "Bingo" means the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of each card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and 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.

2.3 "Brcakage" means the remainder by which the amount payable on each dollar wagered exceeds a multiple of ten cents, and in a minus pool, five cents.

2.4 "Capital cost" means any disbursement for personal property, the useful life of which is expected to extend beyond one year.

2.5 "Casino" means an establishment in which several gaming activities or enterprises are operated.

2.6 "Charitable gaming ticket" means any game piece used in the play of a paper pull tab game, or jar ticket game, or raffle.

2.7 "Cheating" means operating or playing in any game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for himself or someone in privity with him an advantage over and above the chance of the game.

2.8 "Compact" means any gaming compact between the Tribe and the State of Michigan as authorized by the Indian Gaming Regulatory Act (IGRA), or by state or tribal law.

2.9 "Compensation" means all wages, salaries, bonuses, and all other forms of remuneration for services rendered.

2.10 "Contractual agreement" means any legally binding agreement made between an operator and another person for the purpose of conducting any form of lawful gaming activity, or providing goods or services to any lawful gaming activity or operation.

2.11 "Council" or "Tribal Council" means the governing body of the Hannahville Indian Community.

2.12 "Educational, charitable, patriotic, veterans, fraternal, religious, civic, or public-spirited uses" are:

(A) Uses benefiting an indefinite number of people by bringing them under the influence of educational or cultural programs.

(B) Uses otherwise lessening the burden of the Hannahville Indian Community tribal government.

(C) Uses benefiting one or more persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

(D) Uses for community service projects which promote the common good, enhance the social and economic welfare of the community, and benefit an indefinite number of people.

2.13 "Eligible organization" means any nonprofit organization operated for educational, charitable, patriotic, veterans, fraternal, religious, civic, or public-spirited purposes, or for the relief of poverty, distress, or other condition on the Hannahville Indian Community lands.

2.14 "Equipment for games of chance" See "Gaming Apparatus."

2.15 "Exclusive license" means a license which precludes the Tribal Gaming Board of Directors from issuing to another a license for the same specific form of gaming during the life of the exclusive license. An applicant must demonstrate and the Board must find that the issuance of an exclusive license is in the economic interest and welfare of the Tribe.

2.16 "Games of chance" mean any game or activity which falls within the broad definition of gaming or gaming activity.

2.17 "Gaming" or "gaming activity" means any activity, operation or game in which any valuable consideration is wagered upon the outcome and which is determined in whole or in part by chance, skill, speed, strength or endurance, or any combination of strength, skill, speed or endurance, and in which something of value is awarded to a person or persons so wagering.

2.18 "Gaming apparatus or gaming equipment" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any gaming activity, whether or not specifically designed for the purpose, but excluding tables and chairs normally used in the occupancy of any gaming establishment.

2.19 "Gaming employee" means an employee of any tribal gaming establishment.

2.20 "Gaming establishment" means any location or structure, stationary or movable, where gaming is permitted, promoted, performed, conducted, or operated. Gaming establishment does not include the site of a fair, carnival, exposition, or similar occasion.

2.21 "Gross proceeds" means all money collected or received from any gaming activity.

2.22 "Indian Gaming Regulatory Act" or "IGRA" means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§2701, *et seq.* (1988), as amended.

2.23 "Immediate Family" means, with respect to the person under consideration, a husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

2.24 "In privity with" means a relationship involving one who acts jointly with another or as an accessory before the fact to an act committed by the other or as a co-conspirator with the other.

2.25 "IRS" means the United States Internal Revenue Service.

2.26 "Key employec" means:

(A) Any person involved in gaming under this Ordinance and who comes within or who performs one or more of the following functions or descriptions:

- (1) Bingo caller;
- (2) Counting room supervisor;
- (3) Chief of security;
- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit;
- (10) Custodian of gaming devices including persons with access to cash and accounting records within such devices; or
- (11) Tribal employec or other person with access to financial or accounting offices.

(B) If not otherwise included, any other person whose total cash compensation derived from gaming subject to this Ordinance is in excess of \$50,000 per year; or,

(C) If not otherwise included, the four most highly compensated persons in any gaming activity subject to this Ordinance; or

(D) Any employee whom the Gaming Board may, by written notice, classify as a key employee.

2.27 "License" means the official, legal, and revocable permission granted by the Gaming Board of Directors to an applicant to conduct a gaming activity on the tribal lands of the Hannahville Indian Community or the license issued to a qualified employee of a tribal gaming establishment.

2.28 "Lotto" means a form of gaming in which the proceeds derived from the sale of tickets or chances are pooled and such proceeds or parts thereof are allotted by chance to one or more chance takers or ticket purchasers. The amount of cash prizes or winnings are determined by the gaming operator conducting the "lottery" and a progressive pool is permitted. Tele-lottery means that the drawing is televised for use in a cable television broadcast.

2.29 "National Indian Gaming Commission" or "Commission" means the National Indian Gaming Commission established by the Indian Gaming Regulatory Act.

2.30 "Net Revenues" means adjusted gross revenues less (a) amounts paid out as, or paid for prizes; and (b) total gaming related operating expenses, excluding management fees.

2.31 "Operator" means a person who has obtained a gaming license under this Ordinance or who is otherwise permitted by this Ordinance to perform, promote, conduct, or operate any lawful gaming activity on tribal lands at a gaming establishment.

2.32 "Ordinance" means the Hannahville Indian Community Gaming Ordinance as amended.

2.33 "Participate" or "Participation" or "Participating" in any gaming activity means to operate, direct, finance or in any way assist in the establishment of or operation of any class of gaming on any site at which such gaming is being conducted, directly or indirectly, whether at the site in person or off the Reservation.

2.34 "Person" means any individual, partnership, joint venture, corporation, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political entity, and any owner, director, officer or employee of any such entity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the government of the Tribe, any governmental entity of the Tribe, or any of the above listed forms of business entities that are wholly owned or operated by the Tribe; provided, however, that the term does not include the federal government and any agency thereof.

2.35 "Player" means a person participating in any game, but does not include a gaming operator, or any assistant of an operator.

2.36 "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 gaming employees; or

(2) To set up working policy for a gaming enterprise; or

(C) The chief financial officer or other person who has financial management responsibility for a gaming activity.

2.37 "Progressive gaming" means any game in which a cash prize which, not being won by any player during any game, is retained and further monetarily enhanced by the operator or eligible organization, and offered as a prize to players in the next game.

2.38 "Pull-tabs punchboards and tip jars" means any disposable card, board, ticket or display which accords the player an opportunity to win something of value by opening, pulling, detaching or otherwise removing or uncovering tabs or covers from the card, board, ticket or display to reveal a set of numbers, letters, symbols, configurations, or combinations thereof which have been previously specified as a winning combination.

2.39 "Raffle" means any gaming in which each player buys a ticket for a chance to win a prize with the winner determined by a random method. "Raffle" does not include a slot machine.

2.40 "Reservation" means all lands within the original confines of the Hannahville Indian Community, reserved to the Tribe by purchase pursuant to the Act of June 30, 1913 (38 Stat 102), and other lands added thereto by Executive Order, federal statute or other legal action.

2.41 "State" means the State of Michigan.

2.42 "Gaming Board" means the Hannahville Indian Community Tribal Gaming Board of Directors described in Section 4 of this Ordinance.

2.43 "Tribal Court" means the Tribal Court of the Hannahville Indian Community.

2.44 "Tribe" means the Hannahville Indian Community Potawatomis of Michigan.

2.45 "Twenty-one", also known as "blackjack," means a card game played by a maximum of seven players and one dealer where each player plays his hand against the dealer's hand with the object of obtaining a higher total card value than the dealer by reaching 21 or as close to 21 as possible without exceeding that count. The cards have the following value:

(A) Aces count either one or 11, at the player's option.

(B) Kings, queens, and jacks each have a count of ten.

(C) All other cards are counted at their face value.

2.46 "Wager" means the bet made or consideration or value given by a player in any game.

2.47 "Wagering Office" means any location within tribal lands at which wagers are placed or accepted by an operator.

### **Section 3. General Provisions.**

**3.1 Authority and Sovereign Powers and Responsibilities.** This Ordinance is enacted pursuant to the inherent sovereign powers of the Tribe and the powers expressly delegated to the Hannahville Indian Community Tribal Council in Article V of the Tribal Constitution.

**3.2 Hannahville Indian Community's Tribal Policy of Self-Government.** The Tribe is firmly committed to the principal of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services on the Reservation, including general governmental services, the maintenance of peace and good order, the establishment of educational systems and programs, and the promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

**3.3 Application of Federal Policy.** In 1970, President Nixon announced that it was the policy of the United States government to promote self-determination for Indian tribes. At the heart of this policy is a commitment by the federal government to foster and encourage tribal self-government, economic development and self-sufficiency. That commitment was signed into law in 1975 as the Indian Self-Determination and Education Assistance Act, Public Law 93-638, 88 Stat. 2203, 25 U.S.C. §§ 450-450n. In 1983, President Reagan reaffirmed that commitment in his Indian Policy Statement, encouraged tribes to reduce their dependence on federal funds by generating more of their own revenues, and pledged to assist tribes in that endeavor.

In 1988 the federal commitment to promote tribal economic development, tribal self-sufficiency, and strong tribal government was expressly legislated in the IGRA, which recognized the inherent sovereign right of tribes to operate and their exclusive right to regulate on Indian lands gaming which is not specifically prohibited by federal law and is conducted within a state which does not, as a matter of criminal law and public policy, prohibit such gaming, and provided a federal statutory basis for operation and regulation of Indian gaming.

The federal commitment was furthered in 1988 by passage of the Indian Gaming Regulatory Act ("IGRA"). Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§2701, et seq. (1988), through which the federal government recognized the inherent sovereign right of tribes to conduct and regulate gaming on their reservations and preempted state authority in the area of Indian gaming.

**3.4 Title, Repeal of Prior Laws, and Effect of Repeal.** This Ordinance may be cited as the Hannahville Indian Community Gaming Ordinance. The Ordinance shall be appropriately inserted in the Hannahville Indian Community Tribal Code of the Hannahville Indian Community.

All titles, chapters, and sections of the Tribal Gaming Ordinance of the Hannahville Indian Community which pertain to gaming, and are in effect as of the date that this Ordinance becomes operative, are hereby repealed, and all other laws, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed.

Repeal of this Ordinance or any portion thereof shall not have the effect of reviving any prior tribal law, Ordinance, or Resolution theretofore repealed or suspended.

**3.5 Classes of Gaming.** There are three classes of gaming on Indian lands under this Ordinance. Class I, Class II and Class III are the three classes of gaming that are authorized by the Hannahville Indian Community through this Ordinance. These three classes of gaming may only be conducted on "Indian lands" as defined by the Indian Gaming Regulatory Act at 25 U.S.C. § 2701(5). These games are clearly defined as:

(A) "Class I Gaming" means social gaming 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.

(B) "Class II Gaming" means

(1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and 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 at the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo; and

(2) All card games operated by the Tribe prior to May 1, 1988.

(3) All other card games explicitly authorized or not explicitly prohibited by the laws of the State and which are played at any location in the State if played in conformity with State laws and regulations regarding hours or periods of operation of such card games or limitations on wagers or pot size in such card games.

(4) The term "Class II Gaming" does not include any banking card games that were not operated by the Tribe prior to May 1, 1988; or any electronic or electromechanical facsimiles of any game of chance or slot machine of any kind.

(C) "Class III Gaming" means all forms of gaming that are not Class I or Class II gaming.

**3.6 Construction.** In construing the provisions of this Ordinance, unless the context otherwise requires, the following rules shall apply:

(A) This Ordinance shall be liberally construed to affect its purpose and to promote substantial justice.

(B) Words in the present tense include the future and past tenses.

(C) Words in the singular number include the plural, and words in the plural number include the singular.

(D) Words of the masculine gender or neuter include masculine and feminine genders and the neuter.

**3.7 Savings Clause.** If any section of this Ordinance is invalidated by a court of competent jurisdiction, the remaining sections shall not be affected thereby.

#### **Section 4. Tribal Gaming Board of Directors (the Board).**

**4.1 Establishment.** The Hannahville Indian Community Tribal Council hereby charters, creates and establishes the Hannahville Indian Community Tribal Gaming Board of Directors as a governmental subdivision of the Tribe whose powers include the regulation of all gaming operations located on the lands of the Hannahville Indian Community. The Hannahville Indian Community Tribal Gaming Board of Directors may be referred to in this Ordinance as the Tribal Gaming Board.

**4.2 Location and Place of Business.** The Tribal Gaming Board shall be a resident of and maintain its headquarters, principal place of business and office on the lands of the Hannahville Indian Community. The Tribal Gaming Board may, however, establish other places of business in such other locations as the Tribal Gaming Board may from time to time determine to be in the best interest of the Tribe.

**4.3 Duration.** The Tribal Gaming Board shall have perpetual existence and succession in its own name, unless dissolved by the Tribal Council pursuant to Tribal law.

**4.4 Attributes.** As a governmental subdivision of the Tribe, the Tribal Gaming Board has been delegated the right to exercise one or more of the substantial governmental functions of the Tribe including regulation of tribal gaming pursuant to the IGRA and tribal law. It is the purpose and intent of the Tribal Council in creating the Tribal Gaming Board that the operations of the Tribal Gaming Board be conducted on behalf of the Tribe for the sole benefit and interests of the Tribe, its members, and the residents of the Hannahville Indian Community. In carrying out its purposes under this Ordinance, the Tribal Gaming Board shall function as an independent regulatory arm of the Tribe. Notwithstanding any authority delegated to the Tribal Gaming Board under this Ordinance, the Tribe reserves to itself the right to bring suit against any person or entity in its own right, on behalf of the Tribe or on behalf of the Tribal Gaming Board, whenever the Tribe deems it necessary to protect the sovereignty, rights and interests of the Tribe or the Tribal Gaming Board.

**4.5 Recognition as a Political Subdivision of the Tribe.** The Tribe, on behalf of the Tribal Gaming Board, shall take all necessary steps to acquire recognition of the Tribal Gaming Board as a political subdivision of the Tribe, recognized by all branches of the United States Government as having been delegated the right to exercise one or more substantial governmental functions of the Hannahville Indian Community.

**4.6 Sovereign Immunity of the Tribal Gaming Board.** The Tribal Gaming Board is hereby clothed with all the privileges and immunities of the Tribe. Except as provided in section 4.7, nothing in this Ordinance nor any action of the Tribe or the Tribal Gaming Board shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribal Gaming Board, or to be a consent of the Tribe or the Tribal Gaming Board to the jurisdiction of the United States or of any state or any other tribe with regard to the business or affairs of the Tribe or the Tribal Gaming Board nor consent to any cause of action, case, or controversy, nor to the levy of any judgment, lien or attachment upon any property of the Tribe or the Tribal Gaming Board, or to be a consent of the Tribe or the Tribal Gaming Board to suit in respect to any Indian land, or to be a consent of the Tribe or the Tribal Gaming Board to the alienation, attachment, or encumbrance of any such land.

**4.7 Waiver of Sovereign Immunity of the Tribal Gaming Board.** Sovereign immunity of the Tribal Gaming Board may be waived only by express resolutions of both the Board and the Tribal Council after consultation with its attorneys. All waivers of sovereign immunity must be preserved by resolutions of the Tribal Gaming Board and the Tribal Council of continuing force and effect. Waivers of sovereign immunity are disfavored and shall be granted only when necessary to secure a substantial advantage or benefit to the Tribal Gaming Board. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, transaction, property or funds, if any, of the Tribal Gaming Board subject thereto, court having jurisdiction pursuant thereto and law applicable thereto. Neither the power to sue and be sued provided in Subsection 4.18(Y), nor any express waiver of sovereign immunity by resolution of the Tribal Gaming Board shall be deemed a consent to the levy of any judgment, lien or attachment upon property of the Tribal Gaming Board other than property specifically pledged or assigned, or a consent to suit in respect of any land within the exterior boundaries of the Hannahville Indian Community or a consent to the alienation, attachment or encumbrance of any such land.

**4.8 Sovereign Immunity of the Tribe.** All inherent sovereign rights of the Tribe as a federally-recognized Indian tribe with respect to the existence and activities of the Tribal Gaming Board are hereby expressly reserved, including sovereign immunity from suit in any state, federal or tribal court. Nothing in this Ordinance nor any action of the Tribal Gaming Board shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribe, or to be a consent of the Tribe to the jurisdiction of the United States or of any state or of any other tribe with regard to the business or affairs of the Tribal Gaming Board or the Tribe, or to be a consent of the Tribe to any cause of action, case or controversy, or to the levy of any judgment, lien or attachment upon any property of the Tribe; or to be a consent to suit in respect to any Indian land, or to be a consent to the alienation, attachment or encumbrance of any such land.

**4.9 Credit of the Tribe or Tribal Gaming Board.** Nothing in this Ordinance nor any activity of the Tribal Gaming Board shall implicate or in any way involve the credit of the Tribe or the Tribal Gaming Board.

**4.10 Assets of the Tribal Gaming Board.** The Tribal Gaming Board shall have only those assets specifically assigned to it by the Council or acquired in its name by the Tribe or by the Tribal Gaming Board on its own behalf. No activity of the Tribal Gaming Board nor any indebtedness incurred by it shall implicate or in any way involve or effect any assets of tribal members or the Tribe not assigned in writing to the Tribal Gaming Board.

**4.11 Membership.**

(A) **Number of Members of the Tribal Gaming Board of Directors.** The Tribal Gaming Board of Directors shall be comprised of seven (7) directors elected by the tribal membership at regularly scheduled tribal elections. No person may simultaneously sit on both the Tribal Council and the Tribal Gaming Board.

(B) **Qualification of Directors.** Each Director must be a member of the Tribe and reside on tribal lands. No member of the Tribal Gaming Board may work in a gaming facility operated on tribal lands while a member of the Tribal Gaming Board. All Tribal Gaming Board Directors are prohibited from playing games in a gaming facility operated on the lands of the Hannahville Indian Community.

(C) **Background Check.** Prior to the time that any Tribal Gaming Director takes office on the Board, the Tribe shall perform or arrange to have performed a comprehensive background check on each prospective member. No person shall serve as a Board member if:

- (1) His prior activities, criminal record, if any, or reputation, habits or associations:
  - (a) Pose a threat to the public interest; or
  - (b) Threaten the effective regulation and control of gaming; or
  - (c) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming; or
  - (d) He or she has been convicted of or entered a plea of *no contest* to a felony, a gambling-related offense, or a misdemeanor involving fraud or misrepresentation.

(2) The Director or candidate for Director has been convicted of or entered a plea of *no contest* to any offense not specified in part (C)(1)(d) of this Section in any jurisdiction within the last five (5) years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or if a tribal member has been determined by the Tribe to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the Board Member be denied a position on the Board.

(3) He or any member of his immediate family has a financial interest in any gaming enterprise, activity or facility.

(4) Any tribal member who seeks office on the Tribal Gaming Board of Directors must have a completed background check and must be approved to sit on the Board before he or she may be placed upon the general election ballot for the Board.

(D) **Date of Appointment.** The members of the Tribal Gaming Board shall take office no later than ten (10) days after the most recent tribal election. All members of the Tribal Gaming Board shall sign a confidentiality agreement before taking office. Breach of the confidentiality agreement may result in removal from the Board pursuant to an action for removal under this Ordinance.

The Council's appointment of any Tribal Gaming Board member when a vacancy on the Board occurs shall be by resolution. The new Director appointed shall be that person who obtained the most votes among the remaining qualified candidates for the seat at the most recent Tribal Gaming Board election.

**4.12 Term of Office.** Each Board member shall serve a term of (2) years. Three (3) Directors shall have their terms expire in an odd numbered year and four (4) directors shall have their terms expire on

an even numbered year. At the expiration of a term, there shall be a general election held in conjunction with other tribal offices to fill any vacant seats.

**4.13 Ex-Officio Members.** Upon agreement between the Tribal Gaming Board and the Tribal Council, a person who may significantly increase the effectiveness of the Tribal Gaming Board may participate, without vote, in Tribal Gaming Board meetings.

**4.14 Meetings.**

(A) **Regular Meetings.** The Tribal Gaming Board shall hold at least two (2) regular monthly meetings which shall take place on the first and third Wednesday of each month, or as otherwise determined by the Tribal Gaming Board.

(B) **Special Meetings.** Special meetings may be called at the request of the Tribal Council, the Chairman or Vice Chairman of the Tribal Gaming Board or four (4) or more members of the Tribal Gaming Board with notice to all members properly given and with either the Board Chairperson or Vice Chairperson present.

(C) **Compensation of Directors.** An honorarium may be paid for attendance at each meeting.

(D) **Quorum.** A quorum for all meetings shall consist of four (4) members.

(E) **Voting.** All questions arising in connection with the action of the Tribal Gaming Board shall be decided by majority vote. The Chairman of the Tribal Gaming Board shall only be entitled to vote to break a tie.

**4.15 Organization.** The Tribal Gaming Board shall develop its own operating procedures and shall elect from within itself a Chairman to direct meetings, a reporter to be responsible for keeping Tribal Gaming Board minutes and transmitting to the Tribal Council a copy of those minutes not determined to be confidential, handling correspondence and reporting Tribal Gaming Board decisions and such other officers as it deems advisable.

**4.16 Removal of Members or Vacancies.**

(A) **Removal.** A Director may be removed by the Council for serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty or integrity of the Tribal Gaming Board or otherwise violates the letter or intent of this Ordinance. Except as provided below, no Director may be removed without notice and an opportunity for a hearing before the Council, and then only after the Director has been given written notice of the specific charges at least ten (10) days prior to such hearing. At any such hearing, the Director shall have the opportunity to be heard in person or by counsel and to present witnesses on his behalf. If the Council determines that immediate removal of a Director is necessary to protect the interests of the Tribe, the Council may immediately remove the Director temporarily, and the question of permanent removal shall be determined thereafter pursuant to Tribal Gaming Board hearing procedures. A written record of all removal proceedings together with the charges

and findings thereon shall be kept by the Tribal Secretary. The decision of the Council upon the removal of a Director shall be final.

(B) **Vacancies.** If any Director shall die, resign, be removed or for any reason be unable to serve as a Director, the Council shall declare his position vacant and shall appoint another person to fill the position by resolution. The terms of office of each person appointed to replace an initial Director shall be for the balance of any unexpired term for such position, provided, however, that any prospective appointee must meet the qualifications established by this Ordinance.

**4.17 Conflict of Interest.** No person shall serve as a Director if he or any member of his immediate family has a financial interest in any gaming enterprise, or if he has any business, personal or legal relationship which creates a conflict of interest with his duties and responsibilities as a Director.

**4.18 Powers of the Tribal Gaming Board.** In furtherance, but not in limitation, of the Tribal Gaming Board's purposes and responsibilities, and subject to any restrictions contained in this Ordinance or other applicable law, the Tribal Gaming Board shall have and is authorized to exercise by majority vote, the following powers in addition to all powers already conferred by this Ordinance:

(A) To regulate all day-to-day gaming activity within the jurisdiction of the Tribe.

(B) To promote the full and proper enforcement of all tribal civil and criminal gaming laws and policies.

(C) **Repealed.**

(D) To enact and enforce such rules and regulations regarding its activities and governing its internal affairs as the Tribal Gaming Board may deem necessary and proper to effectuate the powers granted by this Ordinance and the powers granted and duties imposed by applicable law.

(E) To publish and distribute copies of this Ordinance and Tribal Gaming Board rules and any Council, Tribal Gaming Board or Tribal Court decisions regarding gaming matters.

(F) **Repealed.**

(G) To work with the staff of any tribal department, program, project, or operation and to cooperate with the Tribal Council or any Council Committee in regard to gaming issues.

(H) To arrange for and direct such inspections and investigations as it deems necessary to ensure compliance with this Ordinance and implementing regulations. In undertaking such investigations, the Tribal Gaming Board may request the assistance of tribal gaming staff, federal and local law enforcement officials, legal counsel and other third parties.

(I) To make or cause to be made by its agents or employees, an examination or investigation of the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of any game or gaming activity operating, or suspected of operating, within the jurisdiction of the Tribe. In

undertaking such examination or investigation, the Tribal Gaming Board may request the assistance of tribal gaming staff, federal and local law officials, legal counsel, and other third parties.

(J) To maintain and keep current a record of new developments in the area of Indian gaming.

(K) To conduct gaming hearings, define terms used in this Ordinance or other tribal laws, to seek such assistance as necessary or proper. Any decision made outside the scope of the Tribal Gaming Board's authority may be appealed to the Tribal Court.

(L) To consider any gaming regulatory matter brought before it by any person, organization or business, and all regulatory matters referred to it by the Tribal Council.

(M) To obtain and publish a summary of federal revenue laws relating to gaming and to insure compliance with the same.

(N) To arrange for training of Tribal Gaming Board members, tribal employees and others in areas relating to the regulation or operation of gaming.

(O) To employ such advisors as it may deem necessary to enforce all applicable gaming regulatory laws.

(P) To make recommendations to the Council on the hiring of the general manager based upon the duties the Tribal Gaming Board has under tribal law.

(Q) To promulgate and interpret rules and regulations to implement and further the provisions of this Ordinance.

(R) To approve or disapprove any application for a tribal gaming license.

(S) To consult with and make recommendations to the Tribal Council regarding changes in tribal gaming laws and policies.

(T) Reserved for future use.

(U) When necessary or appropriate, to request the assistance and utilize the services of the courts, law enforcement and government officials and agencies, and private parties, in exercising its powers and carrying out its responsibilities.

(V) To examine under oath, orally or in writing, any person or agent, officer, or employee of any person, with respect to any matters related to this Ordinance.

(W) To delegate to an individual member of the Tribal Gaming Board or to the Tribal Gaming Board staff, such of its functions as may be necessary to administer these ordinances efficiently; and provided further, that the Tribal Gaming Board may not delegate its power to promulgate rules and regulations.

(X) To close permanently, after notice and a hearing, any game or games which are operating in violation of federal or tribal law.

(Y) To sue or be sued in courts of competent jurisdiction within the United States and Canada, subject to the provisions of this Ordinance and other tribal laws relating to sovereign immunity; provided, that no suit shall be brought, nor immunity waived, by the Tribal Gaming Board without the prior explicit written approval of the Tribal Council.

(Z) To use the seal of the Hannahville Indian Community with the approval of the Tribal Council.

(AA) **Repealed.**

(AB) To approve or disapprove any lease, mortgage, pledge, exchange, sale, conveyance, or transfer of property that may be subject to federal or tribal law.

(AC) **Repealed.**

(AD) **Repealed.**

(AE) To arbitrate, compromise, negotiate or settle any dispute to which it is a party relating to the Tribal Gaming Board's authorized activities.

(AF) The Tribal Gaming Board may enlist the assistance of any entity or party necessary to carry out the provisions of this Ordinance.

(AG) **Repealed.**

(AH) **Repealed.**

(AI) **Repealed.**

(AJ) To establish and maintain such bank accounts as may be necessary or convenient.

(AK) To engage in any and all activities which directly or indirectly carry out the purposes of regulating gaming activity on the Hannahville Indian Reservation as set forth in this Ordinance and other applicable federal or tribal law.

(AL) **Repealed.**

(AM) To exercise all authority delegated to it or conferred upon it by law and to take all action which shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in this Ordinance as permitted by the purposes and powers herein stated and which are deemed to be in the best interests of the Tribe, exercising prudent management and good business judgment, all in compliance with applicable law.

(AN) The foregoing powers (AB-AM) may be exercised without Tribal Council approval provided that function is regulatory in nature.

(AO) To require by regulation, the filing of any records, forms and reports, and all other information for implementation of this Ordinance relating to any gaming activity or operation or any investigation as required by tribal law and the IGRA.

(AP) The Tribal Gaming Board shall directly oversee all surveillance at all gaming operations. The Director of Surveillance shall prepare a weekly report for the Tribal Gaming Board. The Tribal Gaming Board shall employ an Internal Auditor who shall only report to the Tribal Gaming Board. Surveillance and the Internal Auditor shall be given direction to complete their assigned duties but only to the extent of the regulatory powers of the Tribal Gaming Board.

(AQ) The Tribal Gaming Board shall verify the quantities and destination of all documentation forms before use within a gaming facility. These forms include payout slips, chip transfer forms, cage accountability forms, bingo inventory forms, etc. The Tribal Gaming Board shall document and maintain records of all forms issued.

(AR) To provide for an internal system of record keeping with adequate safeguards for preserving confidentiality as deemed necessary by the Tribal Gaming Board. All applications, background investigations on primary management officials or key employees and Tribal Gaming Board decisions shall be retained in Tribal Gaming Board files for a period of at least three (3) years from the date of termination of employment or final decision by the Gaming Board.

(AS) To adopt a schedule of fees to be charged for gaming licenses issued pursuant to this Ordinance.

(AT) To adopt a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files, and records.

(AU) To supervise, inspect and regulate all gaming activities within the jurisdiction of the Tribe.

(AV) To promote the full and proper enforcement of this Ordinance and other applicable law regarding gaming activities within the jurisdiction of the Tribe.

(AW) **Repealed.**

(AX) The Tribal Gaming Board shall do all background investigations for potential employees. Records of investigations shall be maintained with the Tribal Gaming Board for a minimum period of three (3) years following termination of employment. Any breach of confidentiality by a member of the Gaming Board, outside any conveyance of information authorized by law, shall result in removal from the Gaming Board pursuant to the rules governing removal of a Director contained within this Ordinance.

(AY) To compel obedience of its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the Tribe in Tribal Court or in any other court

having jurisdiction of the parties and of the subject matter; provided that no suit shall be brought by the Tribal Gaming Board without the prior explicit written approval of the Tribal Council after consultation with the Tribal attorneys.

(AZ) To discipline any licensee or other person participating in any gaming activity by ordering immediate compliance with this Ordinance or Tribal Gaming Board regulations and to issue an order of temporary suspension of any license issued under this Ordinance, whenever the Tribal Gaming Board is notified of a violation by any such person of this Ordinance or any other applicable law.

(BA) To issue an order of temporary closure of any gaming activity or operation in the event the Tribal Gaming Board determines that immediate closure is necessary to protect assets or interests of the Tribe, pursuant to Tribal Gaming Board regulations, or whenever the Tribal Gaming Board shall receive information from the National Indian Gaming Commission that a primary management official or key employee does not meet the standards for being licensed under the IGRA.

(BB) To become self-regulating, if the Tribal Council elects to do so, whenever the Tribe becomes eligible for a certificate of self-regulation under the IGRA.

(BC) To interact with other regulatory and law enforcement agencies regarding the regulation of gaming.

(BD) To provide independent information to the Tribal Council on the status of the Tribe's gaming activities. This report shall include a monthly report to the Tribal Council that informs the Council as to the health of the gaming operations from a regulatory perspective.

(BE) To approve and implement the Tribe's internal controls standards or procedures for the gaming operation.

(BF) To establish standards for and issue licenses or permits to persons or entities that deal with the gaming operation such as manufacturers and suppliers of machines, equipment, supplies, and services.

**4.19 Annual Budget.** The Tribal Gaming Board shall prepare an annual operating budget for all Tribal Gaming Board activities and present it to the Tribal Council. The Gaming Board shall be funded annually by the Hannahville Indian Community to a level that allows it to adequately carry out its obligations under this Ordinance.

**4.20 Tribal Gaming Board Regulations.**

(A) Tribal Gaming Board regulations necessary to carry out the orderly performance of its duties and powers shall include, but shall not be limited to the following:

- (1) Internal operational procedures of the Tribal Gaming Board and its staff;

(2) Interpretation and application of this Ordinance as may be necessary to carry out the Tribal Gaming Board's duties and exercise its powers;

(3) A regulatory system for all gaming activity, including accounting, contracting, management and supervision;

(4) The findings of any reports or other information required by or necessary to implement this Ordinance; and

(5) The conduct of inspections, investigations, hearings, enforcement actions and other powers of the Tribal Gaming Board authorized by this Ordinance.

(B) No regulation of the Tribal Gaming Board shall be of any force or effect unless it is adopted by the Tribal Gaming Board by a written resolution and filed for record in the Office of the Tribal Secretary and in the Office of the Clerk of the Tribal Court.

(C) The Tribal Court and any other court of competent jurisdiction shall take judicial notice of all Tribal Gaming Board regulations adopted pursuant to this Ordinance. The Tribal Court may invalidate a Gaming Board Regulation that is not within the scope of authority of the Tribal Gaming Board.

**4.21 Right of Entrance; Monthly Inspection.** The Tribal Gaming Board and duly authorized officers and employees of the Tribal Gaming Board, during regular business hours, may enter upon any premises of any gaming operator or gaming establishment for the purpose of making inspections and examining the accounts, books, papers, and documents, of any such gaming operator or gaming establishment. Such gaming operator shall facilitate such inspection or examinations by giving every reasonable aid to the Tribal Gaming Board and to any properly authorized officers or employees.

A Director or a member of the Tribal Gaming Board's staff shall visit each tribally-owned or tribally-operated gaming establishment at least once every two weeks during normal business hours for the purpose of monitoring its operation. Such visits shall be unannounced.

**4.22 Investigations.** The Tribal Gaming Board, upon complaint or upon its own initiative or whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any person who is subject to the provisions of this Ordinance. In conducting such investigation, the Tribal Gaming Board may proceed either with or without a hearing as it may deem best, but it shall make no order without affording any affected party notice and an opportunity for a hearing pursuant to Tribal Gaming Board regulations.

**4.23 Hearings, Examiner.** Pursuant to regulations, the Tribal Gaming Board may hold any hearing it deems to be reasonably required in administration of its powers and duties under this Ordinance. Whenever it shall appear to the satisfaction of the Tribal Gaming Board that all of the interested parties involved in any proposed hearing have agreed concerning the matter at hand, the Tribal Gaming Board may issue its order without a hearing.

The Tribal Gaming Board may designate one of its members to act as examiner for the purpose of holding any such hearing or the Tribal Gaming Board may appoint another person to act as examiner under

subsection 4.24 below. The Tribal Gaming Board shall provide reasonable notice and the right to present oral or written testimony to all people interested therein as determined by the Tribal Gaming Board.

**4.24 Appointment of Examiner; Power of Examiner.** The Tribal Gaming Board may appoint any person qualified in the law or possessing knowledge or expertise in the subject matter of the hearing to act as examiner for the purpose of holding any hearing which the Tribal Gaming Board, or any member thereof, has power or authority to hold. Any such appointment shall constitute a delegation to such examiner of all powers of a Director under this Ordinance with respect to any such hearing.

**4.25 Tribal Gaming Board as the Final Authority on Gaming Regulation.** The Tribal Council may not overturn a decision by the Tribal Gaming Board concerning a regulatory matter. The Tribal Gaming Board shall have the authority conveyed upon it by this Ordinance to interpret and enforce all applicable laws that effect the regulation of the gaming operations of the Hannahville Indian Community. Only the Tribal Court may reverse or remand a decision of the Tribal Gaming Board upon a petition to the Tribal Court and after a hearing. Only those decisions of the Tribal Gaming Board that are outside of the scope of authority of the Board may be reviewed.

**4.26 Quarterly Report of Tribal General Manager Reports.** The Tribal Gaming Board shall file a narrative quarterly regulatory report to the Council summarizing reports received from each manager of any tribally-owned or tribally-managed gaming establishment, provided that such information is not privileged, making such comments as it deems necessary to keep the Council fully informed as to the status of its various gaming operations.

## **Section 5. Gaming Enterprise Licenses.**

**5.1 Applicability.** This Ordinance applies to all persons engaged in gaming within the jurisdiction of the Tribe. Any application for a license pursuant to this Ordinance and participation in any gaming activity within the jurisdiction of the Tribe shall be deemed to be a consent to the jurisdiction of the Tribe and the Tribal Court in all matters arising from the conduct of such gaming, and all matters arising under any of the provisions of this Ordinance or other tribal laws.

**5.2 License Required.** No person shall operate Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is licensed by the Tribe.

**5.3 No License Requirement for Class I Gaming.** A tribal license shall not be required for any Class I gaming activity or operation to the extent that it is not in competition with Tribal Gaming enterprises.

**5.4 Types of Licenses.** The Tribe shall issue each of the following types of gaming licenses:

(A) **Tribally-Owned or Tribally-Operated Class II.** This license shall be required of all tribally-owned or tribally-operated gaming enterprises operating one or more Class II games of chance.

(B) **Tribally-Owned or Tribally-Operated Class III.** This license shall be required for all tribally-owned or operated gaming enterprises operating any gaming other than Class I or Class II gaming.

**5.5 Application Procedures.**

(A) **Application for Gaming License.** For any proposed Class II or Class III gaming activity, the Council shall file with the Tribal Gaming Board an application for a tribally owned or tribally operated Class II or Class III gaming license, whichever is appropriate, which shall contain the name of the proposed enterprise, its location, and all other pertinent information required by this Ordinance and Tribal Gaming Board regulations.

(B) **Tribally-Owned and Tribally Operated Class III.** Before issuing a license to a tribally-owned or operated Class III gaming activity the Tribal Gaming Board shall:

- (1) Review the proposed gaming activity to ensure that all criteria required by this Ordinance shall be met.
- (2) Perform the necessary background checks on management contractors, primary management officials and key employees required by this Ordinance.
- (3) Review and approve the accounting procedures to be used in such gaming activity.

(4) Take any additional steps necessary to ensure the integrity of such gaming activity.

(5) Review all aspects of the proposed gaming operation to ensure that it will be in compliance with the provisions of the applicable state/tribal compact.

**5.6 Threshold Criteria Which a Potential Gaming Operator Must Meet.** The Tribal Gaming Board shall issue the above license to any tribally-owned or tribally-operated Class II or Class III proposed gaming enterprise only if all of the following criteria are met:

(A) The proposed gaming activity or facility is to be located on land which was held in trust for the Tribe prior to October 17, 1988 or on trust lands which were located within or contiguous to the boundaries of the Reservation on October 17, 1988 or on lands taken into trust after October 17, 1988.

(B) The proposed gaming activity is to be played as Class II gaming as defined by this Ordinance and the IGRA or is Class III gaming authorized by a tribal-state gaming compact.

(C) The proposed gaming activity is authorized by a Tribal Council resolution.

(D) The Tribe will have the sole proprietary interest and the Tribe will have the exclusive responsibility for the conduct of the proposed gaming activity and if there is a management contract or other management agreement it must be consistent with tribal and federal law and properly approved by the Chairman of the Tribal Gaming Board subject to Tribal Council approval.

(E) The resolution authorizing the proposed gaming activity provides that:

(1) The revenues of the proposed gaming activity shall be audited annually and copies of those audits will be provided to the Tribal Gaming Board and the National Indian Gaming Commission.

(2) The proposed gaming activity shall comply with all IRS reporting and filing requirements.

(3) All of the proceeds of the proposed gaming activity shall be used for the purposes stated in subsection 9.2.

(4) All contracts for supplies services or concessions for an amount in excess of \$25,000 annually, except contracts for legal and consulting services, shall be subject to an annual independent audit.

(5) The construction or maintenance of the gaming facility and the operation of the proposed gaming activity shall be conducted in a manner which the Tribal Gaming Board finds will adequately protect the environment and the public health and safety.

(6) The general manager, all primary management officials, and all key employees have passed the background investigations and obtained the tribal gaming employee licenses required by this Ordinance. Each application must state in writing that all future management officials and key employees will be required to pass background investigations and obtain a tribal gaming employee license.

(7) The Tribal Gaming Board shall have the authority to regulate the proposed gaming activity.

(8) The proposed gaming activity shall pay to the National Indian Gaming Commission such fees as federal law may require to be paid.

(9) If the gaming activity is Class III gaming, such gaming activity meets all other criteria established by the Tribal-State Gaming Compact.

**5.7 License Application Fees.** No application fee shall be required for a tribally-owned or tribally-operated Class II or Class III gaming enterprise.

**5.8 License Tax.** No annual license tax shall be required for a tribally-owned or tribally-operated Class II or Class III gaming operation.

**5.9 Terms of License.** A tribally-owned and tribally-operated Class II and Class III gaming license shall remain valid in perpetuity from the date of issuance unless revoked for good cause by action of the Tribal Gaming Board.

**5.10 Posting of Licenses.** Each gaming operator shall post his tribal gaming license in a conspicuous location at the gaming operator's gaming facility. If a gaming operator has more than one gaming facility, the gaming operator must obtain and post a separate license for each gaming facility. A gaming operator licensed to sell raffle tickets outside a gaming facility shall carry a copy of the gaming license under which such person is employed.

**5.11 Gaming License Renewals.** No renewal fee shall be required for a tribally-owned or tribally-operated Class II or Class III license in the event a gaming license is suspended or revoked by the Tribal Gaming Board. In order to obtain a renewed license, the operator shall submit a written renewal application to the Tribal Gaming Board on the form provided by the Tribal Gaming Board. No renewal application shall be approved unless all other provisions of this Ordinance have been complied with prior to application. All renewal applications submitted by a tribally-owned Class II or Class III gaming enterprise shall be approved within a reasonable time unless the Board determines, based on reasonable grounds, that the enterprise has been or will be operated in violation of tribal, federal or other applicable law or the terms of the tribal/state compact.

**5.12 Form of Gaming License.** Every gaming license issued by the Tribal Gaming Board shall include the name and address of the authorized licensee and the signature of an authorized officer of the Tribal Gaming Board.

**5.13 Scope of Gaming License.** A gaming license issued by the Tribal Gaming Board shall be effective only for the gaming activity and location specified in the application. Such license may be

transferred only upon prior approval of the Tribal Gaming Board upon written request that details the proposed new gaming activity, its location, and proposed gaming operator.

**5.14 Annual Reports.** Each gaming operator who possesses a Class II or Class III Tribal gaming license must file an annual report with the Tribal Gaming Board and the Tribal Council between the 15th and the last day of the final month ending the fiscal year as determined to be the gaming operation fiscal year by the Tribal Council. The report shall be submitted to the Tribal Gaming Board on the annual report form provided by the Tribal Gaming Board and shall include the following information:

- (A) The name, address and telephone number of the gaming operator;
- (B) The names, addresses and title of the current general manager and all assistant managers;
- (C) A description of each gaming activity that it has operated and the total gross sales;
- (D) A written copy of any changes the gaming operator proposes to initiate in its rules;
- (E) A statement of the specific dates and times during which the gaming activity will be operated during the next reporting period;
- (F) A statement of any changes in the primary management officials or key employees who will operate the gaming activity over the next reporting period;
- (G) The names and addresses of any employees whom the Tribal Gaming Board may determine to be key employees during review of the report;
- (H) Written proof that the gaming operator has paid to the National Indian Gaming Commission such fees as federal and tribal law may require it to pay, and will continue to do so;
- (I) A sworn statement that the gaming operator has complied with the Internal Revenue Code and regulations, including written notice of customer winnings, and a statement that the gaming operator shall continue to obey all tribal and federal laws and shall hold the Tribal Gaming Board and the Tribe harmless for failure to do so;
- (J) The description of any location at which the gaming activity has been conducted and any new location which is expected to be established during the next reporting period;
- (K) The number of full-time equivalent persons, on an annualized basis, employed by the operation during the past twelve (12) months, together with a projection of the number of full-time equivalent persons who are expected to be employed during the next reporting period;
- (L) The total gross revenue of the operator attributable directly or indirectly to tribally-licensed gaming activity over the preceding twelve (12) months;
- (M) A sworn statement that the gaming operator will continue to comply with all tribal and federal laws applicable to the operator's gaming operation;

(N) A sworn statement that the operator and all of its key employees and management contractors continue to consent to Tribal Court jurisdiction and service of process in all matters arising from the conduct of tribally-licensed gaming activity;

(O) The name, address and signature of the agent who will accept service of process on behalf of the operator, who must reside on the Reservation. The Chairman of the Tribal Gaming Board shall be designated, through this Ordinance, as the agent for service of any official determination, order, or notice of violation; and

(P) If the operator is a corporation, a copy of any amendment to its articles of incorporation, properly certified by the incorporating government, unless a current copy has already been filed with the Tribal Gaming Board.

**5.15 Closure of a Tribal Licensed Gaming Activity.** If the Tribal Gaming Board finds that any tribally owned gaming activity is operating in violation of this Ordinance or otherwise presents a threat to the public, the Tribal Gaming Board must immediately notify the Tribal Chairman and the Tribal Council. The Tribal Gaming Board shall give notice to the gaming operator of the problem so that the gaming operator may move into compliance with the law. In the event that the gaming operator disregards a notice of non-compliance, the Tribal Gaming Board shall follow the procedures in section 5.16 of this Ordinance. The Tribal Council, pursuant to its ownership and management authority, may close down any tribally owned or operated gaming activity temporarily or permanently at any time with or without cause.

**5.16 Procedure to Remedy Gaming License Violation.** If the Tribal Gaming Board finds that a tribally-owned or operated gaming activity is being operated in violation of this Ordinance or otherwise presents a threat to the Tribe or to the public, the Tribal Gaming Board shall immediately take all necessary steps to bring such activity into compliance, including, but not limited to, closing down such activity temporarily or permanently pursuant to enforcement procedures and regulations duly promulgated by the Tribal Gaming Board under this Ordinance. Nothing contained in this Section or in this Ordinance shall be construed as limiting, restraining or effecting a waiver of the Tribe or the Tribal Council's right and authority to take appropriate action to remedy any gaming violation pursuant to tribal and federal law.

**Section 6. Gaming Employee Licenses.**

**6.1 Current and Valid Gaming Employee License Required.** All employees of a Class II or Class III gaming enterprise must possess a current, valid gaming employee license. The Tribal Gaming Board and Tribal Council shall fully comply with 25 CFR parts 556 and 558 and all applicable federal and tribal laws in the licensing of key employees and primary management officials.

**6.2 Application Procedure.**

(A) Any person seeking a tribal gaming employee license shall submit an application to the Tribal Gaming Board on such form and in such manner as the Tribal Gaming Board may require.

(B) The application shall contain the following information:

(1) The applicant's full name, including all other names used (oral or written), current home and work addresses and telephone numbers, social security number, place of birth, date of birth, citizenship, driver's license number and gender, as well as the addresses of his or her personal residences over the past five years.

(2) The name, address and telephone number of the gaming enterprise and of the gaming operator for whom the applicant intends to work and the specific location in which the applicant will be employed.

(3) The name and job description of the position for which the applicant is applying.

(4) Each application must include the following false notice statement before an applicant may fill out that form:

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

In the event that existing employees required to be licensed under this Ordinance have filled out an application that did not contain a false notice statement, the Tribal Gaming Board shall notify in writing that the employee shall either complete a new application form that contains a notice requiring false statements or sign a statement that contains the notice regarding false statements.

(5) The names, current addresses and telephone numbers of three references who are not related to the applicant and who were acquainted with the applicant when the applicant was residing at each of the addresses listed in subsection 6.2(B)(1).

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

(7) A description of any existing or previous employment relationship with an Indian Tribe, including the employee position held, name of the Tribe involved and name and address of a person who can attest to the accuracy of the information provided and any ownership interest in tribal enterprises currently or in the past.

(8) A description of any current or past non-employee business arrangement that the applicant has had with an Indian Tribe, including the name of the Tribe involved and the name and address of a person who can attest to the accuracy of the information provided.

(9) A statement as to whether the applicant has had any past employment with, or ownership interest in, any gaming business. If so, the applicant shall provide a written statement describing his or her position, the dates during which that position was held, a description of the applicant's ownership interest or job responsibilities and the name, address and phone number of the business, and a person who can attest to the accuracy of the information provided.

(10) A list of all gaming-related licenses the individual has applied for, whether or not those licenses were granted and the name and address and phone number of the regulatory agency involved.

(11) A list of all professional or business licenses the applicant has applied for, whether or not those licenses were granted and the name, address and phone number of the regulatory agency involved.

(12) A statement of all languages written or spoken.

(13) Written permission giving the Tribal Gaming Board or its designee the right to investigate the applicant's background, including his criminal record, civil and criminal judgments and credit history.

(14) 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.

(15) 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.

(16) 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 (14) or (15) of this section, the criminal charge, the name and address of the court involved and the date and disposition.

(17) Any other information which might bring into question his fitness to serve as a primary management official or key employee of a licensed gaming operation.

(18) Each application shall be accompanied by a sworn statement that if the license is issued, the applicant will submit to the jurisdiction of the Tribe and the Tribal Court.

(19) Each application shall be accompanied by a photograph of the applicant taken within the last year.

(20) Each application shall be accompanied by a sworn statement that the applicant will abide by this Ordinance and all other applicable laws.

(21) Fingerprints such that National Criminal Information Center checks can be completed. The Hannahville Indian Community Tribal Police shall be the law enforcement agency that will take the fingerprints of all tribal gaming employees.

(22) Each application shall be accompanied by a written statement that the applicant has read, understands and approves of the following Privacy Act notice:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by 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 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.

**6.3 Review Procedure for Employee Gaming License Application, Initial Granting of a Gaming License, Suspension.**

Before issuing a gaming employee license, the Tribal Gaming Board shall:

(A) Perform or arrange to have performed the necessary background investigation on the applicant required by this Ordinance. Such investigation shall include contacting each reference provided in the application and taking all appropriate steps to verify the accuracy of information contained in the application. There shall be a written report of the findings and conclusions of the investigation. The Tribal Gaming Board shall then review the findings and conclusions and make a finding concerning the eligibility of a key employee or a primary management official for employment in a gaming operation pursuant to part (C) of this subsection. The applicant shall be notified in writing of the Tribal Gaming Board's decision. The applicant has no right of appeal from the Tribal Gaming Board's eligibility decision.

(1) All background investigations must include a criminal history check against the Federal Bureau of Investigation criminal records. The applicant's fingerprints are taken by the Hannahville Tribal Police Department prior to employment within the gaming facility. These fingerprints are submitted to the National Indian Gaming Commission for a check of criminal history against the criminal history information maintained by the Federal Bureau of Investigation. The results of the criminal history check are forwarded back to the Hannahville Tribal Police Department by the National Indian Gaming Commission for a review of the applicant's criminal history.

(2) The Hannahville Police Department also takes the information from the employment application and the prospective employee's fingerprints and conducts a Tribal criminal history check based upon the information provided. The results of the criminal background check conducted against the Federal Bureau of Investigation records and the Tribal criminal history check are forwarded to the Tribal Gaming Board to determine whether an applicant may obtain a gaming license under the standards set out in Section 6.8 of this Ordinance.

(B) Prior to licensing a primary management official or key employee, the Tribe shall forward the information listed in Section 6.3(B)(1) & (2) to the National Indian Gaming Commission. The information listed in Section 6.3(B)(1) & (2) shall be forwarded to the National Indian Gaming Commission unless an alternative agreement is reached between the Tribe and the Commission. An applicant may be hired for a period of 90 days pending Commission approval of Licensure.

(1) Information forwarded to the Commission includes the complete application containing all the information contained in Section 6.2 of this Ordinance. An investigative report on each background investigation that shall include the following: steps taken in conducting a background investigation, results obtained, conclusions reached, and the basis for those conclusions. Also, an eligibility determination conducted by the Tribal Gaming Board as required under Section 6.8 of this Ordinance.

(2) If the Tribe does not license an applicant, the Tribe shall notify the National Indian Gaming Commission and shall forward copies of its eligibility determination and investigative report to the Commission.

(3) The Tribal Gaming Board shall comply with the procedures listed at 25 CFR 558.3 in submitting the applications and reports to the Commission.

(C) If the National Indian Gaming Commission notifies the Tribe, within its thirty (30) day review period, 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 Commission pursuant to this Section of this Ordinance, the Tribe may go forward and issue a license to such applicant. In the alternative, if the Commission provides the Tribe with a statement of itemized objections based upon the application and investigative report submitted by the Tribe, the Tribe shall reconsider the application taking into consideration the objections itemized by the Commission. The Tribe shall make the final decision whether to issue a license to an applicant.

(D) If, after issuance of a gaming license, the National Indian Gaming Commission receives reliable information indicating that a key employee or primary management official is not eligible for employment under 25 CFR § 558.2, the Commission shall notify the Tribe of its findings. Upon receipt of such notification, the Tribe shall suspend such license and notify licensee in writing of the suspension and the proposed revocation. The Tribe shall notify the licensee of a time and place for a hearing on the proposed revocation. After the hearing, the Tribe shall decide to revoke or to reinstate a gaming license and shall notify the National Indian Gaming Commission of its decision.

(E) All applications, background checks and Board decisions shall be retained in the Board files for a period of at least three (3) years following termination of employment.

#### **6.4 Scope of Gaming Employee License.**

A gaming employee license shall be effective only for the person to whom it is issued and only with respect to the gaming facility specified in the application. Any such license may be transferred to a new gaming facility only upon prior approval of the Tribal Gaming Board, upon written request of the licensee identifying the proposed new gaming facility, its location, and the proposed gaming operator thereof.

**6.5 Licensing Period.** Any employee gaming license issued pursuant to this Ordinance shall be effective for a period of one (1) year from the date of issuance and shall state on its face the name of the employee, the location at which he is licensed to work, the date that the license became effective and the date that it expires.

**6.6 Renewals.** A holder of an employee gaming license shall apply to the Tribal Gaming Board for a renewal before his original license has expired, updating all information contained in the original application.

**6.7 Requirement to Produce License Upon Request.** Any person receiving an employee gaming license must carry that license upon his person in plain view during all working hours and must

produce that license upon the request of any law enforcement official with jurisdiction over the gaming activity or any agent of the Tribe, the Tribal Gaming Board or the National Indian Gaming Commission.

**6.8 Qualifications for Key Employees and Primary Management Officials' Licenses; Permanent License Revocation: Employee Gaming License.**

(A) **Qualifications for Licensure; Grounds for Permanent Revocation.** The Tribal Gaming Board may not hire nor license, or may permanently revoke any employee gaming license after notice and an opportunity for a hearing, for any of the following listed reasons. The Directors of the Tribal Gaming Board and the Director of Public Safety are the only “authorized tribal officials” who may conduct the inquiries required by this Section of this Ordinance and its subparts. The Tribal Gaming Board, voting with a quorum of members present, shall render the final decision as to an applicant’s suitability to for licensure under this Ordinance. There is no appeal from an initial eligibility for licensure decision.

- (1) The employee has omitted material information on his application.
- (2) The employee has made material false statements on the application.
- (3) The employee has participated in gaming activity that is not authorized by any tribal gaming license.
- (4) The employee has attempted to bribe a Tribal Council member, Gaming Board Director or other person in an attempt to avoid or circumvent this Ordinance or any other applicable law.
- (5) The employee has offered something of value or accepted a loan, financing or other thing of value from a Tribal Gaming Board member, a subordinate employee or any person participating in any gaming activity.
- (6) The employee has knowingly promoted, played or participated in any gaming activity operated in violation of this Ordinance or any other applicable law.
- (7) The employee has been knowingly involved in the falsification of books or records which relate to a transaction connected with the operation of gaming activity.
- (8) The employee has violated any provision of this Ordinance or the rules and regulations of the Tribal Gaming Board.
- (9) The employee is under the age of 18.
- (10) The employee has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, fraud or misrepresentation.
- (11) The employee has been convicted of or entered a plea of guilty or no contest to any offense not specified in subparagraph (10) within the immediately preceding five (5) years; this provision shall not apply if that person has been pardoned by the

Governor of the State where the conviction occurred or, if a tribal member, has been determined by the Tribe to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a license as a key employee or primary management official.

(12) The employee is determined by the Tribal Gaming Board, following an investigation and report by an “authorized tribal official” as defined in this Section of this Ordinance, to have participated in organized crime or unlawful gambling or whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.

(13) The employee has failed to comply with any lawful order, inquiry or directive of the Tribal Gaming Board, the Tribal Council, or any administrative or judicial body of competent jurisdiction, arising from any gaming activity whether or not subject to this Ordinance.

(14) The employee has been convicted of, or has entered a plea of no contest to, a crime involving the sale of illegal narcotics or controlled substances.

(15) The employee's employment has been terminated by the Tribe.

(B) **Procedure for Permanent Revocation.** Whenever it is brought to the attention of the Tribal Gaming Board that a person has violated any of the conditions in subsection 6.8(A)(1) through (15) or has failed to obtain a license, or has failed to comply with any of the conditions of his tribal gaming license or other applicable law, the Tribal Gaming Board or its designee may either undertake an investigation or serve upon such person or any agent of such person an order to show cause why the person's license should not be revoked or why the person should not be enjoined from conducting gaming activities within the jurisdiction of the Tribe. The Order shall state the grounds for which the revocation is sought and that the employee shall have an opportunity to present testimony and to cross-examine opposing witnesses, and to present any other evidence as to why a revocation order or injunction should not be issued. The hearing shall be set for not less than 10 working days nor more than 14 working days from the date of the notice unless there is an ongoing investigation or prosecution on charges or potential charges related to continued license eligibility. The hearing shall be governed in all respects in accordance with tribal law and Tribal Gaming Board regulations.

#### **6.9 Temporary Suspension of Employee Gaming License.**

(A) Any employee gaming license may be temporarily and immediately suspended by the Tribal Gaming Board, the Tribal Court or the Tribal Council or its designee for not more than 30 days if any of the following have occurred:

(1) The employee has been charged with a violation of any gaming law.

(2) The employee's continued employment in a gaming enterprise poses a threat to the general public.

(3) The employee has made a material false statement or material omission in his or her license application.

(4) The employee has participated in gaming activity unauthorized by his or her tribal gaming license.

(5) The employee has refused to comply with any lawful order, rule, or regulation of the Tribal Gaming Board, the Tribal Council, the Tribal Court or the National Indian Gaming Commission.

**(B) Procedure for Temporary Suspension.** Whenever it is brought to the attention of the Tribal Gaming Board that a person has violated any of the conditions in subsections 6.9(A)(1) through (5), or has failed to comply with any condition of his or her employee gaming license or of this Ordinance or other applicable law which constitutes a direct and immediate threat to the peace, safety, morals, or health or welfare of the Community, the Tribal Gaming Board or its designee shall issue a notice of temporary suspension of such person's employee gaming license, which shall be served upon the employee. The notice shall state the grounds upon which such temporary suspension is ordered and that the employee shall have an opportunity to present testimony and to cross-examine opposing witnesses, and to present any other evidence as to why suspension should not be ordered. The employee shall immediately cease and desist operating in his or her management position or in his or her capacity as a key employee upon receipt of the order, but such person may file a notice of appeal with the Tribal Gaming Board within five days of such receipt. Upon receipt of such notice of appeal, the Tribal Gaming Board shall hold a hearing on the order within fourteen (14) calendar days of its receipt of the appeal unless there is an ongoing investigation or prosecution on charges or potential charges related to continued license eligibility. At the hearing, the employee shall have the opportunity to present testimony and cross-examine witnesses, and present any other evidence as to why a temporary suspension order should not be issued. Such hearing shall be governed in all respects by tribal law and Tribal Gaming Board regulations.

**Section 7. Provisions of General Applicability to All Gaming Operators.**

7.1 Each Class II or Class III gaming activity within the jurisdiction of the Tribe shall be conducted only by a gaming operator who possesses a current and valid tribal gaming enterprise license.

7.2 Each tribal gaming license shall be applicable only to one gaming site and the gaming operator named on such license.

7.3 No tribal gaming license shall be sold, lent, assigned or otherwise transferred.

7.4 Each management and key employee of a licensed gaming operation shall possess a current and valid tribal gaming employee license.

7.5 A tribal gaming license shall be issued only to a person who qualifies therefore under the Ordinance, or to the Tribe or a tribal subdivision.

7.6 Each gaming operator shall have a copy of this Ordinance and regulations readily available for inspection by any person at each authorized gaming site.

7.7 No person under the age of 18 years shall be permitted to play any Class III game.

7.8 No person under the age of 18 years shall be permitted to remain in an area of any building in which a gaming activity is being conducted but may be permitted to pass through a gaming area to non-gaming areas.

7.9 A person under the age of 13 years may participate in gaming activity in private homes, purchase raffle tickets, attend sporting contests or ticket drawings, and stick game and other traditional gaming tournaments when operated as Class I gaming.

7.10 Each gaming operator shall post in a conspicuous location near where any gaming activity is being played, or shall otherwise provide the public with an explanation of the rules of play of every game he operates.

7.11 A gaming operator is prohibited from renting or lending gaming equipment to any person without the prior written approval of the Tribal Gaming Board.

7.12 A gaming operator is prohibited from exchanging pull-tabs, punch-boards, sports pools, and twenty-one boxes (shoes) without the approval of the Tribal Gaming Board. All other gaming equipment may be exchanged without prior approval. Any request for approval shall be made to the Tribal Gaming Board at least 5 days prior to the exchange.

7.13 Each gaming operator who anticipates the printing, manufacture, or construction of any equipment for gaming activity shall first notify the Tribal Gaming Board of his intention and shall have the finished product approved by the Tribal Gaming Board before it is placed in service.

7.14 Gaming chips and other tokens of value may be sold and redeemed only by the gaming operator and only for full value.

7.15 Every licensed gaming operation shall maintain and keep for not less than seven (7) years permanent books of accounts and records, including inventory records of gaming supplies, sufficient to establish the gross and net income, deductions, expenses, receipts and disbursements of the enterprise.

7.16 A gaming operator who conducts a gaming activity on premises or at a location in which he does not have a legal ownership interest shall file with the Tribal Gaming Board, prior to conducting any gaming activity at such premises, a written agreement, attested to by both the gaming operator and the owner of such site, setting forth the terms under which he is permitted the use of such site.

(A) Such agreement shall contain all of the following information:

- (1) The name of the legal owner of the site. If the gaming operator is to be a sub-lessee, then the name of the lessee must also be included.
- (2) The name and gaming license number of the gaming operator.
- (3) The term of such use of the site.
- (4) The monetary consideration to be paid for such use of the site, if any.
- (5) A precise description of the premises.
- (6) A prohibition of advertising of the gaming activity by the owner.
- (7) The following provision:

"The (grantor/lessor) hereby agrees that neither (he/she), (his/her) spouse, nor any employee or agent of the (grantor/lessor) shall participate in the selling, distributing, conducting, assisting or participating in gaming activity at the site herein (granted/leased) without the prior written approval of the Tribal Gaming Board.

(B) Any rent or lease provision of such agreement shall include a fixed monthly rental dollar amount unless otherwise approved in writing by the Tribal Gaming Board.

(C) A graduated lease rate for use of the site is prohibited unless approved in writing by the Tribal Gaming Board.

(D) Other remuneration, in lieu of money, for use of the site is prohibited unless approved in writing by the Tribal Gaming Board.

(E) A percentage lease rate for use of the site is prohibited unless approved in writing by the Tribal Gaming Board.

(F) No game of chance shall be operated in conjunction with the conduct of the grantor's business operation unless approved in writing by the Tribal Gaming Board.

(G) Any re-negotiated agreement shall be submitted to the Tribal Gaming Board for approval prior to its effective date.

7.17 There shall be no sale of liquor at any gaming site without the prior approval of the Tribal Council.

7.18 Consideration for the chance to play in any gaming activity shall only be cash. No other form of consideration shall be allowed unless the Tribal Gaming Board gives prior written approval. Payroll checks, cashier's checks, traveler's checks, money orders, and certified checks may be cashed at the cashier's cage unless previously dishonored checks have been submitted.

7.19 Evidence of any win or loss incurred by a player must, upon request, be provided to such player in such form as will be acceptable to the IRS provided that the gaming operator is required to issue documentation on a particular transaction.

7.20 Each gaming operator shall pay all applicable fees and file all reports required by law within the time prescribed.

7.21 Each gaming operator shall respond immediately to and obey all inquiries, subpoenas or orders of the Tribal Gaming Board, the Tribal Council, the Tribal Court, or the National Indian Gaming Commission.

7.22 Each gaming operator shall prominently display at each gaming site a current, valid tribal gaming license.

7.23 Each gaming operator shall, at all times, maintain an orderly, clean, and neat gaming establishment, both inside and out.

7.24 Each gaming operator shall provide adequate security to protect the public before, during and after any gaming activity.

7.25 Each licensed gaming enterprise shall be subject to patrol by the tribal police force for the purpose of enforcing tribal law, and each gaming operator shall cooperate at all times with the tribal police force.

7.26 Each gaming operator shall make its premises and books and records available for inspection during normal business hours by the Tribal Gaming Board and the Tribal Council or their designee.

7.27 Reserved for future use.

7.28 No gaming operator may discriminate on the basis of sex, race, color, or creed in the conduct of any licensed gaming activity, except as allowed by law.

7.29 Each gaming operator shall keep accurate books and records of all moneys received and paid out and provide the Tribal Gaming Board or its designee with copies of or access to the same upon request.

7.30 All net proceeds of any gaming activity shall be used only in a manner prescribed by this Ordinance.

7.31 Every gaming operator shall comply with all applicable tribal and federal revenue reporting laws.

7.32 Each gaming operator shall immediately suspend any employee who is charged with an offense described in subsection 8.2 (A-AH) or any offense related to the sale, possession, manufacture and or transport of illegal drugs. The gaming operator shall also immediately notify the Tribal Gaming Board in writing of the name of the person and the pending charge and advise the Tribal Gaming Board of the outcome of the case. If the employee is convicted or pleads nolo contendere to the charge, his or her employment shall be terminated.

**Section 8. Enforcement.**

**8.1 Jurisdiction.** Except as provided in this Ordinance, in any tribal-state compact, and under the IGRA, the Tribal Court shall have jurisdiction over all violations of this Ordinance.

**8.2 Prohibited Acts.** In addition to other civil and criminal offenses provided for in this Ordinance, or under other applicable law the following acts are prohibited and subject any violator to the civil or criminal penalties specified herein:

(A) Operating or in any way participating in any on-reservation gaming activity which is not authorized by this Ordinance.

(B) Knowingly making a false statement in an application for employment with any gaming operator or with the Tribal Gaming Board.

(C) Knowingly making a false statement in connection with any contract to participate in any gaming activity.

(D) Attempting to bribe any person participating in any gaming activity.

(E) Offering or accepting a loan, financing or other thing of value between a Tribal Gaming Board Director or employee and any person participating in any gaming activity.

(F) Promoting or participating in any illegal gaming activity.

(G) Failing to keep sufficient books and records to substantiate receipts, disbursements and expenses incurred or paid from any gaming activity authorized pursuant to this Ordinance.

(H) Falsifying any books or records which relate to any transaction connected with any gaming activity pursuant to this Ordinance.

(I) Conducting or participating in any gaming activity which in any manner results in cheating or misrepresentation, or which allows any other disreputable tactics which detract from the fair nature and equal chance of participation between gaming players, or which otherwise creates an advantage over and above the chance of such gaming activity and which affects its outcome.

(J) To allow or participate in the sale of liquor at gaming sites when such sale is prohibited by tribal law.

(K) To accept consideration other than money or other approved consideration for the chance to play or participate in any gaming activity.

(L) To knowingly use bogus or counterfeit chips or charitable gaming tickets, or to substitute or use any cards, charitable gaming tickets or gaming equipment that has been marked or tampered with.

(M) To employ or possess on Hannahville Indian Community Reservation or trust lands any cheating device or to facilitate cheating in any gaming activity.

(N) To willfully use any fraudulent scheme or technique to change the odds of any game of chance.

(O) To solicit, directly or indirectly, or to use inside information on the nature or status of any gaming activity for the benefit of any person.

(P) To tamper with a gaming device or attempt to conspire to tamper or manipulate the outcome or the payoff of a gaming device, or otherwise interfere with the proper functioning of a gaming device.

(Q) To alter or counterfeit a gaming license.

(R) To aid, abet, or conspire with another person knowingly or knowingly to cause any person to violate any provision of this Ordinance or any rules and regulations adopted thereunder.

(S) To operate, use or make available to the public any illegal gaming device, apparatus, material, or equipment.

(T) To sell, hold out for sale or transport into or out of the jurisdiction of the Tribe any illegal gaming device, apparatus, material, or equipment.

(U) To assist or allow a person who is under age to participate in any gaming activity.

(V) To possess any illegal narcotics or controlled substances on any licensed gaming site.

(W) To steal or attempt to steal funds or other items of value from any gaming establishment or from the Tribal Gaming Board.

(X) To employ any person at a licensed gaming establishment whom the gaming operator knows has been convicted of a gaming crime or a crime of fraud.

(Y) To conspire with or induce any person to violate any of the provisions of this Ordinance or any tribal or federal law.

(Z) Reserved for future use.

(AA) No gaming operator or any of his employees or agents shall knowingly engage in any act, practice, or course of operation which could result in a fraud or deceit upon any person, enterprise or entity.

(AB) To knowingly use bogus or counterfeit chips or charitable gaming tickets, or to substitute or use any game, cards, or charitable gaming tickets that have been marked or tampered with.

(AC) To employ or have on the Reservation any device to facilitate cheating in any game of chance.

(AD) To use any fraudulent scheme or technique knowingly, or to solicit, provide, or receive inside information about any gaming activity with the intent of benefiting any person.

(AE) **Repealed.**

(AF) To aid, abet, or conspire with another person knowingly or to cause any person to violate any provision of this Ordinance or other applicable law.

(AG) To take, solicit or encourage any action which undermines the integrity of any game of chance.

(AH) No gaming operator shall employ any person who has been convicted of or entered a plea of no contest to a crime of theft, embezzlement, fraud, a gaming crime or any other crime which, if perpetrated on the operator's premises would threaten the fairness or integrity of the game or create a threat to the public, unless a current certificate of rehabilitation has been issued to that person.

**8.3 Criminal Violation.** Any Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any order or decision of the Tribal Gaming Board, shall be guilty of a crime and may be required to pay a fine not to exceed \$5,000 and/or be incarcerated for a period not to exceed one (1) year. Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance. In addition, the defendant may be held liable in restitution for all damages reasonably proven in connection with the violation.

**8.4 Civil Violation.** Any non-Indian who violates or fails to comply with any provision of this Ordinance, or who fails or neglects to comply with any order of the Tribal Gaming Board, shall be liable for a civil fine not to exceed \$5,000 for each violation thereof. Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Ordinance. The amount of any such civil fine may be recovered in a civil action in the Tribal Court. In addition, the defendant may be held liable in restitution for all damages reasonably proven in connection with the violation. If federal law is subsequently amended to allow prosecution of non-Indians by the Tribe, then section 8.3 shall apply to all persons without further amendment.

**8.5 Cumulative Fines.** All civil fines accruing under this Ordinance shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, judgment, penalty, forfeiture or damages, nor bar the power of the Tribal Court to punish for contempt, nor bar any criminal prosecution.

**8.6 Purpose of Civil Penalties.** The civil fines imposed under this Ordinance are intended to be remedial and not punitive and are designed to compensate the Tribe for the damage done to the peace, security, economy and general welfare of the Tribe and the Reservation, and to compensate the Tribe for costs incurred by the Tribe in enforcing this Ordinance. The civil fines under this Ordinance are also

intended to encourage all persons to comply with this Ordinance and Tribal Gaming Board regulations and not to punish such people for violation of such laws and regulations.

**8.7 Civil Action for Penalties.** In enforcing the civil infraction provisions of this Ordinance, the Tribal Gaming Board shall proceed, in the name of the Tribe, against a person for violation of such provision by civil complaint pursuant to the provisions of this Ordinance. The Tribal Gaming Board in such action shall have the burden of showing, by the preponderance of the evidence, that such person violated the applicable provision of this Ordinance.

**8.8 Seizure and Forfeiture of Property.** All property utilized in violation of this Ordinance shall be subject to seizure by order of the Tribal Court. Prejudgment attachment of property in lieu of cash bond shall also be allowed where necessary to secure the Court's jurisdiction and/or enforcement of an anticipated judgement. A hearing shall be held forthwith on any ex parte attachment procedures.

**8.9 Reporting of Offenders.** The Clerk of the Tribal Court shall, upon final conviction of any person under this subsection, report the name of the person convicted to the Tribal Gaming Board.

**Section 9. Operation of Tribally-Owned or Tribally-Operated Games.**

**9.1 Management by a General Manager.**

(A) The Tribal Council shall appoint one person who shall serve as General Manager at each of its tribally-owned or tribally-operated gaming establishments. The General Manager shall undergo a background check by the Tribal Gaming Board and shall obtain an employee gaming license. The Tribal Council shall be the direct supervisor of the General Manager. The Tribal Council shall retain the power to appoint, suspend, or dismiss the General Manager.

(B) The General Manager shall be responsible for managing and overseeing the day-to-day operations of the gaming operation. The General Manager shall have such authority as the Tribal Council may delegate. The General Manager shall propose to the Tribal Council an employee complaint process through the management up to the Tribal Council or a representative board of the Tribal Council.

(C) The General Manager shall provide a written monthly report to the Tribal Council and the Tribal Gaming Board which details the number of patrons served, the amount of income generated, the numbers of employees working at the establishment, a detailed description of any patron complaints and other problems experienced at the establishment, also a written statement of any changes in key employees or primary management officials and all bills which are thirty (30) days or more past due.

(D) The General Manager shall propose and the Tribal Gaming Board shall approve a patron's complaint process. Each tribally-owned and tribally-managed gaming establishment shall post at least one sign in each gaming room informing patrons that they may file any complaints that they have directly with the Tribal Gaming Board, and advising them of the Tribal Gaming Board's address and phone number.

(E) The General Manager shall be personally responsible for seeing that the gaming enterprise is managed in accordance with tribal and federal law and that the gaming activity complies with all IRS reporting requirements.

**9.2 Use of Net Revenues of Tribally-Owned or Tribally-Operated Gaming Enterprises.**

(A) All net proceeds of a tribally-owned or tribally-operated gaming enterprise shall be held in the name of the Tribe. Such net proceeds may only be expended by the Tribal Council by resolution and only for the following purposes:

- (1) To fund tribal government operations or programs.
- (2) To provide for the general welfare of the Tribe and its members.
- (3) To promote tribal economic development.

- (4) To donate to charitable organizations.
- (5) To help to fund operations of local government agencies.

(B) If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only under the existing per capita ordinance that has been submitted to and approved by the Bureau of Indian Affairs or any subsequent per capita ordinance that may be approved.

### **9.3 Audit Requirements.**

(A) The Tribal Council, Tribal Gaming Board and the General Manager of each tribally-owned or tribally-operated gaming establishment shall obtain an annual independent audit of each gaming enterprise. A copy of the audit shall be provided to the National Indian Gaming Commission.

(B) Each contract for supplies, services (other than legal and accounting services) or concessions for a contract amount in excess of \$25,000.00 annually shall be subject to an independent audit. A copy of the audit will be provided to the Tribal Gaming Board, the Tribal Council and the National Indian Gaming Commission.

### **9.4 Management Contracts.**

(A) Each management contract shall fully comply with and is subject to the prior approval of the National Indian Gaming Commission.

(B) Each management contract shall be approved by the Council with the advice and comment of the Tribal Gaming Board. Before giving final consideration to any proposed management contract the Council shall direct the Tribal Gaming Board to obtain the following information and submit it to the Council for review:

(1) Background information on the proposed management contractor including: its name, its address, the names and addresses of each person or entity having a direct financial interest or management responsibility for the proposed management contractor, and in the case of a corporation the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly ten (10) percent or more of its issued or outstanding stock. Background information shall fully comply with 25 CFR 537.1 et seq. and 25 USC §2706(b)(10), §2710(d)(9) and §2711 and other applicable law.

(2) A description of any previous experience that each person listed in subsection 9.4 (B)(1) above has had with other gaming contracts with Indian tribes and gaming activity or operation wherever located including the name and address of any tribal government or licensing agency with which such person has had a contract license, permit, or other agreement relating to gaming.

(3) A complete financial statement of each person listed in subsection 9.4(B)(1) above.

(4) The Tribal Gaming Board shall contact each of the tribal governments and licensing agencies in Subsection 9.4(B)(2) to determine the performance history of the proposed management contractor.

(5) The Tribal Gaming Board shall arrange to have each proposed management contractor investigated to learn of his personal attributes and to determine whether he has prior criminal records or any pending criminal charges.

(6) The Tribal Gaming Board shall obtain an independent verification of the completed financial statements of each such proposed management contractor.

(7) The Tribal Gaming Board shall undertake any additional steps it can to determine the character and reputation of each proposed management contractor.

(8) If the Tribal Gaming Board, after reviewing the above described information still desires to enter into a management contract with the proposed management contractor, such management contract shall be placed in writing and submitted to legal counsel for review before the Board approves it.

(C) Any management contract approved by the Council must include at a minimum the following with respect to the gaming enterprise to which the contract is applicable:

(1) A provision requiring a monthly financial accounting of the gaming enterprise's income and expenses. Such reports shall be prepared by an independent auditor who is mutually acceptable to the Tribe and the management contractor.

(2) A provision providing the Tribe absolute access to the daily operation of the gaming enterprise and to its books, and the Tribe's absolute right to verify the daily gross revenues of the gaming enterprise at any time.

(3) A provision guaranteeing the Tribe a minimum guaranteed payment which shall always take precedence over the management contractor's right to recoup development and construction costs.

(4) An agreed upon ceiling for the management contractor's development and construction costs.

(5) A provision that the contract shall not exceed seven (7) years.

(6) A provision for termination of the contract and the grounds for termination.

(D) If the Council is satisfied with the information it receives it shall submit its proposed contract along with all of the above described information to the Chairman of the National Indian Gaming Commission for approval. Any management contract shall comply with the requirements of 25 CFR part 531.1 et seq. and 25 USC §2706(b)(10), §2710(d)(9), and §2711 and other applicable laws.

(E) All persons who possess an ownership interest or management position in the proposed management contract shall apply for a gaming employee license under this Ordinance. No management contract shall be approved by the Tribal Gaming Board until all gaming employee license applications have been reviewed and the Tribal Gaming Board has submitted written findings on such application to the Council.

(F) If the Council is satisfied with the information it receives it shall submit the proposed contract along with all of the above described information to the Chairman of the National Indian Gaming Commission for approval.

**9.5 Additional Requirements for Operation of Tribally-Owned or Tribally-Operated Games.**

(A) Each tribally owned or tribally operated gaming facility shall carry sufficient liability insurance to protect the public in the event of an accident. The Tribal Council shall determine the amount of liability insurance required for each gaming facility.

(B) Each tribally owned or tribally operated gaming activity shall post the rules of play of each game in a conspicuous place where gaming is conducted and shall make written copies of such rules available to any member of the general public upon request.

**Section 10. Authorized Games.**

Consistent with applicable law, the Tribe authorizes the licensing of the following games of chance:

(A) Bingo, pull tabs, and other Class II games.

(B) Twenty-one or Blackjack.

(C) Poker.

(D) Red Dog.

(E) Big Six Wheel.

(F) All other games of chance that may be authorized under a tribal-state gaming compact with the State of Michigan pursuant to the IGRA.

## **Section 11. Patron Disputes**

### **(A) Refusal to Pay Winnings**

Whenever an operator refuses payment of alleged winnings to a patron, and the operator and the patron are unable to resolve the dispute to the satisfaction of the patron, and the dispute involves:

- (1) At least Five Hundred Dollars (\$500.00), the operator shall immediately notify the Gaming Board. The Gaming Board shall conduct whatever investigation it deems necessary and shall determine within ten (10) days of notification whether payment should be made; or
- (2) Less than Five Hundred Dollars (\$500.00), the operator shall inform the patron of his/her right to request that the Gaming Board conduct an investigation. The patron shall request an investigation within five (5) days of the payment refusal. Upon receipt of such request, the Gaming Board shall conduct whatever investigation it deems necessary and shall determine within seven (7) days whether payment should be made.

### **(B) Notice to Patrons**

The Gaming Board shall mail written notice by certified mail, return receipt requested, to the operator and the patron of the decision resolving the dispute.

### **(C) Effective Date of Decision**

The decision of the Gaming Board is effective on the date it is received by the aggrieved party, as reflected on the return receipt.

### **(D) Review of Decision**

Within twenty (20) days after the date of receipt of the written decision, the aggrieved party may file a petition with the Gaming Board requesting a review of the decision. The Gaming Board may set a hearing on the matter or may make a decision based upon the prior decision and other documentation provided to it by the patron and operator as part of the request for review. The Gaming Board shall then issue a written decision and mail it to the parties pursuant to the procedures set forth in subsection (B) above. The decision of the Gaming Board shall be final and binding upon the patron and operator, and shall not be subject to judicial review, dispute resolution, or other legal action.

**Section 12. Technical Standards for Electronic Games of Chance.**

**(A) Hardware and Software Requirements**

Any electronic game of chance installed in a facility licensed by the Gaming Board shall meet the hardware and software technical standards of either the State of Nevada or the State of New Jersey.

**(B) Certification**

Each electronic game of chance, or a prototype thereof, shall be tested, approved and certified by a gaming test laboratory as meeting the requirements of section (A) prior to its installation in a facility licensed by the Gaming Board. The Gaming Board shall accept such certification from any laboratory operated by or under contract with the States of Nevada or New Jersey.

**(C) Testing of Games of Chance**

If required by the gaming test laboratory, the Gaming Board shall require the manufacturer or distributor of an electronic game of chance to transport not more than two (2) working models of such game and related equipment to a location designated by the laboratory for testing, examination and analysis. The manufacturer or distributor shall pay for any and all costs for the transportation, testing, examination and analysis. Said testing may include the entire dismantling of the electronic game of chance and related equipment, and some tests may result in damage or destruction to one or more electronic components of the devices. If required by the laboratory, the manufacturer shall provide specialized equipment or the services of an independent technical expert to assist with the testing, examination and analysis.

**(D) Manufacturer/Distributor Certification of Conformity**

The manufacturer or distributor of each electronic game of chance which is proposed to be installed in the facility licensed by the Gaming Board shall certify, in writing, that upon such installation, each electronic game of chance:

- (1) conforms precisely to the exact specification of the electronic game of chance prototype tested and approved by the gaming test laboratory; and
- (2) operates and plays in accordance with the technical standards adopted in section (A), above.

**(E) Information on Each Game to be Maintained**

Prior to installation of an electronic game of chance in a facility licensed by the Gaming Board, the manufacturer or distributor shall report to the Gaming Board the following information for each such game, including, but not limited to:

- (1) the type of electronic game of chance;
- (2) the game's serial number;
- (3) the game's manufacturer;

- (4) the person from whom the game was acquired, the means by which the game was transported into the State of Michigan, and the name and street address of any common carrier or other person transporting the game;
- (5) the certification required under section (D), above;
- (6) the Erasable Programmable Read Only Memory (EPROM) chip's identification number;
- (7) the location in which the game will be placed; and
- (8) the date of installation.

**(F) Notification of Removal from Play**

Upon removal of an electronic game of chance from a facility licensed by the Gaming Board, the operator shall report in writing to the Gaming Board the following:

- (1) the date on which the game was removed;
- (2) the game's destination; and
- (3) the name of the person to whom the equipment is to be transferred, including the person's street address, business and home telephone numbers; the means by which the game is to be transported and the name and street address of any common carrier or other person transporting the game.