

NATIONAL
INDIAN
GAMING
COMMISSION

MAY 19 1994

JoAnn Jones, Chairperson
Wisconsin Winnebago Business Committee
P.O. Box 667
Highway 54 East
Black River Falls, Wisconsin 54615

Dear Chairperson Jones:

This letter responds to your request to review and approve the tribal gaming ordinance of the Wisconsin Winnebago Nation (the Nation) as amended and restated on April 9, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Thank you for submitting the ordinance of the Wisconsin Winnebago Nation for review and approval. The NIGC staff and I look forward to working with you and the Nation in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman



Wisconsin Winnebago Business Committee

Governing Body of the Wisconsin Winnebago Nation

ADOPTION OF AMENDED AND RESTATED GAMING ORDINANCE

RESOLUTION NO. 4/9/94-C

- WHEREAS, the Wisconsin Winnebago Tribe ("Tribe") is a federally recognized Indian tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS, the governing body of the Tribe is the Wisconsin Winnebago Business Committee ("WWBC"), pursuant to Article IV, Section 1 of the approved Constitution and Bylaws; and
- WHEREAS, Article X, Section 1(g) and (p) of the Constitution and Bylaws empowers the Tribe, through the WWBC, to manage any and all economic affairs and enterprises of the Tribe and to charter subordinate organizations for economic purposes and to regulate such economic affairs and enterprises and to regulate the activities of such subordinate organizations by ordinance or resolution; and
- WHEREAS, the WWBC enacted a Gaming Ordinance on October 7, 1989; and
- WHEREAS, the WWBC enacted an Amended Gaming Ordinance on June 26, 1992; and
- WHEREAS, the WWBC enacted an Amended and Restated Gaming Ordinance on November 11, 1992, which provided for amendments to the Gaming Ordinance to provide, among other provisions, for the reconstitution of the Gaming Commission as a body appointed by the WWBC and for the operation and regulation of electronic games of chance, blackjack and other Class III games pursuant to the Compact as well as all forms of Class II games; and
- WHEREAS, pursuant to requirements of federal law and the Bureau of Indian Affairs ("BIA"), the WWBC, through its attorneys, submitted the Amended Gaming Ordinance to the BIA for approval; and
- WHEREAS, representatives of the BIA have requested that certain changes be made to the Amended Gaming Ordinance as a condition of its approval of the Ordinance; and
- WHEREAS, since the enactment of the Amended Gaming Ordinance, the National Indian Gaming Commission ("NIGC") has published proposed regulations regarding gaming ordinances that are likely to be finalized in the near future containing substantially similar provisions; and
- WHEREAS, in furtherance of its powers described above, the WWBC has considered the attached Amended and Restated Gaming Ordinance of the Winnebago Tribe containing amendments to the Amended Gaming Ordinance needed to address the requests of the BIA and conform with anticipated requirements of final regulations of the NIGC; and
- WHEREAS, the adoption of the Amended and Restated Gaming Ordinance of the Winnebago Tribe attached hereto is in the best interests of the Tribe; and

EXECUTIVE OFFICES

P.O. Box 667 • Highway 54 East • Black River Falls, WI 53615

NOW, THEREFORE BE IT RESOLVED, that the WWBC hereby adopts the Amended and Restated Gaming Ordinance of the Winnebago Tribe attached hereto, effective as of the date of this Resolution, to amend and supersede the Gaming Ordinance adopted on October 7, 1989, the Amended Gaming Ordinance adopted on June 26, 1992, and the Amended and Restated Gaming Ordinance adopted on November 11, 1992.

CERTIFICATION

I, the undersigned, as Secretary of the Wisconsin Winnebago Business Committee, hereby certify that the Wisconsin Winnebago Business Committee composed of 12 members, of whom 12 constituting a quorum were present at a meeting duly called and convened this 9th day of April 1994, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members, 1 opposed, and 1 abstaining, and that said resolution has not been rescinded or amended in any way.

Terri A. Hancock
Terri A. Hancock
Tribal Secretary

4-9-94
Date

**AMENDED AND RESTATED
GAMING ORDINANCE
OF
THE WISCONSIN WINNEBAGO NATION**

The Wisconsin Winnebago Nation ("Nation"), a federally recognized Indian tribe does hereby ordain as follows:

CHAPTER 1. GENERAL PROVISIONS AND PURPOSE

Sec. 101. This Ordinance shall be known as the Amended and Restated Gaming Ordinance of the Wisconsin Winnebago Nation ("Ordinance"), amending and superseding the gaming ordinance adopted on October 7, 1989, and the amended gaming ordinances adopted June 26, 1992 and November 11, 1992.

Sec. 102. This Ordinance is enacted to:

- (a) Provide a statutory basis for the operation of gaming by the Nation as a means of promoting tribal economic development, self-sufficiency and a strong tribal government; and
- (b) Provide appropriate regulations and rules which shall be enforced throughout the jurisdiction of the Nation to ensure the close control by the Wisconsin Winnebago Business Committee, the Nation's governing body ("WWBC"), of all phases of the conduct of gaming operations on the Nation's Lands.

Sec. 103. The Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance or conducted on the Nation's Lands.

Sec. 104. The regulations and rules set forth in this Ordinance shall govern all gaming operations conducted on the Nation's Land. To the extent that the Nation's existing or subsequently adopted personnel manuals, policies and procedures are inconsistent with this Ordinance, this Ordinance shall supersede such personnel manuals, policies and procedures.

Sec. 105. This Ordinance may be amended by a majority of the WWBC at any time at a duly called meeting at which a quorum is present

CHAPTER 2. DEFINITIONS

For purposes of this Ordinance:

Sec. 201. "Applicant" means any person having on file with the Commission an application for a gaming license.

Sec. 202. "Application" means the completed forms and information requested by the Commission for issuance of a Gaming License.

Sec. 203. "Class II gaming" means Class II gaming as defined in accordance with the IGRA, 25 U.S.C. §2703(7)(A).

Sec. 204. "Class III gaming" means Class III gaming as defined in accordance with the IGRA, 25 U.S.C. §2703(8).

Sec. 205. "Commission" means the Winnebago Gaming Commission established pursuant to Chapter 8 of this Ordinance.

Sec. 206. "Compact" means any compact between any state and the Nation entered into pursuant to the IGRA, including any amendments thereto.

Sec. 207. "Gaming Facilities" means the buildings and associated real property within which the Nation conducts Class II and Class III gaming and other associated commercial activity related to such gaming.

Sec. 208. "Gaming Operations" means all of the Nation's Class II and Class III gaming operations conducted pursuant to this Ordinance. "Gaming Operation" means an economic entity that is licensed by the Nation, operates the games, receives the revenues, issues the prizes and pays the expenses.

Sec. 209. "General Manager" means the individual who has responsibility for day-to-day operations of a Gaming Operation.

Sec. 210. "IGRA" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §§ 2701, et seq., including any amendments thereto. Where appropriate, "IGRA" also means regulations duly promulgated by the NIGC under the IGRA which are valid interpretations of the IGRA.

Sec. 211. "Key Employees" means the General Managers and the following persons:

- (a) All persons performing one or more of the following functions in any of the Gaming Operations:
- (i) bingo caller;
 - (ii) counting room supervisor;
 - (iii) chief of security;
 - (iv) all persons employed to perform security, surveillance, or compliance activities;
 - (v) custodian of gaming supplies or cash;
 - (vi) floor manager;
 - (vii) pit boss;
 - (viii) dealer;
 - (ix) croupier;
 - (x) approver of credit;
 - (xi) custodian of gaming devices including persons with access to cash and accounting records within such devices;
 - (xii) any person having possession, control or access to keys or other means of access to secure areas of a Gaming Facility; and
 - (xiii) couriers transporting cash or gaming receipts.
- (b) If not otherwise included, any other person whose total compensation exceeds \$50,000 per year; or

- (c) If not otherwise included, the four most highly compensated persons in each Gaming Operation.

Sec. 212. "License" means a privilege granted for a limited period of time to a person or entity to perform certain acts; a License shall not convey any property or liberty interest to the licensee.

Sec. 213. "Management Contract" means any contract, subcontract or collateral agreement between the Nation and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of any Gaming Operation. For purposes of this Ordinance, "collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Nation (or any of its members, entities or organizations) and a management contractor or subcontractor (or any person related to a management contractor or subcontractor), within the meaning of 25 CFR § 502.5.

Sec. 214. "Nation" means the Wisconsin Winnebago Nation, any of its subdivisions, enterprises, agencies or instrumentalities, subdivisions of such enterprises, agencies or instrumentalities, corporations chartered under federal, state or tribal law which are wholly owned by any of the foregoing, and authorized officials, agents and representatives of any of the foregoing.

Sec. 215. "Nation's Lands" means:

- (a) All lands within the limits of the Wisconsin Winnebago Nation reservation;
- (b) All lands held in trust by the United States for the benefit of the Nation as of October 17, 1988; and
- (c) All lands which may be acquired in trust by the United States for the benefit of the Nation after October 17, 1988, over which the Nation exercises governmental power, and which meet the requirements of sec. 20 of the IGRA, 25 U.S.C. § 2719.

Sec. 216. "NIGC" means the National Indian Gaming Commission established pursuant to the IGRA, 25 U.S.C. § 2704.

Sec. 217. "Net revenues" means gross revenues of a Gaming Operation less amounts paid out as, or paid for, prizes and total gaming-related operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711(c).

Sec. 218. "Ordinance" means this Gaming Ordinance.

Sec. 219. "Owner or Controlling Person" means:

- (a) Any natural person having a direct financial interest in any Management Contract;
- (b) When a trust is a party to a Management Contract, any beneficiary or trustee;
- (c) When a partnership is a party to a Management Contract, any partner;
- (d) When a corporation is a party to a Management Contract, any person who is an officer or director or who holds at least five (5) percent of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
- (e) With respect to any entity with an interest in a trust, partnership or corporation that has an interest in a Management Contract, all beneficiaries, trustees, partners, directors or five (5) percent shareholders of such entities.

Sec. 220. "Person" means any individual or entity, including any corporation or general or limited partnership.

Sec. 221. "Premises" or "Licensed Premises" means any place, facility, or location on the Nation's Lands at which Class II or Class III gaming is conducted.

Sec. 222. "Primary Management Official" means:

- (a) The person or persons designated in any Management Contract pursuant to Sec. 303 of this Ordinance as having management responsibility of all or any part of any Gaming Operation;
- (b) Any person who has authority:
 - (i) To hire and fire employees of a Gaming Operation; or
 - (ii) To set up working policy for a Gaming Operation; or
- (c) The chief financial officer or other person who has immediate financial management responsibility for any Gaming Operation.

Sec. 223. A "Relative" of a person, for purposes of this Ordinance only, includes any of the person's spouse, son or daughter, (including adopted children), brother, sister, mother, father, grandmother, grandfather, grandson, or granddaughter.

Sec. 224. "WWBC" means the Wisconsin Winnebago Business Committee, the governing body of the Nation duly elected in accordance with the Constitution and By-Laws of the Nation.

Sec. 225. "Wisconsin Gaming Commission" means the State of Wisconsin Gaming Commission or its successor, and its authorized officials, agents or representatives.

CHAPTER 3. AUTHORIZATION OF GAMING ACTIVITIES

Sec. 301. Authority for Class II gaming. The Nation shall be authorized to conduct all forms of Class II gaming on the Nation's Lands.

Sec. 302. Authority for Class III gaming. The Nation shall be authorized to conduct the following types of Class III gaming on the Nation's Lands:

- (a) Electronic games of chance with video facsimile displays;
- (b) Electronic games of chance with mechanical displays;
- (c) Blackjack;
- (d) Pull-tabs or break-open tickets when not played at the same location where bingo is being played; and
- (e) Any other type of Class III gaming conducted pursuant to the terms of the Compact.

The Compact is hereby incorporated within and enacted as an integral part of this Ordinance with respect to all forms of Class III gaming as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation by the Nation of any Class II gaming, whether conducted within or without the Gaming Facilities, or to confer upon any state any jurisdiction over such Class II gaming conducted by the Nation on the Nation's Lands.

Sec. 303. Authority for Management and Other Contracts. The Nation may enter into any contracts or other agreements to further its gaming interests, including one or more Management Contracts. Each Management Contract shall designate the person or persons having responsibility for management of all or part of any Gaming Operation. Management Contracts and other gaming-related contracts shall contain such provisions as are required under the IGRA and the Compact, shall be submitted to the NIGC or other appropriate federal regulatory body for approval as required by the IGRA, and shall be submitted to the Wisconsin Gaming Commission if required by the Compact. Except as provided in the contract, all such contracts shall be effective pending review or receipt of required approvals by the NIGC, or any other appropriate federal regulatory body.

CHAPTER 4. CONFORMANCE WITH IGRA

This Ordinance shall be construed in a manner which conforms to the IGRA in all respects, and if inconsistent with the IGRA in any manner, the provisions of the IGRA shall govern.

CHAPTER 5. STANDARDS OF OPERATION AND MANAGEMENT

Sec. 501. Class II games. The WWBC shall adopt standards of operation and management for bingo and other Class II games and, pending such adoption, may impose such interim standards as it may determine necessary to protect the integrity of such games. The standards of operation and management for Class II games shall provide, at a minimum, that:

- (a) No person under the age of 18 shall be permitted to participate in any Class II gaming operations as an employee, contractor or player.
- (b) The rules by which the game will be conducted and the winner or winners determined will be established in advance of the game and shall be visibly displayed or available in pamphlet form in the Gaming Facility.

Sec. 502. Class III games. The standards of operation and management for Class III games shall be those set forth in the Compact. The WWBC may adopt standards of operation and management for Class III games that are no less stringent than, or not otherwise inconsistent with, the Compact.

CHAPTER 6. NET REVENUES FOR AUTHORIZED PURPOSES

Sec. 601. The net revenues from any games shall be exclusively devoted to the purposes authorized by the WWBC.

Sec. 602. The net revenues are not to be used for purposes other than:

- (a) to fund tribal government operations or programs;
- (b) to provide for the general welfare of the Nation and its members;
- (c) to promote tribal economic development;

- (d) to donate to charitable organizations; or
- (e) to help fund operations of local government agencies.

Sec. 603. Net revenues may be used to make per capita payments to members of the Nation, as permitted under the IGRA. Per capita payments shall be made only pursuant to a plan established by a resolution or ordinance adopted by the WWBC, which resolution or ordinance shall be approved by the Secretary of the Interior as required under the IGRA. The interests of minors and other legally incompetent persons who are entitled to receive per capita payments will be protected and preserved as required by the IGRA.

CHAPTER 7. PUBLIC SAFETY STANDARDS

The construction and maintenance of any Gaming Facilities, and the Gaming Operations, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of the Compact and all applicable health, safety and environmental standards enacted by the Nation. Those public health and safety standards for public buildings, electrical wiring, fire protection, plumbing and sanitation that are set forth in ch. 101, Wis. Stats. and the administrative rules adopted thereunder, including but not limited to chs. ILHR 14 (Fire Prevention), 16 (Electrical Wiring), 28 (Smoke Detectors), 160 (Existing Buildings), 162 (Theaters and Assembly Halls), and 81-86 (Plumbing), Wis. Adm. Code as they may be amended from time to time, shall be deemed to be incorporated by this Ordinance as the laws of the Nation applicable to the Nation's Gaming Facilities located in the State of Wisconsin.

CHAPTER 8. WINNEBAGO GAMING COMMISSION

Sec. 801. Establishment of Commission.

- (a) There shall be established a Wisconsin Winnebago Gaming Commission consisting of five Commissioners appointed by the WWBC in the manner hereinafter described, one from each of the five designated Areas of the Nation. In the absence of a duly constituted Commission, the Commission shall be the WWBC.

- (b) In the case of the initial Commission constituted upon the adoption of this Ordinance, the WWBC shall appoint to the Commission any person duly elected to serve as a Commissioner on the Commission established pursuant to the terms of the Gaming Ordinance enacted on October 7, 1989 ("Prior Ordinance"), whose elected term has not expired under the terms of the Prior Ordinance, and who is willing to serve and satisfies all of the qualifications set forth in Sec. 802 of this Ordinance. If any such person whose elected term has not expired under the terms of the Prior Ordinance is not willing or qualified to serve, the Alternate Commissioner elected pursuant to the Prior Ordinance shall be appointed to the initial Commission, if he or she is willing and qualified to serve. Any previously elected person appointed to the initial Commission shall serve for a term of either four years or two years as specified in Sec. 803.
- (c) Except as provided in Sec. 801(b), each Commissioner shall be appointed by a majority of the WWBC acting at a duly convened meeting. The WWBC encourages all persons who wish to serve on the Commission and who meet the qualifications set forth in Sec. 802 to apply to the WWBC for appointment to the Commission. In furtherance of this goal, the WWBC shall notify members of the Nation of any vacancies on the Commission under such notice provisions as it deems appropriate, and the members of the WWBC shall actively recruit qualified applicants from their respective Areas. The WWBC shall establish such application procedures as it deems appropriate for members of the Nation interested in serving on the Commission.

Sec. 802. Qualifications. In order to qualify for appointment to the Commission, an applicant must satisfy all of the following requirements:

- (a) Be an enrolled member of the Nation.
- (b) Be age 21 or older.

- (c) Have at least a high school or GED equivalent education and have knowledge of or experience in the gaming industry.
- (d) Have no prior criminal record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any tribal, county, state or federal court, unless he or she has been pardoned:
 - (i) A felony.
 - (ii) Any gaming-related offense.
 - (iii) Fraud or misrepresentation in any connection.
 - (iv) A violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the Wisconsin Gaming Commission, or this Ordinance or any other ordinance of the Nation regulating or prohibiting gaming.
- (e) Not be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.
- (f) Not be serving on the WWBC or any elected or appointed committees of the Nation at the time of his or her appointment to, or during his or her term of office on, the Commission. This prohibition does not include persons serving on Area or local committees.
- (g) Not be a Relative of any member of the WWBC.
- (h) Not be employed by any Gaming Operation .
- (i) Not be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract, and not be a Relative of a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.

Sec. 803. Term; Quorum. The Commissioners each shall serve for a term of four years commencing on July 1 of the year of their appointment; provided, that three of the initial Commissioners appointed shall be designated by the WWBC to serve for an initial term of four years and two of the initial Commissioners appointed shall be designated by the WWBC to serve for an initial term of two years, based on a drawing of lots by the WWBC. Any three of the Commissioners present at a meeting duly called shall constitute a quorum.

Sec. 804. Compensation. Commissioners shall serve on a full-time basis, unless otherwise approved by the WWBC. Commissioners shall be paid the necessary travel expenses for meetings duly called under this Ordinance, in accordance with the established policies and guidelines of the WWBC. Additional compensation, if any, shall be established by the WWBC, in accordance with established policies and guidelines of the WWBC.

Sec. 805. Removal. Any Commissioner may be removed by an affirmative vote of eight members of the WWBC acting at a meeting at which a quorum is present. Such removal shall only be for cause, including malfeasance, dereliction or neglect of duty, unexcused failure to attend three successive meetings of the Commission, failure to continue to meet the qualifications for appointment to the Commission, conviction of a felony in any tribal, county, state or federal court while in office, any willful and persistent misconduct reflecting on the dignity and integrity of the WWBC or the Nation, or failure to comply with any provisions of the Nation's Constitution and Bylaws and other applicable laws. Any Commissioner being considered for removal shall be provided with notice in writing stating the grounds for removal, and he or she shall have 30 days to provide an explanation to the WWBC in person or in writing, which explanation shall be considered by the WWBC in voting on the removal question. All removal questions shall be considered by the WWBC in open session at or after the end of the 30-day notice period at which the Commissioner and his or her attorney shall have the right to be present. Until establishment of a tribal court, all WWBC determinations to remove a Commissioner shall be final. After establishment of a tribal court, judicial review of such WWBC determinations may be obtained by bringing an appeal in tribal court within 15 days after the date of the determination.

Sec. 806. Vacancies. A vacancy on the Commission through death, resignation, or removal from office shall be filled by appointment by the WWBC to complete the unexpired term.

Sec. 807. Powers and duties of Commission. The Commission shall be responsible for enforcing this Ordinance and shall ensure compliance with this Ordinance, any licenses issued, and any actions or orders of the Gaming Commission or WWBC. In addition to other duties specifically delegated to the Commission in this Ordinance, the Commission shall have the following powers and duties:

- (a) The Commission may recommend policies and guidelines relating to gaming, including any amendments to this Ordinance, to the WWBC.
- (b) The Commission shall monitor all Class II and Class III gaming on the Nation's Lands and all monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance and other applicable laws.
- (c) Except as otherwise provided, the Commission shall issue and deny gaming licenses in accordance with Chapter 9 of this Ordinance.
- (d) The Commission or WWBC shall refer any apparent violations of this Ordinance, Orders of the Commission, or violations of License conditions to the Legal Department for investigation as provided under sec. 1403 of this Ordinance.
- (e) The Commission or WWBC may impose penalties for violations of this Ordinance, any Order of the Commission, or any License condition in accordance with Chapter 14 of this Ordinance. The Commission may enjoin or otherwise prevent any violation of this Ordinance, any Order of the Commission, any license condition, or other laws relating to gaming on the Nation's Lands.
- (f) The Commission shall prepare and recommend an annual budget for the purpose of allocating funds to the Commission for its necessary activities and expenses, which must be approved by the Business Committee. The Commission may in accordance with any approved budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance.

- (g) The Commission shall use the Tribal Legal Department as its counsel, or such other counsel to whom the Tribal Legal Department may refer such matters.
- (h) The Commission shall have authority and responsibility to interpret this Ordinance and its rules in proceedings before it.
- (i) The Commission shall have such other powers as are delegated to it from time to time by the WWBC.
- (j) Except as otherwise provided in this Ordinance or any Management Contract, the Commission shall comply with all policies, guidelines, laws, resolutions and regulations of the WWBC.
- (k) Nothing in this section shall prevent the Commission from attempting to obtain voluntary compliance through warning, conference or any other appropriate means.

Sec. 808. Meetings and Hearings of the Commission.

(a) All meetings and hearings of the Commission (except executive sessions) shall be open to all members of the Nation, and to non-members upon invitation of the Commission, the WWBC, or the Nation's General Counsel. Balloting at all sessions shall be as the presiding officer shall direct. The Commission may, upon motion duly passed, go into executive session. At such sessions all persons shall be excluded from the meeting chamber, and any persons whose presence shall be required before the Commission shall be designated by the presiding officer, and no other persons shall be allowed to be present other than the Commissioners.

(b) The Commission shall post notice of any meeting or hearing in a prominent, noticeable place in the Nation's Executive Office no less than 48 hours prior to the meeting or hearing, unless an emergency requires shorter notice, and shall also publish, if possible, such notice at or before the date of

posting in a Nation newspaper, or if a Nation newspaper is not currently in publication, in such other local newspaper serving the local community. The notice shall state the date, time and place of the hearing.

Sec. 809. Commission Rules of Practice and Procedure. Subject to the approval of the WWBC, the Commission may adopt Rules of Practice and Procedure, not otherwise inconsistent with this Ordinance, to regulate its proceedings. Such rules may provide for the issuance of subpoenas, upon application to the Commission, to compel attendance or the production of documents, and for prehearing discovery. Subject to any limitations set forth in this Ordinance, such rules may be amended by the Commission at any time, but amendments shall not be effective until approved by the WWBC.

Sec. 810. Commission Hearings.

- (a) The Commission shall afford an Applicant an opportunity for a hearing prior to any final action by the Commission on a license application.
- (b) The Commission shall afford a Licensee the opportunity for a hearing prior to taking final action resulting on the imposition of any penalties which the Commission is authorized to impose pursuant to this Ordinance or the Commission's Rules of Practice and Procedure.
- (c) Nothing in this section shall limit the Commission's authority to suspend a License summarily without a hearing pursuant to this Ordinance.
- (d) The burden of proving fitness and suitability for a License shall be on the Applicant.
- (e) Where a person or entity is charged with violation of this Ordinance, an order of the Commission, a License condition, the Compact, the IGRA or any other applicable laws, regulations or agreements, including but not limited to any agreement relating to gaming with the Wisconsin Winnebago Nation, the party alleging the violation shall carry an initial burden of establishing a prima facie case

of violation. If the Commission finds that a prima facie case has been established, the burden to rebut the charge shall shift to the person or entity.

Sec. 811. Notices.

(a) Notice of Applications. After an Application has been filed with the Commission, the Commission shall post notice of the Application in a prominent, noticeable place on the premises where the games are to be held for at least seven (7) days prior to consideration by the WWBC or the Commission and shall publish such notice at least once or before the date of posting in a Nation newspaper, or if a Nation newspaper is not in publication, in such other local newspaper serving the community that may be affected by the License as authorized by the Commission. The notice shall state the date, time and place when the Application shall be considered by the WWBC or the Commission and also shall state whether the Applicant is seeking a waiver of any requirements set forth in Sec. 903(a)(iv).

(b) Notice to Applicant or Licensee. The Commission shall provide written notice to the Applicant or Licensee of the hearing at least seven (7) days prior to the date set for the hearing. The notice shall be sent by regular mail, or may be personally served upon the Applicant or Licensee. The notice shall state the date, time and place of the hearing. The notice shall also state the purpose of the hearing, including, but not limited to:

- (a) Whether the Commission is holding the hearing for the purpose of obtaining further information;
- (b) Whether the Commission will be considering the grant or denial of the License application;
- (c) Whether the Commission will be examining any alleged violations of this Ordinance, the Compact, the IGRA, the conditions of any License issued by the Commission, any Order by the Commission or WWBC, or any other applicable laws, regulations or agreements, including, but not limited to any agreement with the Wisconsin Winnebago Nation.

Sec. 812. Ex Parte Communications Prohibited.

- (a) No ex parte communication relative to any matter(s) being considered by the Commission, or a threat or offer of reward shall be made, before a decision is rendered, to any member of the Commission or any member of the Wisconsin

Winnebago Business Committee by an Applicant or Licensee, its legal counsel, representative, agent or employee.

- (b) Nothing in this section shall prohibit the Applicant, Licensee or its authorized agent from communicating with the Legal Department or its authorized agents.
- (c) Any member of the Commission or the WWBC who receives an ex parte communication shall immediately report such communication in writing to the General Counsel of the Legal Department.
- (d) For the purposes of this section only, "any matter(s) being considered by the Commission," means those matters identified in the written notice as provided in sec. 811 of this Ordinance, as well as any other matters that are actually considered by the Commission during a hearing. All matters identified in the written notice shall be subject to the prohibition against ex parte communications. All matters not identified in the written notice that are considered by the Commission during a hearing become subject to the prohibition against ex parte communications as soon as they are discussed during the hearing.
- (e) The Commission shall have the power to impose any sanction pursuant to sec. 821 upon its determination that an Applicant or Licensee, its legal counsel, agent, representative or employee, has made an ex parte communication in violation of this Section.

Sec. 813. Appearance through Counsel.

- (a) Parties to all hearings governed by this Ordinance may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless attendance has been waived, in writing, by the Commission.

- (b) When a party has appeared through an attorney, service of all notices, motions, orders, decisions and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing.
- (c) When a party is represented by an attorney, the attorney shall sign all motions, notices, requests, and other papers on behalf of the party, including a request for subpoenas.
- (d) Upon the establishment of the Wisconsin Winnebago Nation Bar, any attorney appearing before the Commission must be duly admitted and licensed by the Wisconsin Winnebago Nation Bar to practice law in the Wisconsin Winnebago Nation.

Sec. 814. Discovery.

- (a) The Legal Department and the Licensee shall exchange a list of persons that each party intends to call as witnesses no later than three (3) business days before a scheduled enforcement hearing. Each witness shall be identified by name, if known, position, and business address. If no business address is available, a home address for the witness shall be provided. Any witness not identified in accord with this Section may be prohibited from testifying at a hearing in the Commission's discretion.
- (b) The Legal Department and the Licensee shall exchange a copy of all documents or tangible things that they intend to offer as evidence in support of the party's case in chief. This exchange shall be made to the opposing party no later than three (3) business days before a scheduled enforcement hearing. Failure to make available any document or tangible thing in accord with this section may, in the Commission's discretion, be grounds to deny the admission into evidence of such document or tangible thing.

Sec. 815. Confidential Materials.

- (a) Prior to making any documents available to the Legal Department, the Applicant or Licensee may designate any document it believes to contain confidential information as "Subject to a Confidentiality Claim" by so marking the document prior to providing a copy of the document to the Legal Department.

- (b) No document provided to the Legal Department which has been marked in accord with subsec. (a) above, and no non-public information contained with the document, shall be made a part of the public record of the Commission proceedings or otherwise disclosed by the Commission to any person other than its authorized agents (or except as may be required under any laws, regulations, court or administrative order, or the Compact), without first providing the Applicant or Respondent with the opportunity to seek a ruling by the Commission that the documents and/or non-public information contained therein should not be made public. The request for such a ruling and any discussion relating to the document shall be heard and ruled upon by the Commission in an Executive Session meeting. If the request for such a ruling is made during a public hearing session, the hearing session shall be adjourned and the Commission shall conduct an Executive Session meeting in order to hear and rule upon the Applicant's or Respondent's request. The Applicant or Licensee may present to the Commission in Executive Session written and oral argument regarding the confidentiality claim, along with any facts the Applicant or Licensee believes to be relevant to such argument.

- (c) In determining whether a document marked in accord with Sec. 815 (a) above should be made part of the public record of the Commission proceedings on the license application or enforcement hearing, the Commission shall follow the relevant procedures set forth in paragraphs 5-9 of Resolution No. 4-26-93A, attachment hereto as Appendix A.

Sec. 816. Subpoenas.

- (a) The Commission has the power and discretion to issue subpoenas.

- (b) Subpoenas may be issued only to compel any person to appear at any hearing before the Commission to give oral testimony, or to produce documents or other tangible things.

Sec. 817. Hearing Procedures.

- (a) The Chair of the Commission shall preside over all hearings, and shall call the proceedings to order, control the presentation of evidence, the appearance of witnesses, and the order of the proceedings.
- (b) The Commission may require any person, including, but not limited to, any Applicant or Licensee, or any agent, employee or representative of any Applicant or Licensee, to appear and testify before it with regard to any matter within its jurisdiction at such time and place as it may designate. Such testimony shall be under oath and may include any matters which the Commission deems relevant to the discharge of the Commission's official duties. Testimony shall be recorded by a duly certified court reporter and may be used by the Commission as evidence in any proceeding or matter before the Commission. Failure to appear and testify fully at the time and place designated shall result in sanctions. Failure to appear may constitute grounds for:
 - (i) the refusal to grant a License to the person summoned, and/or that person's principal or employer;
 - (ii) the cancellation or suspension of a License held by the person summoned, and/or that person's principal or employer; or
 - (iii) the inference that the testimony of the person summoned would have been adverse to that person and/or that person's principal or employer.
- (c) Any party to the hearing may call and examine witnesses. The Commission shall exercise its discretion to limit the testimony of witnesses where that testimony is argumentative or repetitive.

- (d) The Commission shall have the authority to eject from the hearings any person who is disruptive, disorderly, or who shows a lack of proper respect for the Commission or the nature of the proceedings.
- (e) Persons shall be permitted to speak only when recognized by the Commission.
- (f) Any member of the Commission may ask questions of witnesses, and may request or allow additional evidence at any time.
- (g) Any party to the hearing may conduct cross-examinations reasonably required for a full and true disclosure of the facts.
- (h) All hearings held under this Ordinance shall be open to all members of the Wisconsin Winnebago Nation and to such other persons who, in the discretion of the Commission or the General Counsel of the Legal Department, should be allowed to attend.
- (i) The Commission, in its discretion, has the power to sequester witnesses.

Sec. 819. Evidence.

- (a) In hearings governed by this Ordinance, the Commission shall not be bound by technical rules relating to evidence and witnesses. The Commission shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The Commission shall give effect to the rules of privilege unless such privilege is waived. Basic principals of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.
- (b) All evidence, including records and documents in the possession of the Commission or which the Commission desires to avail itself, shall be duly offered and made a part of the

record in the case. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

- (c) The Commission may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified either before or during the hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.
- (d) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy to the original.
- (e) The record in a hearing governed by this Ordinance shall include:
 - (i) All applications, pleadings, intermediate rulings and exhibits and appendices thereto;
 - (ii) Evidence received or considered, stipulations and admissions, including but not limited to confidential evidence received under sec. 815 of this Ordinance;
 - (iii) A statement of matters officially noticed;
 - (iv) Questions and offers of proof, objections, and ruling thereon;
 - (v) Any proposed findings or decisions and exceptions;
 - (vi) Any decision, opinion or report by the Commission; and
 - (vii) The transcript prepared by a duly certified court reporter.

Sec. 820. Determinations by the Commission.

- (a) The Commission shall make all determinations of issues before it by a majority vote of at least a quorum of the Commission.
- (b) All significant determinations made by the Commission shall be documented in a written resolution. Significant determinations include the grant, denial or cancellation of a License, a finding of a violation of the Ordinance, the Compact, the IGRA, the conditions of any

license issued by the Commission, any order by the Commission, or any other applicable laws, regulations or agreements, including, but not limited to, any agreement with the Wisconsin Winnebago Nation, and the imposition of any sanctions or penalties.

- (c) A copy of any resolution reached pursuant to this section shall be served upon the Applicant or Respondent by registered or certified mail, or may be served personally.

Sec. 821. Sanctions.

If any party or its attorney fails to comply with any provision of this Ordinance, the Commission's Rules of Practice and Procedure, the Compact, the IGRA, the conditions of any license issued by the Commission or WWBC, any order by the Commission or WWBC, or any other applicable laws, regulations or agreements, including, but not limited to, any agreement with the Wisconsin Winnebago Nation, regarding any matter, including, but not limited to, discovery matters and the failure to appear at a hearing at the scheduled time, the Commission upon motion or upon its own initiative, may in its discretion impose upon such party or attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including, but not limited to, the following:

- (a) An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited or exchanged pursuant this Ordinance, the Commission's Rules of Practice and Procedure, or any order of the Commission;
- (b) An order that designated facts shall be taken as established;
- (c) An order that the disobedient party may not support or oppose designated claims or defenses;
- (d) An order striking pleadings or parts thereof, or staying further proceedings or dismissing the proceeding or any part thereof, or entering a judgment by default against the disobedient party;
- (e) A finding against the disobedient party; or

- (f) Any penalty provided for in chapter 14 of this Ordinance.

Sec. 822. Appeals. Decisions of the Commission under this chapter may be appealed under sec. 802A of this Ordinance.

CHAPTER 8A. POWERS AND DUTIES OF THE WISCONSIN WINNEBAGO BUSINESS COMMITTEE.

Sec. 801A. The WWBC shall have primary responsibility for managing the business affairs of the Nation's Gaming Operations. In addition to other activities specifically assigned to the WWBC in this Ordinance, the WWBC and its officers and designated agents shall have the following powers and duties.

- (a) The WWBC shall adopt policies, guidelines and regulations for Class II and Class III gaming on the Nation's Lands, including any amendments to this Ordinance.
- (b) The WWBC or its designated agents shall be responsible for making any decisions called for on behalf of the Nation for the Gaming Operations.
- (c) The Chief Financial Officer of the Wisconsin Winnebago Nation:
 - (i) shall participate in the Nation's annual process for the development and approval of budgets of such Gaming Operations, except as limited under any Management Contract or other gaming-related contracts, in order to assist the WWBC to evaluate proposed budgets and approve final budgets; and
 - (ii) shall prescribe standard accounting practices and procedures to be observed by the Chief Financial Officers of the Nation's Gaming Operations.
- (d) All purchases by or on behalf of any of the Nation's Gaming Operations shall be subject to the Nation's property and procurement manual or policies as they may be from time-to-time amended. In addition to compliance with such manual or policies, all contract or non-contract purchases relating to gaming in the amount of \$5,000 or less shall be subject to approval by the Nation's Chief Financial Officer and all contract or non-contract purchases

relating to gaming in amounts greater than \$5,000 shall be subject to approval by the WWBC upon the recommendation of the Nation's Chief Financial Officer.

- (e) The Nation's Chief Executive Officer and Chief Financial Officer shall perform such activities as are delegated by the WWBC and this Ordinance.

Sec. 802A. Appeal of Commission Decisions to the WWBC.

- (a) Appellants. A License Applicant may appeal the denial of a License or conditions placed upon a License as provided in this Section. A party aggrieved by a decision of the Commission pursuant to an enforcement proceeding may appeal the decision as provided in this Section.
- (b) Jurisdiction. Until the establishment of the tribal court, the WWBC shall have jurisdiction to review all enforcement and licensing decisions of the Commission under this Ordinance. After the establishment of the tribal court, only the tribal court shall have jurisdiction to review all such decisions, except decisions denying a License under Sec. 903 (a)(iv) which shall be reviewable only by the WWBC.
- (c) Procedures. Appeals to the WWBC shall be brought as follows. After the establishment of the tribal court, appeals to the tribal court shall be brought as provided by tribal law, except that the tribal court shall apply the same standard of review set out in subsec. (v) below.
 - (i) Filing appeal. An appellant may file a petition for review with the Chairperson of the WWBC requesting that the WWBC review a decision of the Commission with a duplicate copy to the General Counsel of the Legal Department. The petition must be filed within fifteen (15) days of the decision, unless addition time is granted by the WWBC, and shall identify the decision appealed from and contain a short statement of the reason for the appeal. A petition for review shall not be accepted unless the appellant has paid all costs of the investigation and proceedings before the Commission and, if the Commission imposed a fine in the

- decision that is the subject of the appeal, the appellant shall post bond in the amount of the fine.
- (ii) WWBC Review of the Record. Upon receiving a petition for review which conforms to the requirements of this Section, the Chairperson of the WWBC shall notify the Commission, which shall have fifteen (15) days to transmit the record of its decision and to respond to the petition. The Chair of the WWBC shall schedule a meeting of the WWBC within thirty (30) days after receipt of the Commission's record and response to the petition to consider the appeal. The Chair of the WWBC shall preside at the meeting on the appeal. The WWBC, in its discretion, may deny the appeal on the record and any written statements submitted, or it may grant the petition for review.
 - (iii) Statements. Within ten days after the appellant has been notified that the petition for review is granted, the appellant may file a written statement in support of the appeal with the Chairperson of the WWBC. The appellant shall file an original and 15 copies. The Chairperson of the WWBC shall provide a copy to the Commission and the Commission shall have ten days to file a written statement in response. The WWBC may extend the time allowed at its own discretion.
 - (iv) Stays. Unless the WWBC stays a decision of the Commission, all Commission decisions shall be carried out while appeals are pending. The appellant may request the WWBC to stay the decision pending action on the appeal by filing a petition with the Chairperson of the WWBC with a copy to the Nation's General Counsel.
 - (v) Decisions. Decisions of the WWBC shall be made by a majority vote and shall be based upon a review of the record of the Commission's proceedings, oral arguments, if any, and any written statements submitted. The WWBC shall give proper deference to the administrative expertise of the Commission and to determinations of credibility. The WWBC shall not set aside or modify any decision unless it finds that the decision was arbitrary and capricious, unsupported by substantial evidence or contrary to law. The WWBC shall issue a written decision on all appeals.
 - (vi) Costs. The WWBC may, in its discretion, award costs and attorneys fees to the Nation against any appellant whose appeal was frivolous, malicious or in bad faith.

Sec. 803A Ex Parte Communications Prohibited.

- (a) No ex parte communication relative to any matter(s) being considered by the WWBC, or threat or offer of reward shall be made before the WWBC has rendered its decision, to any member of the WWBC by an Applicant or Licensee, its legal counsel, representative, agent or employee.
- (b) Nothing in this section shall prohibit the Applicant, Licensee or its authorized agent from communicating with the Legal Department or its authorized agents.
- (c) Any member of the Commission or the WWBC who receives an ex parte communication shall immediately report such communication in writing to the General Counsel of the Legal Department.
- (d) For the purposes of this section only, "any matter(s) being considered by the WWBC" shall mean those matters identified in the written notice as provided in sec. 811 of this Ordinance, as well as any other matters that are actually considered by the Commission during a hearing. All matters identified in the written notice shall be subject to the prohibition against ex parte communications. All matters not identified in the written notice that are considered by the Commission during a hearing become subject to the prohibition against ex parte communications as soon as they are discussed during the hearing.
- (e) The WWBC shall have the power to impose any penalty pursuant to sec. 821 upon its determination that an Applicant or Licensee, its legal counsel, agent, representative or employee, has made an ex parte communication in violation of this Section.

CHAPTER 9. LICENSING PROCEDURES.

Sec. 901. Gaming License Required.

- (a) Persons. The following persons must obtain tribal Licenses under the procedures of this Chapter 9, as a condition to employment in any Gaming Operations on the Nation's Lands:
- (i) Any Owner or Controlling person;
 - (ii) Primary Management Official;
 - (iii) Key Employees; and
 - (iv) Any other employee or class of employees as determined by the WWBC.

The licensing requirement under this Ordinance is in addition to any state certificates required under the Compact. The Nation shall issue to any individual a Class II License which shall be valid for any Class II facility and a Class III License which shall be valid for any Class III facility.

- (b) Facilities. The Nation shall issue a separate License to each place, facility, or location on the Nation's Lands where gaming is conducted under this Ordinance.

Sec. 902. Standard for License. Licenses issued hereunder shall be issued according to requirements that are at least as stringent as those set forth in regulations promulgated by the NIGC in parts 556 and 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, and also, in the case of Class III gaming, according to requirements that are at least as stringent as those set forth in the Compact.

Sec. 903. Application for License.

- (a) No License shall be issued under this Chapter except upon a sworn Application filed with the Commission, in such form as may be prescribed by the Commission, containing a full and complete showing, at a minimum, of the following:
- (i) Satisfactory proof that the Applicant is of good character and reputation among the members of the Nation, and is financially responsible;

- (ii) A description of the premises at which the games are to be conducted, with proof of the contractual or other basis upon which the Applicant shall conduct games, or be employed, at such premises;
- (iii) Agreement by the Applicant to accept and abide by all conditions of the License as provided in this Ordinance;
- (iv) Satisfactory proof that neither the Applicant, nor any Owner or Controlling Person of any Applicant which is a party to a Management Contract, nor any of the Applicant's employees has in any jurisdiction ever been convicted of, or entered a plea of guilty or no contest to, any of the following criminal offenses, unless the person has been pardoned:
 - a. A felony, other than a felony conviction for an offense under b, c, or d, within the immediately preceding ten (10) years;
 - b. Any gaming-related offense;
 - c. Fraud or misrepresentation in any connection; or
 - d. A violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the Wisconsin Gaming Commission or other appropriate state regulatory body, or this Ordinance or any other ordinance of the Nation regulating or prohibiting gaming.

Except in the case of Owners or Controlling Persons or persons designated in any Management Contract as having management responsibility of all or any part of any Gaming Operations, the WWBC may in its discretion waive by legislative resolution any requirements set forth in this Sec. 903 (a)(iv) for any Applicant for a Class III License as permitted by the Compact or for any Applicant for a Class II License when the Applicant has demonstrated on the record before the Commission evidence of sufficient rehabilitation and present fitness to hold a License under the standard set forth in Sec. 903(b). Decisions of the WWBC to grant or to deny a waiver under this subsection shall not be appealable to the tribal court, if one is established; and

- (v) That the Applicant has fulfilled any applicable requirements of IGRA and the Compact.

- (b) No License shall be issued to any Applicant who has been determined by the WWBC or the Commission to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.

- (c) The issuance of licenses hereunder also shall be subject to the provisions of Chapter 10 regarding background investigations.

- (d) The following notice shall be placed on the application form for a key employee or a Primary Management Official before that form is filled out by an applicant:

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

a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe'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.

(e) Key Employees and Primary Management Officials hired prior to the effective date of this Ordinance shall be notified in writing that they shall either:

- (i) Complete a new application form that contains a Privacy Act notice; or
- (ii) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(f) The following notice shall be placed on the application form for a Key Employee or a Primary Management Official before that form is filled out by an Applicant.

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

[Note: Check cite.]

(g) The Commission shall notify in writing any key employees and Primary Management Officials hired prior to the effective date of this Ordinance that they shall either:

- (i) Complete a new application form that contains a notice regarding false statements; or
- (ii) Sign a statement that contains the notice regarding false statements.

Sec. 904. Procedures. All applications shall be considered by the Commission in accordance with sections 807 to 820 of this Ordinance.

Sec. 905. Authority to Issue License. The Commission shall grant or deny all Applications for a License, except that the Commission shall deny an application for a License where the Applicant or Licensee does not meet the restrictions under sec. 903 (a)(iv) of this Ordinance, in which case, in the discretion of the Applicant, the Applicant may proceed to make a record for findings by the Commission as to the Applicant's sufficient rehabilitation and present fitness to hold a License. Any License granted by the Commission shall be effective upon the date of grant, which effectiveness shall be provisional as set forth in Sec. 908 hereof pending the satisfactory completion of all background investigations and pending expiration of the 30-day period for review by the NIGC provided for in regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto; provided, however, that the Commission must provide written notice to the WWBC of the granting of any Licenses, and the WWBC shall have the power to overturn the granting of any License on its own motion at any time provided the WWBC has conducted a hearing consistent with sec. 810. If overturned by the WWBC, a License issued by the Commission shall have no force or effect. Any such denial may be appealed to the tribal court, after it is established, as provided in sec. 802A.

Sec. 906. Appeal of Denial of License. The Applicant may appeal any denial of a License as provided in sec. 802A of this Ordinance.

Sec. 907. [Repealed.]

Sec. 908. Effectiveness of License. Any License granted hereunder shall be effective on a provisional basis pending the satisfactory completion of all background investigations required under this Ordinance, the IGRA, the Compact or any agreement to which the Nation is a party, and pending expiration of the 30-day period for review by the NIGC provided for in regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, if applicable. Upon the satisfactory completion of all required background investigations and such review by the NIGC, such License shall continue to be effective until it expires. If background investigations or NIGC review are not satisfactorily completed, a provisional License shall have no further force or effect.

Sec. 909. Term of License; License Fees.

- (a) Licenses shall be for a term of one year, and shall expire on the anniversary of the date of issue.

- (b) In order to recover the costs to the Nation of complying with the federal, tribal, and state regulatory processes applicable to Class II and Class III gaming, annual License fees shall be imposed as follows:
 - (i) License fees in the amount of \$25,000.00 per year shall be imposed on each party to a Management Contract with the Nation.
 - (ii) License fees shall be imposed on any persons required to obtain a tribal License in accordance with fee schedule to be established by the WWBC.
 - (iii) In addition to the License fees imposed pursuant to Sec. 909(b)(i) and (ii), the Commission may in its discretion impose such fees on licensed persons as are reasonably related to costs of enforcement, including investigations and proceedings before the Commission, which will in the aggregate be sufficient to enable the Nation to recover its reasonable costs of enforcing this Ordinance.

Sec. 910. Conditions of License. Any License issued under this chapter shall comply with such reasonable conditions as may be fixed by the Commission, including but not limited to the following conditions:

- (a) Facility License:
 - (i) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the Licensed Premises;
 - (ii) The Licensed Premises shall be subject to patrol by the Nation's security force and local law enforcement, and the licensee shall cooperate at all times with such security and law enforcement officials;
 - (iii) The Licensed Premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours;

- (iv) There shall be no discrimination in the operations under the License by reason of race, color or creed; provided, however, that nothing herein shall prevent the licensee from granting preferences to Indians as permitted by law.

- (b) Persons and Entities licensed by the Commission shall comply with such conditions of the License as the Commission, in its reasonable discretion, may require, including but not limited to, compliance with such condition or remedial programs as the Nation's Employee Assistance Program may prescribe.

Sec. 911. Required Notifications. The Commission shall promptly notify the NIGC or other appropriate federal regulatory body of the issuance or denial of tribal Licenses, as required under IGRA .

Sec. 912. Assignment or Transfer. No License issued under the Ordinance shall be assigned or transferred without the prior written approval of the WWBC expressed by formal resolution.

Sec. 913. Cancellation or Suspension. The Licensee and his or her or its employees shall be legally responsible for any violation of the Ordinance or the License. Any License issued hereunder may be canceled by the Commission for the breach of any of the provisions of the License, this Ordinance, or any rules promulgated pursuant to this Ordinance, as provided in Chapter 14 and as follows:

- (a) The Licensee and his or her or its attorney have the right to be present and to participate.

- (b) Suspensions. A License may be summarily suspended for up to thirty (30) days without prior hearing for good cause by a majority vote of the Commission; provided, however, that a License shall be suspended during such period as required under the IGRA if the cancellation hearing arises as a result of notice from the NIGC under regulations.

- (c) Appeals. All decisions of the Commission regarding cancellations of Licenses shall be final, unless appealed as provided in Chapter 8A of this Ordinance, except that

a License canceled by the Commission pursuant to an objection itemized by the NIGC as provided in Sec. 1007 may not be appealed. There shall be no right of appeal of any suspension decision, and no gaming shall be conducted by any Licensee during the period of suspension. No gaming shall be conducted by the Licensee after cancellation, even during the pendency of an appeal proceeding.

Sec. 914. Notice of Licensing Actions. The Commission and the WWBC shall post public notices of all actions taken in regard to Licenses and License applications in a prominent, noticeable place in the Nation's offices, on gaming premises and shall publish such notice in a Nation or local newspaper serving the affected community.

Sec. 915. Provisional Employment Pending Issuance of License and During Provisional License Period. Primary Management Officials and Key Employees may be employed in the Gaming Operations on the Nation's Lands prior to the issuance of a License hereunder and during the period that a License shall be effective on a provisional basis as provided in Sec. 908, but such employment shall be provisional only and subject to the requirements of this Sec. 915. Any person or entity who is required to apply for a waiver under Sec. 903 (a)(iv) is not eligible for a provisional License or employment in a Nation Gaming Operation unless a waiver decision under that section is granted by the WWBC. Employment may begin prior to issuance of a License only if the Commission or such other tribal agency or official as may be authorized by the WWBC has made a preliminary finding of eligibility for employment in the Gaming Operations, which shall require a preliminary determination that the Primary Management Official or Key Employee is not a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto. Preliminary employment must be terminated upon the occurrence of any of the following:

- (a) denial of a License by the Commission or the WWBC;
- (b) unsatisfactory completion of background investigations or NIGC review resulting in nullification of a provisional License, as described in Sec. 908; or

- (c) to the extent required under regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, at the end of 90 days after the starting date of provisional employment, if at the end of such period no License has been issued hereunder or if a License issued hereunder remains effective only on a provisional basis, as provided in Sec. 908; provided, however, that provisional employees terminated for the reason described in subclause (c) shall be qualified for reemployment upon the satisfactory completion of background investigations and NIGC review.

CHAPTER 10. BACKGROUND INVESTIGATIONS

Sec. 1001. Required Background Investigations. Background investigations shall be conducted on all persons or entities specified in sec. 901 of this Ordinance.

Sec. 1002. Standards for Background Investigations. All background investigations shall be conducted under the supervision and direction of the Legal Department to ensure that the Nation in its Gaming Operations shall not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming conducted under this Ordinance, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming. Such investigations shall be conducted according to requirements that are at least as stringent as those set forth in regulations promulgated by the NIGC in 25 C.F.R. parts 556 and 558, including any amendments thereto and as provided in Sec. 1003 of this Ordinance and as those set forth in the Compact. If the Commission or WWBC determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a Key Employee or Primary Management Official position. In the case of investigations of Primary Management Officials and Key Employees, the report required under regulations promulgated by the NIGC in 25 C.F.R. part 558, including any amendments thereto, shall be prepared and submitted to the NIGC, which report shall contain the eligibility determination described in such regulations. All background investigations also shall otherwise meet the standards of such investigations imposed under the IGRA and/or the Compact and shall be

updated as required under IGRA and/or the Compact, as applicable. Nothing herein shall prevent the conduct of more comprehensive background investigations than those required under the IGRA or the Compact.

Sec. 1003. Background Investigations.

- (a) Each person subject to a background investigation under sec. 1001 of this Ordinance shall be required to provide all of the following information:
- (i) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (ii) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 - (iii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(ii) of this section;
 - (iv) Current business and residence telephone numbers;
 - (v) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (vii) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - (viii) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition if any;

- (ix) 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;
 - (x) 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 tot paragraph (a)(viii) or (a)(ix) of this sec., the criminal charge, the name and address of the court involved and the date and disposition;
 - (xi) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit (such as gaming, liquor, accounting, or practice of law), including but not limited to, whether or not such license or permit was granted;
 - (xii) A current photograph;
 - (xiii) Any other information the Commission deems relevant; and
 - (xiv) Fingerprints consistent with procedures adopted by the Nation according to 25 C.F.R. § 533.2(h).
- (b) The investigation shall be sufficient to make a determination of suitability as set forth under Sec. 1002.

Sec. 1004. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

- (a) When a Key Employee or Primary Management Official begins work at a Gaming Operation authorized by this Ordinance, a completed application for employment, the background investigation and determination referred to in Sec. 1002 shall be forwarded to the NIGC.

- (b) The report referred to in Sec. 1005 shall be submitted to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.
- (c) The Gaming Operation shall not employ as a Key Employee or Primary Management Official a person who does not have a License after 90 days.

Sec. 1005. Report to the National Indian Gaming Commission.

- (a) Pursuant to the procedures set out in Sec. 1004, the Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation upon issuance of a License. An investigative report shall include all of the following:
 - (i) Steps taken in conducting a background investigation;
 - (ii) Results obtained;
 - (iii) Conclusions reached by the Commission; and
 - (iv) The Commission's bases for those conclusions.
- (b) The Commission shall submit, with the report, a copy of the eligibility determination made under Sec. 1002.
- (c) If a License is not issued to an Applicant, the Commission:
 - (i) Shall notify the National Indian Gaming Commission; and
 - (ii) May forward copies of its eligibility determination and investigation report, if any, to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- (d) With respect to Key Employees and Primary Management Officials, applications for employment and reports (if any) of background investigations shall be retained for

inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

Sec. 1006. Granting a Gaming License.

- (a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Nation 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 Commission has provided an application and investigative report to the National Indian Gaming Commission, the Nation may issue a License to such Applicant.
- (b) The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the 30-day period under subsec. (a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Nation with a statement itemizing objections to the issuance of a License to a Key Employee or to a Primary Management Official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a License to such applicant.

Sec. 1007. License Cancellation and Suspension Following Receipt of Information from NIGC.

- (a) If, after the issuance of a gaming License, the Nation receives from the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under Sec. 1002 above, the

Commission shall suspend such License and shall notify in writing the Licensee of the suspension and the proposed cancellation.

- (b) The Commission shall conduct a hearing in accord with sec. 810 and 913 on a proposed cancellation pursuant to sec. 1007(a).
- (c) After a hearing, the Commission shall decide to cancel or to reinstate a gaming License. The Commission shall notify the National Indian Gaming Commission of its decision. The decision of the Commission to cancel the License shall be final and there shall be no appeal.

CHAPTER 11. CONFLICTS OF INTEREST PROHIBITED

Sec. 1101. No member of the WWBC or the Commission shall:

- (a) Be employed by any Gaming Operations, be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract, or be a Relative of a Primary Management Official or Owner or Controlling Person with respect to any Management Contract, either while serving on the WWBC or the Commission or for a period of three months from the termination of service on the WWBC or the Commission.
- (b) Participate in the approval, denial or renewal of any Application for a gaming License by, or participate in the revocation or suspension of any License granted hereunder to, any Relative of such member of the WWBC or the Commission.
- (c) Engage in any business, transaction or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering this Ordinance; provided that a member of the WWBC who may engage in a conflicting activity or incur a conflicting obligation that is not otherwise disqualified under Sec. 1101(a) shall promptly disclose that activity or obligation

to the WWBC and refrain from voting on any matter regarding which such activity or obligation may constitute a conflict.

Sec. 1102. Except as provided in secs. 1104 and 1105, no party to a Management Contract, Owner or Controlling Person, Primary Management Official, or employee of the Nation in any of its Gaming Operations shall:

- (a) Participate as a player in any Class II or Class III games conducted pursuant to this Ordinance, except
 - (i) Employees of the Nation in any of its Class II Gaming Operations may participate as players in any of the Nation's Class III Gaming Operations; and
 - (ii) Employees of the Nation in any of its Class III Gaming Operations may participate as players in any of the Nation's Class II Gaming Operations.
- (b) Engage in any business transaction or professional activity or incur any obligation of any nature which conflicts with the proper performance of any Management Contract or employment duties, as the case may be.

Sec. 1103. In addition to the prohibitions in Sec. 1102, no employee of the Nation in any of its Gaming Operations shall own, be employed by or have any direct or indirect pecuniary interest in any Management Contract or other gaming-related contract of the Nation. However, nothing in this Sec. 1103 shall prevent the Nation from employing a person with a direct or indirect financial interest in a gaming-related contract which has been submitted to the Bureau of Indian Affairs ("BIA") or other federal regulatory body for review and approval during the period of such review, provided that any such employment shall terminate upon approval of the contract by the BIA or other federal regulatory body..

Sec. 1104. No surveillance, security or compliance employee shall participate as a player in any games at any Gaming Facility.

Sec. 1105. No Blackjack dealer shall participate in the play of Blackjack at any of the Nation's Gaming Facilities.

CHAPTER 12. ACCOUNTING, MONTHLY REPORTS AND ANNUAL AUDITS

Sec. 1201. The WWBC shall maintain or contract for the maintenance of a permanent single entry or double entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of games and the disbursement of profits derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar or fiscal year basis. The use of a suitable computerized accounting system may substitute for a manual system of books. If such a computerized accounting system is used, however, printed copies of all information shall be in the possession of the Commission and the WWBC. As required under regulations promulgated by the NIGC in part 571 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, the permanent books of account or records shall include inventory records of gaming supplies and shall be sufficient to establish information including but not limited to the amount of gross and net income, deductions and expenses, and receipts and disbursements and shall be kept at all times available for inspection by the NIGC's authorized representatives. Such books of account or records shall be retained permanently.

Sec. 1202. No later than 15 days after the end of each month, the General Managers of each of the Gaming Operations shall prepare and submit to the Commission and to the WWBC, through the Nation's Chief Financial Officer, a comprehensive report for the month completed of the gaming operations for which such General Manager has overall responsibility. Monthly reports shall be made on a form prescribed by the Nation's Chief Financial Officer. The General Manager shall retain a copy of the report for the permanent records of the Nation. The report shall include, but not be limited to:

- (a) An itemized statement of the gross receipts.
- (b) An itemized statement of expenditures, including amounts paid for salaries and benefits, prizes, supplies and equipment, and other expenses.

Sec. 1203. The monthly report shall be signed by the General Manager with overall responsibility for the operations.

Sec. 1204. In compliance with 25 U.S.C. § 2710(b)(2)(C) and (D), the Commission shall cause all Gaming Operations to be subject to an audit by independent certified public accountants conducted in accordance with generally accepted accounting principles and with the "Accounting and Audit Guide—Casinos" of American Institute of Certified Public Accountants, not less than annually, the results of which shall be submitted to the WWBC and the Commission, and copies of the annual audit shall be provided to the NIGC, the Wisconsin Gaming Commission, and the Wisconsin State Auditor within 120 days after the end of the fiscal year. All gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of such audit. The Nation's Chief Financial Officer shall reconcile the Nation's quarterly fee assessment reports made to the NIGC with the annual audit of the Gaming Operations and shall make such reconciliation available to the NIGC upon request.

CHAPTER 13. MISCELLANEOUS PROVISIONS

Sec. 1301. Right to Exclude Any Person from Premises at Any Time. Any person may be excluded from the Premises for any reason at any time at the discretion of any Primary Management Official, General Manager, or other Key Employee.

Sec. 1302. Permissible Alcohol Beverages. No person shall have in his or her possession any alcohol beverages on any Premises, except for such beverages as are purchased from the Nation or its authorized agents for on-Premises consumption in accordance with licensing and other requirements of the Compact and Ordinances of the Nation, with possession and consumption of such beverages to be confined to such areas as are specifically defined by the WWBC.

Sec. 1303. Prohibited Substances. No person shall have in his or her possession any substance prohibited by federal or state laws while on any Premises.

Sec. 1304. Persons Under the Influence of Alcohol or Prohibited Substances. No person under the influence of any alcohol beverage or prohibited substance shall be allowed on any Premises.

Sec. 1305. Firearms. No person shall have in his or her possession any firearm on any Premises. This section shall not apply to law enforcement officers or security personnel employed by the Nation.

Sec. 1306. Disorderly Conduct. No person shall engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide disturbance on any Premises.

Sec. 1307. Enforcement. Any person who violates any of the above subsections shall be asked to leave the Premises. If any person so requested to leave refuses to promptly leave the premises, any of the Nation's authorized law enforcement officers or security personnel shall be called to escort such person from the Premises.

Sec. 1308. Transportation Providers. No person providing conveyance on Tribal Lands, or whose destination is Tribal Lands, shall conduct or permit to be conducted any Class II or Class III games in such vehicle.

Sec. 1309. Customer Disputes. Any person who has any dispute, disagreement or other grievance that involves currency, tokens, coins or any other thing of value and is between the customer or player and the Gaming Facility, may raise such dispute with the following persons and in the following order: (a) a member of the staff of the Gaming Facility, (b) the supervisor in the area in which the dispute arose, (c) the General Manager of the Gaming Facility and (d) the Gaming Commission.

Sec. 1310. Customer rights regarding disputes. At each level, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegation. At each level, if the dispute remains unresolved, the complainant shall be given a copy of the impartial dispute resolution procedures required under Sec. V.E. of the Compact, and informed of the right to take the dispute to the next higher level as set forth in Sec. 1309 Customer Disputes. Resolution of any dispute by staff of the Gaming Facility shall always involve two or more staff members. All disputes, whether

resolved or not, shall be the subject of a detailed report by all staff involved to their supervisors, or, in the case of the General Manager, to the Gaming Commission.

Sec. 1311. Gaming Commission action on customer disputes. All disputes which are submitted to the Gaming Commission shall be decided by the Commission based on information provided by the complainant, any witnesses for or documents provided by the complainant, or by the General Manager of the Gaming Facility or any other person who has relevant information to provide. The decision of the Commission shall be in writing, shall be issued within 14 days of submission of the matter to the Commission, and shall be provided to the General Manager of the Gaming Facility and the complainant.

CHAPTER 14. ENFORCEMENT AND PENALTIES FOR VIOLATIONS

Sec. 1401. Enforcement. Any person who:

- (a) Violates any provision of this Ordinance;
- (b) Makes any false or misleading statements or omissions in any Application filed with the Commission or in connection with any matter provided for hereunder;
- (c) Gives false testimony in any matter provided for hereunder before either the Commission or the WWBC;
- (d) Engages in conduct which is disrespectful to the Commission or which disrupts the efficiency and good order of Commission proceedings; or
- (e) Fails to observe the Commission's Rules of Procedure and Practice, License conditions imposed by the Commission or WWBC, or orders of the Commission or WWBC.

shall be subject to civil penalties as provided in Sec. 1402.

Sec. 1402. Penalties. The Commission shall be empowered to impose any of the following civil penalties:

- (a) Termination, suspension or exclusion from employment in any Gaming Operations or other employee discipline;
- (b) Exclusion from attendance at any Gaming Facilities;
- (c) Exclusion from the Nation's Lands if not a member of the Nation;
- (d) A fine of not more than \$10,000 for each such violation, except that a General Manager, Owner or Controlling Person or a party to a Management Contract shall be subject to a fine of not more than \$25,000 for each such violation, and actual damages to the Nation or its Gaming Operations.

Sec. 1403. Investigations.

- (a) The Legal Department of the Wisconsin Winnebago Nation has the power to conduct investigations as provided in this Section. The Legal Department may retain outside counsel and other agents to assist it in conducting its investigation. All references to the Legal Department hereafter include the Legal Department and/or any designated agent of that Department.
- (b) The Legal Department may instigate without limitation the background and suitability of any Applicant or Licensee to ensure that the Applicant's or Licensee's prior activities or reputation, habits and associations do not pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the danger of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

The Legal Department may also investigate without limitation any suspected violation of the Ordinance, the Compact, the IGRA, the conditions of any License issued by the Commission, and order by the Commission or WWBC, or any other applicable laws,

regulations or agreements, including, but not limited to any agreement with the Wisconsin Winnebago Nation.

- (d) No Applicant or Licensee shall neglect or refuse to produce records or evidence or to give information upon written demand by the Legal Department within seven (7) days of receipt of such request. No Applicant or Licensee shall interfere with any proper and lawful efforts by the Legal Department to obtain such information. Every applicant, Licensee, and all Licensed manufacturers, distributors and vendors shall make their premises, books and records available for inspection by the Legal Department for the purposes of conducting its investigation. Failure of any person or entity to comply with this Section may result in a denial of a License application, cancellation of a License, or the imposition of other penalties and sanctions.

Sec. 1404. Notice of Penalties. The Commission shall post and publish notices of all penalties imposed hereunder under the same posting and publication procedures prescribed in Sec. 914.

CHAPTER 15. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by a majority vote of the WWBC at a duly convened meeting. [General Counsel Note: This Ordinance was adopted at a duly convened meeting of the WWBC on March 30, 1994.]

CHAPTER 16. SUPERSESSION OF RESOLUTION NUMBER 1/8/94-C.

To the extent that the Rules of Practice and Procedure for the Commission prescribed by WWBC Resolution Number 1/8/94-C are inconsistent with this Ordinance, this Ordinance shall control.

CHAPTER 17. EXISTING PROCEEDINGS.

This Ordinance shall not apply to proceedings commenced before the effective date of this Ordinance.