

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

SEP 28 1995

Delbert Havatone  
Chairman  
Hualapai Tribe  
P.O. Box 179  
Peach Springs, AZ 86434

Dear Chairman Havatone:

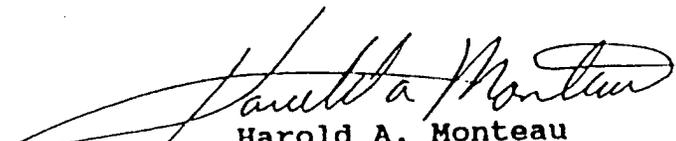
This letter responds to your request to review and approve the tribal gaming ordinance, Ordinance No. 29-93, as amended and adopted by Resolution No. 62-95, adopted on August 26, 1995, by the Hualapai Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Sincerely yours,

  
Harold A. Monteau  
Chairman

cc: Jill E. Grant, Esq.

**HUALAPAI TRIBAL COUNCIL  
RESOLUTION NO. 62-95  
OF THE GOVERNING BODY OF THE  
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

**(Amending Hualapai Tribe Gaming Ordinance)**

**WHEREAS**, the Hualapai Tribe submitted Hualapai Tribe Gaming Ordinance No. 29-93 ("Ordinance No. 29-93") for review and approval by the National Indian Gaming Commission ("NIGC"), pursuant to the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701-2721 and 18 U.S.C. §§ 1166-1168 ("IGRA"); and

**WHEREAS**, the NIGC disapproved Ordinance No. 29-93 based on the following three deficiencies:

1. Ordinance No. 29-93 failed to include an adequate description of procedures for conducting background investigations on key employees and primary management officials pursuant to 25 C.F.R. § 522.2(b); and
2. Ordinance No. 29-93 failed to provide that the Tribe will perform background investigations and issue licenses to key employees and primary management officials according to the requirements as stringent as those contained in 25 C.F.R. Parts 556 and 558, pursuant to 25 C.F.R. § 522.2(b)(5); and
3. Ordinance No. 29-93 improperly, at § 6(a), exempted class II charitable gaming from regulations; and

**WHEREAS**, the Hualapai Gaming Board has recommended to the Tribal Council that it adopt the Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, attached hereto as Exhibit A, to correct the above-described deficiencies; and

**WHEREAS**, the Tribal Council finds that it is in the best interest of the Hualapai Tribe to adopt Exhibit A, Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, and to authorize the Chairman of the Tribal Council to submit the amended Ordinance No. 29-93 and any other submissions to comply with the IGRA.

**NOW THEREFORE BE IT RESOLVED**, by the Tribal Council that Exhibit A, Amendment to Amendment to Hualapai Tribe Gaming Ordinance No. 29-93, amending Section 4(e) and Section 6, is hereby adopted and the Ordinance No. 29-93 is amended as set forth therein.

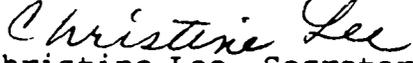
**BE IT FURTHER RESOLVED** that the Chairman of the Hualapai Tribal Council is hereby authorized to submit the amended Ordinance No. 29-93 for review and approval by the NIGC and any other submissions to comply with the IGRA and to do all things necessary and proper to carry out the intent of this Ordinance.

C E R T I F I C A T I O N

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal is composed of nine (9) members of whom 8 constituting a quorum were present at a **SPECIAL MEETING** thereof held on this **26th day of August 1995**; and that the foregoing resolution was duly adopted by a vote of 8 for 0 against, 0 not voting, and 1 excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

  
Louise Benson, Vice Chairperson  
Hualapai Tribal Council

ATTEST

  
Christine Lee, Secretary  
Hualapai Tribal Council

SEP 18 1995

**EXHIBIT A**

**AMENDMENT TO HUALAPAI TRIBE GAMING ORDINANCE NO. 29-93**

The Hualapai Tribe Gaming Ordinance No. 29-93 is hereby amended as follows:

1. Section 4(e) of Ordinance No. 29-93 is amended by deleting the existing language and replacing it with the following new Section 5, "Licensing", and Section 6, "Background Investigations,":

**SECTION 5. LICENSING.**

(a) Gaming License Requirements. Unless a Compact shall allocate responsibility to an entity other than the Board, the licensing authority for class II gaming and class III gaming shall be the Board.

(1) Key Employees and Primary Management Officials. The Board shall license each primary management official and key employee of a gaming operation.

(2) Gaming Employees. The Board shall license each gaming employee.

(3) Gaming Facility. The Board shall license each gaming facility.

(4) Management Contractor. Pursuant to the Act, the Commission shall license a management contractor and any person having a direct or indirect financial interest in a management contract.

(5) Gaming Device and Gaming Equipment. The Board shall license each electronic game of chance, gaming device and gaming equipment.

(6) Gaming-Related Contractors. The Board shall license each person proposing to enter into a gaming-related contract.

(7) Other Persons. The Board may license such other persons as it deems necessary to carry out the purposes of this Ordinance.

(b) Applications for Gaming Licenses.

(1) An applicant applying for a license shall provide all the information required by Section 6(b) of this Ordinance and the Act on an application form adopted by the Board for that purpose. The applicant shall pay any license fees required by the Board and the Commission.

(A) The Board shall require each applicant to sign and submit a Privacy Act notice on an application form as required by the Act ("Privacy Act Notice"):

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by 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 a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance of 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.

(B) The Board shall require each applicant to sign and submit a notice regarding false statements on an application form as required by the Act ("False Statements Notice"):

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.

(C) The Board shall notify in writing each person, who is required to be licensed pursuant to Section 5(a) of this Ordinance, but who has not signed and submitted an application form containing the Privacy Act Notice and False Statements Notice, to either complete a new application form that contains the Privacy Act Notice and False Statements Notice or sign a statement that contains the False Statements Notice and Privacy Act Notice.

(2) On its application, a gaming operation or management contractor shall designate an agent to accept service on its behalf of any official determination, order or notice of violation that may be served by the Board or Commission pursuant to the Act.

(c) Granting a Gaming License.

(1) If the Commission notifies the Board that it has no objection to the issuance of a license to a key employee or primary management official, the Board may issue a license to such applicant.

(2) If the Commission provides the Board with a statement itemizing objections to the issuance of a license to a key employee or primary management official, the Board shall reconsider the application by taking into account the objections itemized by the Commission. The Board shall make the final decision whether to issue a license to such applicant.

(d) Suspension and Revocation of Gaming License.

(1) If, after the issuance of a license, the Board obtains reliable information from the Commission or other source indicting that a licensee is not eligible for a license under the standard set forth in Section 6(h) of this Ordinance, the Board shall suspend the license and shall notify the licensee in writing of the suspension and the proposed revocation of the license.

(2) The Board shall also notify the licensee of the time and place for a hearing on the proposed revocation of the license.

(3) After the revocation hearing, the Board shall decide to revoke or to reinstate the license. The decision shall be final and not subject to further appeal. The Board shall notify the Commission of its decision.

(e) Duration and Renewal of Licenses. Any license issued by the Board shall be effective for one year from the date of issuance. Any license for a management contractor shall be renewed automatically each year during the term of the management contract unless the Board determines that the management contractor is in violation of applicable law. A licensee who has submitted the required application for renewal and any other information required by the Board at least 30 days before the expiration of his license may continue to be employed under the expired license or until final action is taken on the renewal application by the Board or, if required by the Act, the Commission. Such licensee shall provide updated material and information as requested on the appropriate renewal application, but shall not be required to resubmit historical data already provided or otherwise available to the Board.

(f) Identification Cards. The Board shall require all employees of a gaming operation or management contractor to wear identification cards issued by the Board which shall include such employee's photograph, first and last name, employee number, signature, and a date of expiration.

(g) Fees for Licenses. The fees for licenses shall be set by the Board. Payment in full of any required fee is required before a license is issued.

## SECTION 6. BACKGROUND INVESTIGATIONS

(a) Board Authority. Unless a Compact shall allocate sole jurisdiction to an entity other than the Board with respect to background investigations, the Board shall conduct a background investigation of each person required to be licensed pursuant to Section 5(a) of this Ordinance according to standards at least as stringent as set forth in the Act.

(b) Required Information. Each person required to be licensed pursuant to Section 5(a) of this Ordinance shall provide to the Board the following information on an application form for that purpose:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence, listed under Section 6(b)(2) of this Ordinance;
- (4) Current business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date

of the application, the name and address of the court involved and the date and disposition;

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to Section 6(b)(8) or (9) of this Ordinance, the criminal charge, the name and address of the court involved, and the date and disposition;

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

(12) A current photograph;

(13) Any other information the Board deems relevant; and

(14) Fingerprints consistent with the procedures set forth in this Ordinance.

(c) Release Form. The Board shall obtain from each applicant a release form signed by the applicant authorizing the Board and Commission to obtain any information related to the applicant's activities, including schools, property interests (real and personal), employment, criminal justice agencies, regulatory agencies, businesses, financial institutions, lending institutions, medical institutions, hospitals, and health care professionals.

(d) Procedures for Conducting Background Investigations. The Board shall conduct a background investigation of each person required to be licensed pursuant to Section 5(a) of this Ordinance sufficient to enable the Board to make a determination of suitability pursuant to Section 6(h) of this Ordinance ("Suitability Determination").

(1) An applicant for a license shall provide to the Board all the information required pursuant to Section 6(b) of this Ordinance and copies of the applicant's birth certificate, social security card, driver's license, passport and other documents deemed necessary by the Board to conduct a background investigation of the applicant.

(2) The Board shall confirm, verify, and investigate the information provided by the applicant and obtain any additional information pursuant to the signed release form. In conducting a background investigation, the Board shall keep confidential the identity of each person interviewed in the course of the background investigation.

(3) Once the Board has satisfied itself of the accuracy of the information provided by the applicant and other information obtained pursuant to a signed release form, the Board shall analyze such information to make the Suitability Determination. The Board may conduct any further background investigation should the circumstances warrant.

(e) Fingerprint Check.

(1) The chairman of the Board is authorized to negotiate and enter into an agreement with the Commission or the State or federal law enforcement agency for the purpose of processing fingerprint cards to obtain criminal history record information ("CHRI") of persons required to be licensed pursuant to Section 5(a) of this Ordinance.

(2) The Hualapai Tribe Police Department is hereby designated as the law enforcement agency responsible for taking fingerprints of applicants for licenses. The chairman of the Board is also authorized to negotiate and enter into an agreement with the State or federal law enforcement agency to take such fingerprints. Such law enforcement agency shall designate an individual for the purpose of communicating with the Board and the Commission regarding the taking of the fingerprints.

(3) The Board shall impose a fee sufficient to cover the cost of processing the fingerprint cards.

(f) Procedure for Processing Fingerprint Cards.

(1) Upon receipt of a completed application for a license and the payment of any required fees, the Board shall direct the applicant to the law enforcement agency authorized to take fingerprints. The law enforcement agency shall take the applicant's fingerprints on cards provided by the Commission for that purpose. The fingerprint cards shall be printed by a certified print technician and shall be of a quality as to be classifiable. The fingerprint cards shall be signed by the person taking the prints and the applicant. After taking the applicant's fingerprints, the law enforcement agency shall forward the fingerprint cards directly to the Commission for an FBI fingerprint check.

(2) The Board shall also send to the Commission a check in an amount sufficient to cover the cost of processing each applicant's fingerprint card and a list containing the following information:

(A) The names of each applicant whose fingerprint cards will be sent to the Commission by the law enforcement agency.

- (B) The social security number for each applicant;
- (C) The date of birth of each applicant; and
- (D) The name of the law enforcement agency taking the fingerprints.

(g) Criminal History Record Information. The Board may use the CHRI for the purpose of making a Suitability Determination and any other lawful purpose permitted by an agreement with the Commission or the State or federal law enforcement agency. The Board shall abide by all conditions or limitations imposed by such agreement on the release, dissemination or use of the CHRI. The Board shall further ensure that the CHRI is restricted to the personnel directly involved in the licensing deliberations. The Board shall maintain records of the identities of all personnel receiving access to the CHRI and shall furnish such records to the Commission upon request.

(h) Suitability Determination. The Board shall review an applicant's prior activities, criminal record, if any, reputation, habits and associations to make a finding for submission to the Commission concerning the eligibility of the applicant for a license. The Board shall not issue a license to, nor shall a gaming operation or management contractor employ, any person whom the Board determines poses a threat to the public interest or to the effective regulation of any gaming activity or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of any gaming activity.

(i) Procedures for Forwarding Applications and Reports to the Commission.

(1) When a key employee or primary management official begins work at a gaming operation, the Board shall send the completed application to the Commission.

(2) Upon completion of a background investigation conducted pursuant to this Ordinance, the Board shall send the Investigative Report and the Suitability Determination to the Commission within 60 days after a key employee or primary management official begins work at a gaming operation. A gaming operation or management contractor shall not employ any key employee or primary management official, or any other person who does not have a license after 90 days unless that period is suspended by action of the Board or the Commission pursuant to the Act.

(j) Investigative Report to Commission.

(1) The Board shall prepare a report on each background investigation conducted pursuant to this Ordinance ("Investigative Report"). An Investigative Report shall include the following information:

- (A) A description of the steps taken in conducting a background investigation;
  - (B) An explanation of results obtained;
  - (C) A statement as to the conclusions reached; and
  - (D) The bases or justifications for each of the conclusions.
- (2) If a license is not issued to an applicant, the Board:
- (A) Shall notify the Commission, and
  - (B) May forward copies of its Suitability Determination and Investigative Report to the Commission for inclusion in the Indian Gaming Individuals Records System.
- (3) The Board shall retain all applications for license, Investigative Reports, Suitability Determinations, and other records and information for inspection by the Commission for no less than three years from the date of termination of employment.

(k) Fees for Background Investigation. The fees for background investigations shall be set by the Board. If the actual costs incurred by the Board for a background investigation exceed the amount deposited by the applicant, those costs may be assessed to the applicant at the discretion of the Board. In such cases, the Board shall submit to the applicant a detailed billing of the costs and an explanation as to why the excess costs were incurred.

2. Section 6 of Ordinance No. 29-93 is amended by deleting Section 6 in its entirety replacing it with the following and redesignating it as Section 8:

**SECTION 8. EXEMPTIONS.**

(a) Class I Gaming. Class I gaming may be conducted solely for recognized charitable, traditional, religious and social purposes of the Tribe and for prizes of minimal value without compliance with this Ordinance.

(b) Prize Limits. For purposes of this Section, "prizes of minimal value" shall mean the aggregate amount of all prizes awarded or given in a single gathering or session that is no greater than that allowed under the laws of the State.

(c) Board Authority. Notwithstanding the exemption granted by this Ordinance for class I gaming, the Board shall have authority to investigate the conduct of any class I gaming to determine whether such class I gaming is in violation of applicable law, to regulate and take measures to ensure the integrity of class I gaming, and to enforce the provisions of applicable law.

3. All other sections of Ordinance No. 29-93, which are not affected by this amendment, shall be renumbered accordingly and remain in full force and effect.